



EL DORADO COUNTY PLANNING & BUILDING DEPARTMENT

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Date: October 8, 2024
To: Honorable Board of Supervisors
From: Karen L. Garner, Director
Subject: Update to 2018 Mobile Home Park Space Rent Stabilization Memo

As directed by the Board of Supervisors on July 30th, staff has completed a review of changes in Mobilehome Residency Law generally and Rent Stabilization Ordinances (RSO) more specifically. There are no substantive changes to the analysis and conclusions of the March 14, 2018, *Memo on Mobile Home Park Space Rent Stabilization* (White Paper) from this review. RSOs remain a contentious and heavily litigated area of the law. A major conclusion of the White Paper remains extremely relevant:

Developing a countywide RSO will require an extensive amount of research and analysis and stakeholder engagement. The experience of other jurisdictions that have considered adopting a rent control ordinance, whether successfully or not, demonstrates that it is a long complicated process because housing insecurity stirs deep emotions, but at the same time, all stakeholders have legitimate and understandable concerns and arguments for and against this type of ordinance.

Changes to mobilehome regulatory programs and applicable laws since the discussion of the 2018 White Paper are detailed below.

Regulatory Program Changes

There have been recent actions from the Legislature and the Department of Housing and Community Development (HCD) to offer greater protections and resources for mobilehome park tenants and methods to address and resolve disputes with park management. As discussed in the White Paper, the rights and obligations of mobile home park owners, tenants and management are found in the "Mobilehome Residency Law" (MRL). The MRL is extensive and addresses many topics such as specific notice requirements for rent adjustments, rental agreement requirements and restrictions, park rules and regulations, fees and charges, utilities, exemptions from rent control, homeowner communications and meetings, homeowner meetings with management, termination of tenancy, transfer of mobile home or mobile home parks, enforcement, and

rights of residents in resident owned subdivisions, cooperatives and condominium parks. While MRL protections are enforceable via civil action, the legislature and HCD have taken actions since 2018 to assist tenants with the MRL and other Mobilehome related issues. These are described below and offer tenants assistance without requiring the filing of a civil action under the MRL.

Mobilehome Residency Law Protection Program (MRLPP)¹

The Legislature passed AB 3066, the “Mobilehome Residency Law Protection Act” (Act) in late 2018. Under the Act, effective July 1, 2020, any mobilehome or manufactured homeowner living in a mobilehome park under a rental agreement may submit a complaint for an alleged violation of the MRL to HCD under the newly established Mobilehome Residency Law Protection Program. HCD refers any alleged violations of law or regulations within their jurisdiction to their Division of Codes and Standards and may refer any non-jurisdictional violations of law or regulations (such as rent disputes, criminal activity, or alleged discrimination) to an appropriate enforcement agency. HCD also provides assistance to help resolve and coordinate resolution of the most severe alleged violations of the MRL. HCD administers the program by contracting with non-profit legal service providers (LSP) and referring complaints of alleged MRL violations to the contracted LSPs to assist in the resolution of complaints. Pursuant to the MRLPP, HCD does not arbitrate, mediate, negotiate, or provide legal advice in connection with mobilehome park rent/lease disputes, but may provide information on these issues. The MRLPP was originally scheduled to sunset on January 1, 2024, but has been extended by the Legislature to January 1, 2027.

Mobilehome Assistance Center (MAC)²

The MAC is an HCD Ombudsman service that receives and processes complaints from the public and from public officials related to living in manufactured homes and mobilehomes. Staff provides information, coordination, referrals, and other assistance to help resolve complaints generally related to:

- The operation of mobilehome parks related to health and safety matters.
- The purchase, sale, financing, titling, and registration of manufactured homes and mobilehomes.
- The installation, inspection, and maintenance or alteration of manufactured homes, mobilehome accessory structures, and park grounds.

Statutory Changes Post 2018

In addition to the regulatory changes authorized since the drafting of the White Paper, there have been further Legislative amendments to the MRL and related laws since 2018. The most relevant and impactful of these changes are detailed below.

¹ Further information on the MRLPP and resources for filing a complaint may be found here: [Mobilehome Residency Law Protection Program | California Department of Housing and Community Development](#)

² Further information on the MAC and contact information may be found here: [Mobilehome Assistance Center | California Department of Housing and Community Development](#)

Exemption to Exception from Local Rent Stabilization Regulations for Certain Leases.

As detailed in the White Paper, a rental agreement that meets specified criteria (including a lease term of over 12 months) is exempt from a local ordinance, rule, regulation, or initiative measure that establishes a maximum amount of tenant rent. The terms of the rental agreement prevail over any conflicting local regulation. In 2020 Civil Code §798.17 was amended to make that inapplicable to rental agreements entered on or after February 13, 2020, meaning that such agreements, even if over 12 months in duration, would be subject to local rent control. This provision, however, sunsets on January 1, 2025, when the previous exemption from local rent control for certain qualifying rental agreements will return. Additionally, under Civil Code §798.21 if a mobilehome space within a mobilehome park is not the principal residence of the homeowner and the homeowner has not rented the mobilehome to another party, it is also exempt from a local ordinance or rule on maximum rent.

Exception from Local Regulation for New Construction

Civil Code §§798.45 and 798.7 were amended in 2022 to clarify what type of new construction is exempt from local rent control and for how long. The amended statutes now provide that "new construction" in a mobilehome park is exempt from local rent control for a period of 15 years from the date on which the space is initially held out for rent. "New construction" is defined as any newly constructed spaces initially held out for rent after January 1, 1990. Furthermore, the amendments provide that "new mobilehome park construction" is also exempt from local rent control for a period of 15 years from the date on which 50% of the spaces in the new mobilehome park are initially held out for rent, measured from the date of issuance of the permit or certificate of occupancy for that space. "New mobilehome park construction" means all spaces contained in a newly constructed mobilehome park for which a permit to operate is first issued by the enforcement agency on or after January 1, 2023.

Utility Service Billing

In 2023, Civil Code §798.40 clarified the MRL to explicitly include residents of all mobilehome parks within the statutory provisions capping each residents' water service charges to only their proportional share based on monthly usage plus a reasonable administrative fee. Unrelated water "service" charges and fees are no longer allowed. This statute prohibits management from billing or collecting a separate charge for the provision of submetered water service beyond the amount charged for the water used by the homeowner.

Building After a Wildfire or Natural Disaster

As of 2020, Civil Code §798.62 requires management of a mobilehome park to offer the previous homeowner a right of first refusal to a renewed tenancy if the park is destroyed due to a fire or other natural disaster and management elects to rebuild the park in the

same location. The terms of the renewed tenancy must be substantially the same as the prior rental agreement, except for adjustments to reflect costs and expenses incurred to rebuild the park.

Unlawful Occupancy & HCD Notice

After January 1, 2021, Health & Safety Code §18550.1 make it unlawful for any person to use for occupancy any manufactured home or mobilehome, wherever the manufactured home or mobilehome is located, that does not conform to the registration requirements of HCD. This is contingent upon HCD providing notice to the occupant of the registration requirements and any registration fees due.

Emergency Preparedness Plans

Effective January 1, 2020, Health and Safety Code §18603 requires that an owner or operator of a mobilehome park do all the following:

- Post the notice of the adopted Emergency Preparedness Plan (EPP) in the clubhouse or in another publicly accessible area within the park.
- Provide an annual notice to all existing park residents on how to access and obtain a copy of the Park's adopted EPP in a language other than English.
- Make available Part II of the Emergency Plans for Mobilehome Parks booklet.

Applicability of Mobilehome Regulations & Programs to Recreational Vehicles

As part of the Board's July discussion involved Recreational Vehicle issues, further guidance is offered as Recreational Vehicles are separately governed by the *Recreational Vehicle Park Occupancy Law* while Mobilehomes are subject to the *Mobilehome Residency Law*. The protections of the MRL and tenant access to the Mobilehome Residency Law Protection Program administered by HCD apply to Recreational Vehicles only in specified circumstances.³ The following conditions must be met for these programs to apply to a Recreational Vehicle (RV):

- The RV owner has a tenancy in a Mobilehome Park under a rental agreement.
- The RV is a travel or park trailer (not a motorhome, truck camper or camping trailer).
- The RV is used for human habitation.
- The RV meets either of the following requirements:
 - (1) The trailer or other recreational vehicle occupied a mobilehome site in the park, on November 15, 1992, under a rental agreement with a term of one month or longer, and the trailer or other recreational vehicle occupied a mobilehome site in the park prior to January 1, 1991.
 - (2) The trailer or other recreational vehicle *occupies a mobilehome site in the park for nine or more continuous months* on or after November 15, 1992 (*emphasis added*).

³ See HCD Information Bulletin 2021-05, available at [Information Bulletin 2021-05 Mobilehome Residency Law Protection Program - Recreational Vehicles \(ca.gov\)](https://www.cdph.ca.gov/Programs/CID/DCDC/Pages/InformationBulletin/2021-05-Mobilehome-Residency-Law-Protection-Program-Recreational-Vehicles.aspx)

It is not clear there is local authority to impose a Rent Stabilization Ordinance on a Recreational Vehicle park and the applicability of a local ordinance to an individual RV would be highly fact specific. The enforcement of a local RSO on RVs within parks composed of mixed Mobilehomes and RV tenants has been the subject of litigation. Lastly, it should be noted that under state law mobilehome spaces may not be rented for the accommodation of recreational vehicles unless the mobilehome park has a designated area within the park for recreational vehicles; separate and apart from the area designated for mobilehomes.

Updates to Demographics

The number of mobile home parks and mobile homes has not changed significantly from when the memo was prepared in 2018 (page 2 Attachment B). Of note, however, is the continued decline of non-single family home residential options. As of 2007 nearly 87 percent of unincorporated El Dorado County's housing stock was made up of single-family detached homes, leaving only 15 percent of the housing stock for those who choose to or must live in other forms of housing.

As of 2019 (2021-2029 Housing Element), nearly 89 percent of unincorporated El Dorado County's housing stock was made up of single-family detached homes, leaving only 11 percent of the housing stock for those who chose to or must live in other forms of housing including mobile homes.

Conclusion

While there have been changes to the law and additional actions to address Mobilehome tenant disputes, these changes do not alter the analysis and conclusion of the White Paper. A local Rent Stabilization Ordinance will require extensive research, analysis and outreach to all involved parties; parties who likely will have legitimate and understandable concerns and arguments both for and against such an ordinance.