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ORDINANCE NO. 1247

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF RIALTO,
CALIFORNIA, AMENDING TITLE 4, CHAPTER 4.01 ENTITLED,
"MOBILE HOME RENT REVIEW COMMISSION," OF THE RIALTO
MUNICIPAL CODE, BY AMENDING SECTIONS 4.01.010 AND 4.01.110
BY REMOVAL OF CERTAIN PROVISIONS RELATING TO NOTICE
REQUIREMENTS DETERMINED TO BE PREEMPTED.**

THE CITY COUNCIL OF THE CITY OF RIALTO DOES HEREBY ORDAIN AS FOLLOWS:

Title 4, Chapter 4.01 entitled, "Mobile Home Rent Review Commission", Sections 4.01.010 and 4.01.110, are hereby amended to read in their entirety as follows:

MOBILE HOME RENT REVIEW COMMISSION

Section 1:

4.01.010 Statement of purpose.

A. Mobile home owners have a substantial investment in their residences and appurtenances for which space is rented or leased. Alternate sites for relocation of mobile homes are difficult to find due to the shortage of vacant spaces, the restrictions of age, size or style of mobile homes permitted in many parks, and related to the installation of mobile homes, including permits, landscaping and site preparations. Additionally, the cost of moving a mobile home is substantial, and the risk of damage is significant.

The result of these conditions is the creation of a captive market of mobile home owners. This immobility, in turn, contributes to the creation of a great imbalance in the bargaining relationship between park owners and mobile home owners in favor of the park owners.

B. Because mobile homes are often occupied by senior citizens, persons on fixed income and persons of low or moderate income, exorbitant rent increases fall upon these individuals with particular

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1 harshness. Further, existing state law permits mobile home park owners to require mobile home owner
2 to make modifications to their homes for reasons of aesthetics or conformity to park standards that
3 amount to capital improvements which would accrue to the benefit of the park owner by potentially
4 increasing the market value of the park itself.

5 C. This council finds and declares its necessity to facilitate and encourage fair bargaining
6 between mobile home owners and park owners in order to achieve mutually satisfactory agreements
7 regarding space rental rates in mobile home parks. Absent such agreements, this council further finds
8 and declares it necessary to protect the owners and residents of mobile homes from unreasonable space
9 rental increases while simultaneously recognizing and providing for a method by which park owners can
10 receive reasonable rental increases.

11 D. The city council has determined that park owners are not providing homeowners the option
12 of a short-term rental agreement, have coerced homeowners into signing leases and are requiring
13 prospective mobile home owners in mobile home parks located in the city to enter into or assume long-
14 term leases, which the park owners claim are exempt from local rent control, park owners appear to be
15 attempting to circumvent the benefits and protections provided by the city mobile home rent regulation
16 ordinance.

17 E. The city council has further determined that as a result of the park owners' requirement of
18 long-term leases by prospective mobile home owners, current mobile home owners are having extreme
19 difficulty selling their mobile homes. Prospective homeowners of mobile homes may lose interest in
20 the sale when faced with a long-term lease requirement which includes a rent schedule not subject to city
21 review or regulation.

22 F. The city council has further determined that as a result of the park owner's requirement that
23 existing or prospective mobile home owners sign or assume long-term leases which may be exempt from
24 city rent regulation, existing and prospective mobile home owners are being precluded from receiving
25 the benefits and protections intended by the ordinance.

26 G. As a response to the above findings, the city council has determined that in addition to the
27 protections already provided by ordinance, it is necessary to: (1) protect current homeowners'

1 investment in their mobile homes and provide reasonable rents by precluding park owners from
2 requiring existing or prospective mobile home owners to sign an exempt lease or charging rents under
3 an expired lease; (2) to protect existing and prospective mobile home owners from excessive rents by
4 providing for lease options in order to give each existing and prospective homeowner a real choice
5 between an exempt long-term lease and a rental agreement subject to the protections of the ordinance;
6 and (3) to protect existing and prospective homeowners' investments in their mobile homes through a
7 lease assumption requirement imposed upon the mobile home.

8
9 Section 2:

10 **4.01.110 Park owner's duties and notice requirements concerning leases.**

11 A. No park owner may require, whether directly or indirectly, that a resident or prospective
12 resident sign a lease or rental agreement that provides that is shall be exempt from local rent control or
13 provides for space rent in excess of that permitted by this chapter as a condition of residency in the park
14 and no owner may deny a tenancy to a prospective purchaser of a mobile home in the park on the ground
15 that the prospective purchaser will not sign such a lease or rental agreement.

16 B. Upon the expiration of a current lease or rental agreement, or upon entering an initial
17 agreement, a "homeowner" or "resident," as defined in Section 4.01.020C of this chapter, shall be
18 offered a lease or rental agreement for (1) a term of twelve months, (2) a lesser period as the homeowner
19 may request, or (3) a longer period as mutually agreed upon by both the homeowner and management.

20 C. No lease or rental agreement or other contract entered into after the effective date of the
21 ordinance codified by this chapter shall require a "homeowner" or "resident" as defined in Section
22 4.01.020C of this chapter to assume a lease. Any provision which requires a mobile home owner to
23 assume a lease as a condition of residence or tenancy in a park shall be void.

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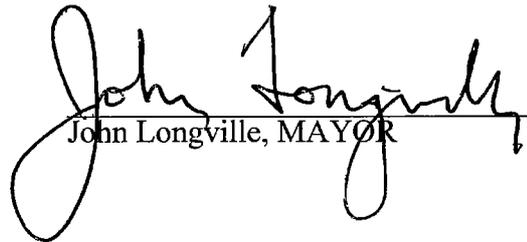
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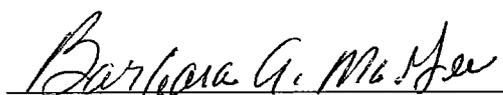
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PASSED, APPROVED AND ADOPTED this 6th day of August, 1996.



John Longville, MAYOR

ATTEST:



Barbara A. McGee, CITY CLERK

APPROVED AS TO FORM:



Bruce Barton Assistant City Attorney for
Robert A. Owen, CITY ATTORNEY

1 STATE OF CALIFORNIA)
COUNTY OF SAN BERNARDINO) ss
2 CITY OF RIALTO)

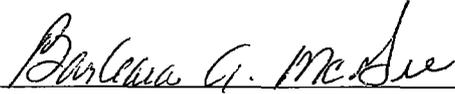
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I, BARBARA A. McGEE, City Clerk of the City of Rialto, DO HEREBY CERTIFY that the foregoing Ordinance No. 1247 was duly passed and adopted at a regular meeting of the City Council of the City of Rialto held on the 6th day of August, 1996.

Upon motion of Councilmember Zupanic-Skaggs, seconded by Councilmember Hirtz, the foregoing Ordinance No. 1247 was duly passed and adopted.

VOTE ON THE MOTION
AYES: Mayor Longville, Councilmembers: Zupanic-Skaggs, Hirtz, Sampson and Farmer
NOES: None
ABSTAIN: None

IN WITNESS WHEREOF, I have hereunto set my hand and the Official Seal of the City of Rialto this 9th day of August, 1996.



BARBARA A. MCGEE, City Clerk