

## CHAPTER 7 MOBILEHOME SPACE RENT CONTROL

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### **4700 Short Title.**

Chapter 7 of Article IV of the Carson Municipal Code may be cited as the “Mobilehome Space Rent Control Ordinance” of the City of Carson. (Ord. 79-485U)

### **4701 Definitions.**

For the purposes of this Chapter, the following words, terms and phrases shall be defined as follows:

- (a) “Board” shall mean the Mobilehome Park Rental Review Board of the City of Carson.
- (b) “Camping trailer” shall mean a vehicular portable unit mounted on wheels and constructed with collapsible partial sidewalls which fold for towing by another vehicle and unfold for occupancy, and designed for human habitation for recreational or emergency occupancy.
- (c) “Capital improvement” shall mean improvements to a park, major refurbishment of a park and rehabilitation of a park which involve more than ordinary maintenance.
- (d) “Department” shall mean the Community Development Department of the City of Carson.
- (e) “Homeowner” shall mean an owner of a mobilehome in a mobilehome park in the City.
- (f) “Mobilehome” shall mean a vehicle, designed or used for human habitation, including a camping trailer, travel trailer, motor home and slide-in camper, when used as the principal place of habitation for the occupants thereof.
- (g) “Mobilehome space” shall mean the site within a mobilehome park intended, designed, or used for the location or accommodation of a mobilehome and any accessory structures or appurtenances attached thereto or used in conjunction therewith.
- (h) “Motor home” shall mean a vehicular unit built on or permanently attached to a self-propelled motor vehicle chassis, chassis cab or van, which becomes an integral part of the completed vehicle, designed for human habitation for recreational or emergency occupancy.
- (i) “Park Owner” shall mean an owner or operator of a mobilehome park or a person authorized to act on the owner’s behalf in operating the park.

(j) "Rehabilitation" work shall mean any renovation or repair work completed on or in a mobilehome park which was performed in order to comply with the direction or order of a public agency, or to repair damage resulting from fire, earthquake, or other casualty.

(k) "Rent" shall mean the consideration paid for the use or occupancy of a mobilehome space.

(l) "Slide-in camper" shall mean a portable unit, consisting of a roof, floor and sides, designed to be loaded onto and unloaded from the bed of a pickup truck, and designed for human habitation for recreational or emergency occupancy and shall include a truck camper.

(m) "Tenancy" shall mean the right of a Homeowner to use or occupy a mobilehome space in a park in the City.

(n) "Resident Homeowner" shall mean a Homeowner who has a tenancy in the park and resides in the mobilehome in the park.

(o) "Travel trailer" shall mean a portable unit, mounted on wheels, of such size and weight as not to require special highway movement permits when drawn by a motor vehicle, and for human habitation for recreational or emergency occupancy. (Ord. 79-485U; Ord. 83-659; Ord. 86-768, § 1; Ord. 98-1130, § 2)

#### **4702 Mobilehome Park Rental Review Board.**

(a) The Mobilehome Park Rental Review Board is hereby established and shall consist of seven (7) members. In order to provide varied and balanced backgrounds, two (2) members shall be Resident Homeowners, two (2) members shall be Park Owners and three (3) members shall be At Large Members, who shall be residents of the City who are not Homeowners, Park Owners, landlords, property managers or tenants in multifamily housing. There shall also be eight (8) Alternate Members; two (2) Alternates shall be Resident Homeowners, two (2) Alternates shall be Park Owners and four (4) Alternates shall be At Large. The terms of the Board Members shall be two (2) years and a Board Member shall continue to serve until a successor has been appointed. The terms of Board Members appointed following adoption of the ordinance codified in this Section shall expire on March 31, 2001.

All Board Members and Alternate Board Members shall be appointed by the Mayor with the approval of a majority of the entire City Council present, including the Mayor. The tenure of any Board Member and Alternate shall be terminable at will, and without cause, on the motion of any member of the Council, duly seconded, and with the approval of a majority of the entire City Council present, including the Mayor. If a vacancy occurs in a Board Member or Alternate Board Member position, an appointment shall be made by the Mayor with the approval of a majority of the entire City Council present, including the Mayor. If a vacancy should occur in the office of Mayor or Mayor is elected, the tenure of the Board Member or Alternate shall expire when the vacancy in the Mayor's office has been filled or Mayor takes office, at which time the Mayor with the approval of a majority of the entire City Council present, including the Mayor, shall make the appointment of the Board Member or Alternate. Each Board Member or Alternate shall continue to serve until a successor has been appointed by the Mayor with the approval of a majority of the entire City Council present, including the Mayor, and has qualified unless the City Council declares the position to be vacant. All appointments shall be made in an open meeting of the City Council.

An Alternate shall serve on the Board in the absence of a Board Member. The Alternate to be called first, if available, shall have the same qualification as to home ownership or park ownership as the absent Board Member. If the Alternate Member with the same qualifications as the absent Member should be unavailable, an At Large Alternate shall be called on to serve in place of the absent Member. A Resident Homeowner Alternate shall not serve in place of a Park Owner Member and a Park Owner Alternate shall not serve in place of a Resident Homeowner Member.

(b) If a member of the Board is absent from three (3) successive regular meetings without being excused by the Board, or is absent for any reason for more than six (6) regular meetings in any twelve (12) month period, the office of such member shall be vacated and the Chair shall immediately notify the City Manager, who shall notify the City Council that said office is vacant. Upon such notification, a successor for the remainder of the term of such member shall be appointed by the Mayor with the approval of a majority of the entire City Council present, including the Mayor.

(c) The Board shall establish the time of any hearings or meetings held pursuant to this Chapter and such hearings or meetings shall be held in the City Hall as often as the Board determines to be necessary to discharge its duties hereunder.

(d) The Board shall elect one (1) of its members as the Chair and one (1) as Chair Pro Tem and said election shall be held as soon as practicable after each new term commences or new appointments are made to the majority of the Board Member positions. Four (4) Board Members, counting any Alternate serving in the absence of a Board Member, shall constitute a quorum. The decisions of the Board shall be made by a majority vote, provided however, that if there are not an equal number of Resident Homeowner Members and Park Owner Members, then a two-thirds (2/3) vote, and in no case less than four (4) affirmative votes, shall be required to reach a decision on a rent increase or rent adjustment application.

(e) The duties and responsibilities of the Board shall include the following:

(1) The Board shall make any recommendations to the City Council the Board deems appropriate regarding the implementation and enforcement of the provisions of this Chapter.

(2) The Board shall hear and determine rent adjustment applications seeking either an adjustment for capital improvement expenditures incurred and/or for an adjustment to assure a Park Owner a "fair return" as that term is defined by law, and determine whether to approve, modify or disapprove such a rent adjustment pursuant to the procedures set forth in CMC 4704.020.

(3) Each Board Member or Alternate of the Mobilehome Park Rental Review Board shall receive compensation at the rate of \$35.00 for each meeting of the Mobilehome Park Rental Review Board attended by such Board Member or Alternate. Such compensation shall be paid on the first register of the month following each meeting of the Board. The Secretary of the Mobilehome Park Rental Review Board shall submit to Finance Officer at the end of each applicable month a statement showing the number of meetings of the Mobilehome Park Rental Review Board attended by each Board Member or Alternate during each month. Board Members or Alternates required to make site visits as part of their preparation for a meeting may submit a request for mileage reimbursement on the City's mileage reimbursement form using the guidelines for mileage reimbursement delineated in Standard Management Procedure (SMP) No. 3.18, or such future SMPs that may be approved. No other compensation shall be paid for expenses incurred by the Board Members or Alternates in the performance of their duties, except that the City Council may from time to time authorize in advance expenditures for attendance at seminars, institutes, or other meetings which the City Council finds to be beneficial to the Board Members or Alternates in the performance of their duties, and in the best interests of the City. Claims for such expenses shall be filed with the Finance Officer on the appropriate form and shall be subject to audit and approval by the City Council. (Ord. 79-485U; Ord. 80-519, § 1; Ord. 81-582, § 1; Ord. 82-614, § 1; Ord. 88-847, § 1; Ord. 92-983, § 2; Ord. 92-988U, §§ 1, 3; Ord. 92-994U, § 1; Ord. 97-1113, § 1; Ord. 97-1127U, § 1; Ord. 98-1130, §§ 3 – 5; Ord. 99-1164U, §§ 1, 2; Ord. 04-1325, § 9; Ord. 04-1330, § 9; Ord. 05-1333, § 1; Ord. 06-1368, § 15; Ord. 13-1523, § 2; Ord. 17-1622, § 2)

### **4703 Base Rent.**

Except as hereinafter provided, a Park Owner shall not demand, accept, or retain rent for a mobilehome space exceeding the rent in effect for said space on May 1, 1979. If a previously rented mobilehome space was not

rented on May 1, 1979, the Park Owner shall not demand, accept, or retain rent for said space exceeding the rent in effect during the last month the space was rented prior to May 1, 1979. If a mobilehome space is rented for the first time after May 1, 1979, the Park Owner shall not demand, accept or retain rent for said space exceeding the rent first charged for the space. No Park Owner shall send a notice containing the specific amount of a proposed rental increase prior to receiving approval of a rent increase from the Board or from the Department Director. Except as herein provided, a Park Owner shall not demand, accept or retain rent exceeding the rent in effect on June 1, 1983, for a mobilehome space that was not regulated by this Section prior to the amendment of this Section on June 20, 1983. If such a mobilehome space was not rented on June 1, 1983, the Park Owner shall not demand, accept or retain rent for said space exceeding the rent in effect during the last month the space was rented prior to June 1, 1983. (Ord. 79-485U; Ord. 80-504U; Ord. 83-695U, § 2; Ord. 98-1130, § 6; Ord. 17-1622, § 6)

#### **4704.010 Rent Increase.**

(a) Except as provided in CMC [4704.020](#) and/or [4706](#), the maximum rent that a park owner may request, demand, or receive for a mobilehome space covered by this Chapter shall not exceed the monthly rent charged for such mobilehome space as of the date of approval of the park's last rent increase under this Section or under CMC [4704.020](#), whichever is later. Rent increases made pursuant to this Section shall not occur more than once during any twelve (12) month period and shall be the lesser of an eight (8) percent increase or seventy-five (75) percent of the change in the cost of living since the last rent increase under this Section or under CMC [4704.020](#), whichever is later, as indicated in the latest available Consumer Price Index ("CPI").

(b) As used herein, the term "Consumer Price Index" shall mean the All Urban Consumers in the Los Angeles-Riverside-Orange County Metropolitan Area (commonly known as the "CPI-U") as provided by the United States Bureau of Labor Statistics (based on 1967 = one hundred (100) base).

(c) Computation of any rent increase allowable by this Section shall be according to the following formula:

(1) The allowable percentage rent increase (I), expressed as a decimal figure, shall be calculated as follows:

$I = (A/B - 1) \times 0.75$  where A is the latest available CPI as of the date the CPI rent increase application is deemed substantially complete, and B is the CPI as of the date of approval of the park's last rent increase under this Section or under CMC [4704.020](#), whichever is later;

(2) Multiply the allowable percentage rent increase by the current rent. The resulting figure is the maximum allowable rent increase.

(d) An application for a CPI rent increase pursuant to this Section shall be filed upon a form prescribed by the Department and shall be accompanied by the payment of a fee to be established by resolution of the City Council. The application shall specify the address of the mobilehome park, the space number or numbers for which the CPI rent adjustment is requested, and the amount of the CPI rent adjustment permitted under this Section.

(e) A determination of completeness shall be made in the manner and within the time specified in CMC [4704.020\(c\)](#). Homeowners may review the application in the Department and may also obtain copies of the application upon payment of the City's copying costs.

(f) Unless waived by the park owner in writing, the Department Director shall, within thirty (30) days of the date that the application is determined to be substantially complete, approve the rent increase as properly calculated under this Section. The determination of the Department Director on a CPI rent increase application shall be final. (Ord. 17-1622, § 4)

#### **4704.020 Permitted Rent Increases Based upon Application Approved by the Board.**

(a) A park owner who, notwithstanding the provisions of CMC [4704.010](#), seeks a rent adjustment to assure that the park owner is receiving a "fair return," as that term is defined in law, may file with the Department a rent increase application for one (1) or more mobilehome spaces for approval by the Board pursuant to this Section. A park owner, a resident homeowner or the Department may file an application for a rent adjustment for one (1) or more spaces pursuant to subsection (h) of this Section.

(b) An application for a rent adjustment pursuant to this Section shall be filed upon a form prescribed by the Department and shall be accompanied by the payment of a fee to be established by resolution of the City Council. The application shall specify the address of the mobilehome park, the space number or numbers for which rent is requested to be increased, the amount of the requested rent increase, the facts supporting the application. Supporting documentation shall be filed with the application and the applicant shall produce at the request of the Department any records, receipts, reports, or other documents that the Department may deem necessary for the Board to make its determination concerning the application. The application shall be made under penalty of perjury and supporting documents shall be certified or verified as requested by the Department.

(c) A rent increase application accompanied by the required fee shall be accepted and lodged by the Department but shall not be filed until it is substantially complete and the time periods provided by this Chapter for processing the application shall not begin to run until an application is substantially complete and filed. The Department shall determine within thirty (30) days after the lodging of an application whether said application is complete. If the Department determines that an application is not complete, it shall so notify the applicant in writing and the notice shall state what additional information is required to complete the application. An application which is substantially complete but lacks documentation to support certain claims can be processed for hearing, but any claimed expenses lacking adequate documentation shall not be allowed as operating expenses. Any application which has not been substantially completed within six (6) months of its submission to the Department shall be returned to the applicant. Thereafter, a new application and fee shall be required if the applicant wishes to apply for a rent increase.

(d) Upon receipt of a rent increase application, the Department shall mail a notice to the affected Homeowners informing them that an application has been lodged and is being reviewed for completeness. The notice shall also state the amount of the increase being sought. Homeowners may review the application in the Department and may also obtain copies of the application upon payment of the City's copying costs. Upon determining that the application is substantially complete, the Department shall mail a notice to the applicant stating that the application is substantially complete and has been filed. At the same time, the Department shall mail a notice to the affected Homeowners stating that the application is substantially complete and informing them of the amount of the rent increase sought and that they have thirty (30) days from the date of the notice in which to submit written statements, photographs, documents, or other evidence relating to the application, to the Department. No written statements, photographs, documents or other evidence relating to the application may be filed later than ten (10) days before the hearing on the application. All materials submitted by a Park Owner, Homeowner or any other interested party are public records, may be inspected and may be copied upon payment of the City's copying costs.

(e) The Board shall hold a public hearing on an application within sixty (60) days of the date that the application is determined to be substantially complete, except as provided in subsection (j) of this Section. Notice of the time, date and place of the hearing shall be mailed to the applicant and affected Homeowners at least fifteen (15) days prior to the hearing date. The Staff report on an application shall be provided to Board Members, and made available to the applicant, the Homeowners and their designated representatives, if any, at least five (5) days prior to the hearing.

(f) (1) At the public hearing, the applicant, affected Homeowners, their representatives and any interested person may offer any testimony that is relevant to the application. They may offer documents, written declarations,

photographs or other written or documentary evidence for the first time at the hearing only if good cause is shown why such evidence could not, with reasonable diligence, have been filed with the Department ten (10) days prior to the hearing and that the material was filed with the Department as soon as possible. Board Members and Alternates may testify at a hearing on a rent increase application only when they have recused themselves and the application involves a park in which they reside, have a financial interest or manage, or in which a parent, grandparent or siblings of the Board Member or Alternate resides.

(2) All persons testifying at the hearing shall be sworn under penalty of perjury. Formal rules of evidence shall not be applicable to the hearing.

(3) The Board may approve the rent increase requested, approve a modified rent increase or deny the application pursuant to the standards established by subsections (g) and (h) of this Section and shall adopt a written resolution setting forth its findings and decision no later than seventy-five (75) days after the application was deemed substantially complete.

(g) The Board shall grant such rent increases as it determines to be fair, just and reasonable. A rent increase is fair, just and reasonable if it protects Homeowners from excessive rent increases and allows a fair return on investment to the Park Owner. The Board shall consider the following factors and any Guidelines adopted by the City Council, as well as any other relevant factors, in making its determination and no one (1) factor shall be determinative.

(1) Changes in the Consumer Price Index for All Urban Consumers in the Los Angeles-Anaheim-Riverside Area published by the Bureau of Labor Statistics. If the Bureau of Labor Statistics subsequently changes the geographic reporting area in which the City is located, the Board shall use the most current applicable reporting area established by the Bureau.

(2) The rent lawfully charged for comparable mobilehome spaces in the City of Carson.

(3) The length of time since either the last hearing and final determination by the Board on a rent increase application or the last rent increase if no previous rent increase application has been made.

(4) The completion of any capital improvements related to the mobilehome space or spaces in the rent increase application, including such items of cost as materials, labor, interest, permit fees and other items as established by evidence and deemed relevant by the Board.

(5) Changes in property taxes or other taxes related to the subject mobilehome park.

(6) Changes in the rent paid by the applicant for the lease of the land on which the subject mobilehome park is located.

(7) Changes in the utility charges for the subject mobilehome park paid by the applicant and the extent, if any, of reimbursement from the tenants.

(8) Changes in reasonable operating and maintenance expenses.

(9) The need for repairs caused by circumstances other than ordinary wear and tear.

(10) The amount and quality of services provided by the applicant to the affected tenant.

(11) Any existing written lease lawfully entered into between the applicant and the affected tenant.

(h) (1) The Board may provide that an increase in rent, or a portion of an increase in rent, granted by the Board be limited to the length of time necessary to allow the Park Owner to reasonably amortize the cost of a capital improvement, including interest and any costs necessary to the capital improvement, excluding attorneys' fees.

Such increases shall not continue beyond the time necessary for reasonable amortization of the cost of such improvement and shall be listed separately from the base rent for a space on the monthly rent statement, invoice or bill provided to the Homeowners. When calculating general rent increases, any capital improvement rent increase shall not be included in the existing rent.

(2) If the cost of a capital improvement for which an increase was granted under this subsection is later recovered by the Park Owner from a third party before the expiration of the amortization period approved by the Board, the Park Owner, any affected Homeowner or the Director of the Department or his designee, may file an application with the Department for the termination of the capital improvement rent increase on the ground that the Park Owner has recovered the cost of the improvement through insurance, litigation or other right of indemnity. The capital improvement rent increase shall be suspended pending determination of the application and if the application is denied the amortization period during which the increase may be collected shall be extended as necessary to allow the full amortization period originally allowed by the Board.

(3) Upon receipt of an application to terminate a capital improvement rent increase, and upon satisfactory proof of recovery of the cost of the improvement, such as, but not limited to, a court judgment or insurer's acknowledgment of coverage, the Director of the Department shall give notice of the application to the Park Owner and affected Homeowners and the capital improvement rent increase shall be terminated within fifteen (15) days unless within ten (10) days of the notice it is protested by the Park Owner on the ground that he or she has not in fact recovered the cost of the improvement. If satisfactory proof of recovery of the cost of the improvement is not submitted with the application, the Department shall give notice of that determination to the applicant, the affected Homeowners and the Park Owner and the Director's decision shall become final within fifteen (15) days of the notice unless protested by the applicant or an affected Homeowner within fifteen (15) days of the notice. If a protest is filed by an affected Homeowner or the Park Owner, mailed notice shall be given to the affected Homeowners and Park Owner that the protest will be heard by the Board on a date not later than thirty (30) days after the filing of the protest. The notice shall be mailed no later than fifteen (15) days prior to the hearing and the Board shall make its decision by written resolution setting forth its findings within forty-five (45) days after the filing of the protest. (Ord. 80-544, § 1; Ord. No. 83-655, § 1)

(i) Notice of the Board's determination on an application shall be mailed to the applicant, the Park Owner and all affected Homeowners at the mobilehome spaces designated in the application. The determination of the Board shall be final.

(j) The time in which the Board must open the hearing on an application and the time in which the Board must make any final decision may be extended with the consent of the applicant or Park Owner and may be extended without the consent of the applicant or Park Owner if the need for the extension is caused by the conduct of the applicant or the Park Owner. In the event the Board is unable to make its decision within the time limits set forth in this Chapter, including any extensions of time consented to by the applicant, the Board's inability to make a timely decision is not due to the conduct of the applicant or the Park Owner, or some cause beyond the Board's control, such as, but not limited to, fire, earthquake or flood, the Board shall at the time it grants any rent increase based on subsections (g) and (h) of this Section grant a temporary additional rent increase to the applicant to compensate the applicant for the difference between the rental income received between the time when an increase should have been granted pursuant to the time limits set forth in this Chapter and the rental income that would have been received if the increase had been timely granted.

(k) *Deleted by Ord. 98-1130.* (Ord. 79-485U; Ord. 80-544, § 1; Ord. 82-624, §§ 1 – 4; Ord. 98-1130, §§ 8 – 15; Ord. 17-1622, § 5. Formerly 4704)

### **4705 Maximum Allowable Rent.**

The maximum allowable rent ("MAR") for any mobilehome space in a park in the City is the last rent approved by the Director pursuant to CMC [4704.010](#) or the last rent approved by the Board for either capital improvements expenditures or seeking a "fair return" rent increase pursuant to CMC [4704.020](#). Any park which has not sought approval of a rent increase from the Board by July 31, 1997 Ordinance (No. 98-1136) shall register, on a form provided by the Department, the rent for each space in the park on July 31, 1997, and the amenities and services provided to the Homeowners in the park on that date without any charge beyond the rent in effect on that date, within thirty (30) days of the date this ordinance (No. 98-1136) becomes effective. The rent so registered for each space shall become the MAR for that space unless that rent is challenged by a Resident Homeowner in the park within thirty (30) days after notice is sent by the Department to each Homeowner showing the rent that has been registered for each space. The challenge must be based on evidence showing that the rent registered exceeds that in effect in May of 1979 plus fifty (50) percent of the increase in the CPI since that date or exceeds the rent charged to the Resident Homeowner on July 31, 1997. Any challenge shall be submitted in writing to the Department. Upon receipt of the challenge, the Department shall notify the Park Owner that he or she has thirty (30) days in which to provide any information relevant to determining the MAR for the space or spaces for which the challenge has been filed. The Department shall set a public hearing to determine the MAR for each space for which a challenge has been filed no later than thirty (30) days after the expiration of the Park Owner's time to respond. Notice of the time, date and place of the hearing shall be mailed to the Park Owner and affected Homeowners no later than fifteen (15) days prior to the public hearing and no written or documentary evidence may be submitted later than ten (10) days prior to the hearing date. The hearing shall be held according to the provisions governing hearings on rent increase applications. The Board shall adopt a written resolution setting forth its findings and the MAR for the spaces for which a challenge was filed within fifteen (15) days after the date on which the public hearing is opened. No fee shall be charged for registering rents under this subsection or for filing a challenge to a rent or rents challenged pursuant to this subsection. (Ord. 98-1130, § 16; Ord. 17-1622, § 3)

### **4706 Tenancies Not Governed by the Mobilehome Residency Law.**

(a) A Resident Homeowner whose tenancy is not regulated by the provisions of the Mobilehome Residency Law (Civil Code Sections [798](#) through [799.6](#)) shall not be charged a fee for anything other than rent or utilities with the exception of incidental reasonable charges for services actually rendered.

(b) A tenancy which is not subject to the provisions of the Mobilehome Residency Law (Civil Code Sections [798](#) through [799.6](#)) shall not be terminated nor shall its renewal be refused, except for one (1) or more of the following reasons:

- (1) Failure of the Homeowner to comply with a local ordinance or State law or regulation relating to mobilehomes within a reasonable time after the Homeowner receives a notice of noncompliance from the appropriate governmental agency.
- (2) Conduct by the Homeowner, upon the mobilehome park premises, which constitutes a substantial annoyance to other Homeowners.
- (3) Failure of the Homeowner to comply with reasonable rule or regulation of the mobilehome park. No act or omission of the Homeowner shall constitute such a failure to comply unless and until the Park Owner has given the Homeowner written notice of the alleged rule or regulation violation and the Homeowner has failed to adhere to the rule or regulation within seven (7) days.
- (4) Nonpayment of rent, utility charges, or reasonable incidental service charges.
- (5) Condemnation of the mobilehome park.

(6) Change of use of the mobilehome park; provided, that:

(A) The Park Owner has complied with the provisions of Section [798.56](#) of the California Civil Code, Government Code Sections [65863.7](#) and [65863.8](#) and CMC 9128.21.

(B) The Park Owner gives the Homeowner written notice of the proposed change twelve (12) months or more before the date of the proposed change.

(C) The Park Owner gives each proposed Homeowner whose tenancy will commence within twelve (12) months of the proposed change, written notice thereof prior to the inception of his tenancy.

(c) Notice of termination or refusal to renew must be given in writing in the manner prescribed by Section [1162](#) of the Code of Civil Procedure at least sixty (60) days prior to the termination date of the tenancy. Said notice shall state the date the tenancy terminates, the reason for the termination or refusal to renew, and the specific facts upon which the Park Owner is relying. (Ord. 79-485U; Ord. 92-965, § 11; Ord. 98-1130, §§ 16, 17)

#### **4707 Refusal of Homeowner to Pay Illegal Rent.**

A Homeowner may refuse to pay any rent in excess of the maximum allowable rent ("MAR") permitted by this Chapter. The fact that such unpaid rent is in excess of the MAR shall be a defense in any action brought to recover possession of a mobilehome space for nonpayment of rent or to collect the illegal rent. (Ord. 79-485U; Ord. 98-1130, § 18)

#### **4708 Remedies.**

(a) Any person who demands, accepts or retains any payment of rent in violation of the provisions of this Chapter shall be liable in a civil action to the person from whom such payment is demanded, accepted or retained for damages in the sum of three (3) times the amount by which the payment or payments demanded, accepted, or retained exceed the maximum rent which could lawfully be demanded, accepted or retained together with reasonable attorneys' fees and costs as determined by the court.

(b) Any person violating any of the provisions of this Chapter shall be guilty of a misdemeanor and shall be punishable in the manner provided by CMC 1200.

(c) Code of Civil Procedure Section [1094.6](#) is applicable to decisions of the Mobilehome Park Rental Review Board granting or denying rent increase applications and no legal challenge to any such decision of the Board may be brought unless it is filed within ninety (90) days of the Board's final decision, as set forth in its written resolution making findings. The Board's resolution granting or denying the increase shall state that the time within which judicial review must be sought is governed by Code of Civil Procedure Section [1094.6](#) and a copy of the resolution, including a certificate of mailing, shall be sent to the applicant, and to a representative of the residents of the affected mobilehome park, if one has been designated, by first class mail. (Ord. 79-485U; Ord. 94-1031, § 1)

#### **4709 City Council Review of This Chapter.**

The City Council shall review the provisions of this Chapter six (6) months after the date of adoption thereof, and at any other time deemed appropriate, in order to consider the following:

(a) Whether mobilehome space rent control continues to be necessary to protect the public health, safety and welfare;

(b) Whether the implementation of the provisions of this Chapter have been adequate; and

(c) Whether the provisions of this Chapter should be amended to provide more effective regulations or to avoid unnecessary hardship. (Ord. 79-485U)

#### **4710 Lease Regulations.**

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No Park Owner may require, directly or indirectly, that any Homeowner or prospective Homeowner sign a lease or rental agreement that provides that it shall be exempt from local rent control or provides for space rent in excess of that permitted by this Chapter as a condition of tenancy in the park and no Park Owner may deny a tenancy to a prospective purchaser of a mobilehome in the park on the ground that the prospective purchaser will not sign such a lease or rental agreement. (Ord. 91-941U, § 1; Ord. 91-941, § 1; Ord. 92-970U, § 2; Ord. 92-970, § 2; Ord. 98-1130, § 19)

#### **4711 Utility Fees – Registration and Posting.**

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(a) Not less than ninety (90) days prior to imposing a separate charge for a utility service previously included in the rent pursuant to Civil Code Section [798.41](#), a Park Owner shall file notice thereof with the Department on a form provided by the City, which specifies the current rent for each space, the new charge to be imposed, the duration and expiration date of the separate charge if it has a limited duration or is amortized for a specified period, the rent reduction to be made simultaneously with imposition of the charge, the calculation of the new charge and rent reduction and the new MAR for each space.

(b) Not less than ninety (90) days prior to imposing, increasing, decreasing or eliminating a charge separately billed pursuant to Civil Code Section [798.49](#), a Park Owner shall file a notice with the Department on a form provided by the City which specifies for each space the current rent, the amount of the new charge or charge eliminated or the amount of any increase or decrease in an existing charge, the fee or assessment on which the charge or change therein is based, the basis for the amount of the charge or any change therein and the duration and expiration date of the charge if it has a limited duration or is amortized for a specified period.

(c) Within ten (10) days of executing any rental agreement or lease which is exempt from this Chapter pursuant to Civil Code Section [798.17](#), a Park Owner shall register that lease with the Department on a form provided by the City, which specifies the beginning and ending date of the lease and the rental rate(s) applicable during the duration of the lease, and shall attach thereto a copy of the lease.

(d) Every Park Owner shall post a copy of this Chapter in the park office or manager's office and in any clubhouse, recreation building or room, auditorium or assembly room, shall give each prospective Homeowner and Resident a copy of this Chapter before the prospective Homeowner executes any lease or rental agreement with the park and shall file a signed receipt from each new Homeowner acknowledging receipt of a copy of this Chapter prior to execution of any lease or rental agreement with the Department within five (5) days of execution of the lease or rental agreement. (Ord. 92-970U, § 1; Ord. 92-970, § 1; Ord. 93-1000U, § 1; Ord. 93-1000, § 1; Ord. 98-1130, § 20)

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#### **The Carson Municipal Code is current through Ordinance 18-1807, passed April 17, 2018.**

Disclaimer: The City Clerk's Office has the official version of the Carson Municipal Code. Users should contact the City Clerk's Office for ordinances passed subsequent to the ordinance cited above.