



## Legislation Text

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**File #:** 19-106, **Version:** 1

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ORDINANCE of the City of San Leandro City Council to Add Mobilehome Space Rent Stabilization to the City of San Leandro Municipal Code (An Ordinance that Regulates Space Rents in San Leandro Mobilehome Parks)

The City Council of the City of San Leandro recites the following:

**WHEREAS**, the State of California recognizes, by the adoption of special legislation regulating tenancies of mobilehome owners in mobilehome parks, that there is a significant difference between homeowners in mobilehome parks and other dwelling units; and

**WHEREAS**, the State likewise recognizes that homeowners in mobilehome parks, unlike apartment tenants or residents of other rental housing stock, are in the unique position of having made a substantial investment in a residence, the space for which is rented or leased and not owned (*Galland v. County of Clovis* (2001) 24 Cal.4th 1003, 1009); and

**WHEREAS**, state law defines mobilehomes as a residential structure if they have been in place for nine months or greater (State Law, Chapter 2.5, Cal. Civil Code, Article 1, section 798.3(b) (2) ("The trailer or other recreational vehicle occupies a mobilehome site in the park for nine or more continuous months commencing on or after November 15, 1992").); and

**WHEREAS**, the City of San Leandro has nine (9) mobile home parks with a total of approximately eight hundred fifty-five (855) spaces located within the City limits. These spaces represent a significant portion of the affordable housing supply within the City; and

**WHEREAS**, the City of San Leandro General Plan, Chapter 6, Housing Element provides for the following goals and actions:

1. Conservation of Mobile Home Parks. Promote the conservation and rehabilitation of mobile home parks without displacing tenants or reducing the number of affordable units. Mobile home parks should be recognized as an important affordable housing resource for San Leandro's seniors and low-income households (Policy 56.08).
2. Mobile Home Rent Stabilization. Consider adopting a mobile home rent stabilization ordinance similar to the agreement currently in effect for Mission Bay (Action 56.08-B) (The agreement would apply more broadly to residents of all mobile home parks in the city and help protect the city's existing supply of mobile homes.); and

**WHEREAS**, it is often difficult to move mobilehomes from one park to another due to the age and condition of some mobilehomes and the limited availability of vacant spaces in mobilehome parks; and

**WHEREAS**, it is often costly to move a mobilehome and, in many instances, moving a mobilehome requires separation of the mobilehome from its appurtenances, which may create severe damage and depreciation in value to the mobilehome; and

**WHEREAS**, the U.S. District Court of the Central District of California observed that “the park owners are business people who understand that the operation of a mobilehome park involves an economic relationship in which both park owner and the home owner must make a substantial investment. Indeed, they have encouraged the tenants to make the investment and to expect a return on it.” (*Adamson Companies v. County of Malibu*, 854 F.Supp. 1476, 1489 (1994, U.S. Dist. Ct., Central Dist. California).)

**NOW THEREFORE**, the City Council of the City of San Leandro does **ORDAIN** as follows:

**SECTION 1. AMENDMENT OF CODE.** Title 4 (Public Welfare), Chapter 4-39 of the San Leandro Municipal Code, entitled “Mobilehome Park Rent Stabilization” and consisting of Article 1, Definitions, and Article 2, General Provisions is hereby created as provided in Exhibit A, which is incorporated herein and made a part hereof.

**SECTION 2. SEVERABILITY.** If any section, subsection, subdivision, paragraph, sentence, clause or phrase of this Ordinance, or its application to any person or circumstance, is for any reason held to be invalid or unenforceable, such invalidity or unenforceability shall not affect the validity or enforceability of the remaining sections, subsections, subdivisions, paragraphs, sentences, clauses or phrases of this Ordinance, or its application to any other person or circumstance. The City Council of the City of San Leandro hereby declares that it would have adopted each section, subsection, subdivision, paragraph, sentence, clause or phrase hereof, irrespective of the fact that any one or more other sections, subsections, subdivisions, paragraphs, sentences, clauses or phrases hereof is declared invalid or unenforceable.

**SECTION 3. EFFECTIVE DATE AND PUBLICATION.** This ordinance shall take effect thirty (30) days after adoption. The City Clerk is directed to publish the title once and post a complete copy thereof on the City Council Chamber bulletin board for five (5) days prior to adoption.