

TITLE 26

HOUSING REGULATIONS

**Chapter: 26.04 Mobilehome and Recreational
Vehicle Parks - Residents'
Rights**

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Chapter 26.04

MOBILEHOME AND RECREATIONAL VEHICLE PARKS - RESIDENTS' RIGHTS

Sections:

**26.04.010 Mobilehome and Recreational
Vehicle Parks - Residents' Rights.**

26.04.010 Mobilehome and Recreational Vehicle Parks - Residents' Rights.

All tenancies in any mobilehome or permanent recreational vehicle park (as defined in Title 28) within the City of Santa Barbara existing on the effective date of the ordinance adopting this Section or created thereafter shall be protected by the provisions of Chapter 2.5 (Sections 798 through 799.6) of the California Civil Code regardless of whether said park is registered with the State of California as a "mobilehome park" or a "recreational vehicle park." (Ord. 4269, 1984.)

Chapter 26.08

MOBILEHOME AND RECREATIONAL VEHICLE PARK LEASE REGULATIONS

Sections:

26.08.010 Short Title.	26.08.050 Lease Negotiation; Arbitration.
26.08.020 Findings and Purpose.	26.08.060 Rent Increase Upon Transfer of Ownership.
26.08.030 Definitions.	26.08.070 Notices by Park Owner.
26.08.035 Exemptions.	26.08.080 Enforcement.
26.08.040 Lease Provisions.	

26.08.010 Short Title.

Chapter 26.08 of Title 26 of the Santa Barbara Municipal Code may be cited as the "Mobilehome and Recreational Vehicle Park Lease Ordinance of the City of Santa Barbara." (Ord. 4285, 1984.)

26.08.020 Findings and Purpose.

A. The City Council finds and determines that there is a critical shortage of low and moderate income housing within the City and on the south coast of Santa Barbara County.

B. The City Council further finds and determines that mobilehome parks and recreational vehicle parks (also known as trailer parks) are a significant part of the remaining supply of low and moderate income housing in the City, and are frequently occupied by residents on a permanent basis. Many of the residents of these facilities are senior citizens on fixed incomes or other persons with limited economic means.

C. The City Council further finds and determines that rent increases in mobilehome and recreational vehicle parks represent a significant threat to the continued ability of park residents to afford to maintain residency in such parks. The economic impact of unaffordable rent increases on park residents is much more severe than rent increases on other tenants inasmuch as many park residents own their mobilehomes, recreational vehicles or trailers and, if forced to move because of rent increases, must bear the additional and substantial burden of paying to move those vehicles or mobilehomes to another site. There are very few places on the south coast of Santa Barbara County to which such mobilehomes or vehicles can be moved.

D. The purpose of this ordinance is therefore to regulate the rent charged for mobilehome and recreational vehicle spaces used on a permanent basis to prevent severe and inordinate rent increases, to protect certain persons of limited economic means from the disruption and expense of relocation and to provide increased certainty to park residents of their ability to maintain their current status while at the same time providing park owners with a fair return on their investment and the continuing ability to maintain their parks. (Ord. 4285, 1984.)

26.08.030 Definitions.

The following words and phrases shall have the meaning indicated, unless the context or usage clearly requires a different meaning.

A. CAPITAL IMPROVEMENT. Any addition or betterment made to a mobilehome or recreational vehicle park which consists of more than a mere repair or replacement of an existing facility or improvement and which has a useful life of five or more years.

B. CONSUMER PRICE INDEX. The Urban Wage Earners and Clerical Workers Index, Los Angeles-Long Beach-Anaheim average, all items, as published by the United States Bureau of Labor Statistics, or such other index as may be approved by resolution of the City Council.

C. DEPARTMENT. The Community Development Department of the City of Santa Barbara.

D. MOBILEHOME. As defined in Section 28.04.415 of this Code.

E. MOBILEHOME PARK. As defined in Section 28.04.415.1 of this Code.

F. MOBILEHOME PARK SPACE. As defined in Section 28.04.415.2 of this Code.

G. MOBILEHOME RESIDENT. A person who rents a space in a mobilehome park.

H. PARK OWNER. The owner or operator of a mobilehome or recreational vehicle park or an agent or representative authorized to act on said owner's or operator's behalf in connection with the maintenance or operation of the park.

I. RECREATIONAL VEHICLE. As defined in Section 28.04.468 of this Code.

J. RECREATIONAL VEHICLE PARK. As defined in Section 28.04.468.1 of this Code.

K. RECREATIONAL VEHICLE PARK SPACE. As defined in Section 28.04.468.4 of this Code.

L. RECREATIONAL VEHICLE RESIDENT. A person who rents a space in a recreational vehicle park.

M. REHABILITATION WORK. Any renovation or repair work completed on or in a mobilehome or recreational vehicle park which was performed in order to comply with an order of a public agency, or to repair damage resulting from fire, earthquake, or other casualty.

N. RENT. The consideration, including any bonus, benefits or gratuity, demanded or received by a park owner for or in connection with the use or occupancy of a space, including but not limited to monies demanded or paid for the following: meals where required by the park owner as a condition of the tenancy, parking, furnishings, other housing services of any kind, subletting, or security deposits. (Housing services are defined as those services connected with the use or occupancy of a space including, but not limited to, utilities (light, heat, water and telephone), utility connections, ordinary repairs or replacement and maintenance, including painting. This term shall also include the provision of laundry facilities and privileges, common recreational facilities, janitor service, resident manager, refuse removal, storage facilities and any other benefits, privileges or facilities.)

O. RESIDENT. A mobilehome resident and a recreational vehicle resident.

P. SPACE. A mobilehome park space and a recreational vehicle park space.

Q. TENANCY. The right of a resident to use or occupy a space. (Ord. 4285, 1984.)

26.08.035 Exemptions.

This Chapter shall apply as of its effective date to all tenancies in mobilehome and recreational vehicle parks located in the City of Santa Barbara, except:

A. Tenancies used primarily for commercial purposes.

B. Tenancies in parks of four spaces or fewer, where one space is occupied by the park owner.

C. Tenancies in parks placed in operation after the effective date of this ordinance; provided, however, that such exemption shall continue in effect for only four (4) years after such creation.

D. Tenancies in spaces which a government agency owns, manages or operates.

E. Tenancies which both the park owner and the resident do not expect to exceed thirty (30) days. (Ord. 4285, 1984.)

26.08.040 Lease Provisions.

A lease shall include, at a minimum, the following provisions:

A. TERM; TERMINATION. No term shall be specified. The lease may be terminated only for one of the following reasons:

1. Failure of the resident to comply with a local ordinance or state law or regulation relating to mobilehomes or recreational vehicles within a reasonable time after the resident received a notice of noncompliance from the appropriate governmental agency.

2. Conduct by the resident, upon the park premises, which constitutes a substantial annoyance to other residents.

3. Failure of the resident to comply with a lease provision or reasonable rule or regulation of the park. No act or omission of the resident shall constitute such a failure to comply unless and until the park owner has given the resident written notice of the alleged violation and the resident has failed to adhere to the lease provision or rule or regulation within seven (7) days.

4. Nonpayment of rent, utility charges, or reasonable incidental service charges.

5. Condemnation of the park.

6. Change of use of the park, provided that the provisions of subsection f of Section 798.56 of the California Civil Code and any applicable local ordinances are followed.

7. Cessation of occupancy by the tenant with (i) sixty (60) days prior notice to the park owner, or (ii) waiver of such notice by the park owner.

B. NOTICE. Notice of termination 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 lease terminates, the reason for the termination or refusal to renew, and the specific facts upon which the park owner is relying.

C. RENT INCREASES. A provision placing the following restrictions on a park owner's ability to increase the rent most recently and lawfully charged:

1. Rent for a space shall not be increased more frequently than once per year and all increases within any particular park shall occur at the same time each year.

2. Except as provided in Paragraph 3 of this Subsection C, a rent increase may not exceed the greater of (i) three-quarters of the percentage increase in the Consumers Price Index since the date of the last rent increase, or (ii) three (3) percent times the number of complete months since the date of the last rent increase divided by twelve.

3. A rent increase in excess of that allowed under Paragraph 2 of this Subsection C shall be allowed only to the extent it is approved by (i) the resident or (ii) an arbitrator acting pursuant to the provisions of Subsection D of this Section.

D. ARBITRATION. A provision establishing an arbitration mechanism for resolving disputes over (i) rent increase under Paragraph 3 of Subsection C of this Section, and (ii) any other issues which the parties agree to subject to arbitration. At a minimum, this provision shall specify as follows:

1. An impartial arbitrator shall be authorized to make final and binding decisions on disputed matters.

2. Arbitration shall be as expeditious as feasible and, whenever possible, should not exceed sixty (60) days from the date the arbitrator is selected to the date of the arbitrator's decision.

3. In the case of rent increase disputes:

a. The Department shall select a qualified arbitrator and shall prepare a contract to be executed by the arbitrator and park owner; and

b. The costs of the arbitrator shall be (i) paid by the park owner, and (ii) considered a reasonable operating expense within the meaning of clause (9) of Subparagraph d of this Paragraph 3 if the arbitrator approves the requested increase or any portion thereof; and

c. The arbitrator shall be authorized to examine all financial data relating to the park which is relevant to the dispute, and receive testimony (oral and written) from any affected resident of the park, the park owner or their representatives at a meeting open to all park residents affected by the proposed increase; and

d. The arbitrator shall approve such rent increase, if any at all, as is determined to be fair, just and reasonable within five days of the close of the arbitration hearing. The arbitrator's decision shall be mailed by the Department to the park owner and the affected residents or their designated representatives. In reaching that determination, the arbitrator shall consider the following factors, in addition to any other factors he or she considers relevant:

(1) Changes in the Consumer Price Index.

(2) The Voluntary Pay and Price Standards promulgated by the President of the United States or any other lawfully established state or federal government wage and price guidelines.

(3) The rent lawfully charged for comparable spaces in the County of Santa Barbara.

(4) The length of time since the last rent increase for the space or spaces specified in the rent increase proposal and the length of time necessary to receive consideration by the arbitrator.

(5) Any proposed capital improvements or rehabilitation work related to the space or spaces specified in the rent increase application, and the cost thereof, including such items as materials, labor, construction interest, permit fees and other items as the arbitrator deems appropriate.

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

(7) Changes in the rent paid by the park owner for the lease of the land on which the subject park is located.

(8) Changes in the utility charges for the subject park paid by the park owner and the extent, if any, of reimbursement from the residents.

(9) Changes in reasonable operating and maintenance expenses, including interest and other expenses relating to the acquisition of the land and improvements of the park.

- (10) The need for repairs caused by circumstances other than ordinary wear and tear.
- (11) A change in the amount and quality of services provided by the park owner to the affected

residents.

e. The arbitrator shall not consider changes in operating or other expenses caused by the park owner's refinancing of the park occurring after the date of adoption of this ordinance, except where the refinancing is both reasonable and necessary to make capital improvements to the park or is the result of prior financial commitments specific to the park becoming due.

f. The arbitrator may provide that an increase in rent or a portion of an increase in rent granted by the arbitrator 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 a reasonable profit.

E. NO ASSIGNMENT. A provision stating that the lease is not assignable to a successor of the tenant in the absence of mutual consent of the parties. (Ord. 4285, 1984.)

26.08.050 Lease Negotiation; Arbitration.

A. MANDATORY PROVISIONS. The park owner shall offer each resident a lease which contains each of the provisions specified in Section 26.08.040, except to the extent that the parties have voluntarily agreed to modify or waive any such provision. The parties shall bargain in good faith to reach agreement on the language used to express the mandatory provisions, and shall submit any dispute which remains after such bargaining to arbitration as set forth in Paragraph C. These provisions shall be identified in the lease as "mandatory provisions."

B. OPTIONAL PROVISIONS. The lease may contain any additional provisions to which the parties agree. Either party may propose inclusion of optional provisions. The parties shall bargain in good faith with respect to the inclusion of any such optional provisions and shall submit any dispute which remains after such bargaining to arbitration as set forth in Paragraph C. The arbitrator may impose on the parties any optional provisions which the arbitrator finds will render the lease reasonable, equitable and consistent with other leases commonly used in similar facilities. These provisions shall be identified in the lease as "optional provisions."

C. ARBITRATION. Any disputes arising between a park owner and resident under this Section shall be deemed submitted to arbitration upon the expiration of sixty (60) days after commencement of negotiations. Either party may request arbitration. The arbitrator shall be selected as set forth in Section 26.08.040,D. The costs of the arbitrator shall be paid by the park owner. One half of such costs shall be considered a reasonable operating expense under clause (9) of subparagraph d of Paragraph 3 of subsection D of Section 26.08.040. The arbitrator shall render a decision within thirty (30) days, and the decision shall be final and binding upon the parties. (Ord. 4285, 1984.)

26.08.060 Rent Increase Upon Transfer of Ownership.

If a space is voluntarily vacated by all the existing tenants as a result of a transfer of legal ownership of the mobilehome or recreational vehicle, and it is not removed from the space, then the rent may be increased. (Ord. 4592, 1989; Ord. 4285, 1984.)

26.08.070 Notices by Park Owner.

Within thirty days of the adoption of this ordinance, and upon the renting of each park space thereafter, a park owner shall give each resident a written statement advising the resident of the existence of this ordinance. The park owner shall also maintain a current copy of the ordinance available for review at the manager's premises or other convenient location within the park. (Ord. 4285, 1984.)

26.08.080 Enforcement.

A. RENT INCREASES. A park owner may not collect rent in excess of the rent most recently and lawfully charged for a park space until (i) a lease is executed by both parties with respect to that space, or (ii) a resident fails to execute a lease in a form approved by the arbitrator within thirty (30) days of the arbitrator's decision, which failure shall constitute a waiver by the resident of his or her rights under this Chapter.

B. COURT ORDER. Either party may bring an action in the Superior Court compelling the other party or the arbitrator to comply with the terms of this Chapter. Violation of this Chapter shall not be a misdemeanor, nor punishable by the imposition of civil penalties. (Ord. 4285, 1984.)

Chapter 26.20

REPORT OF NOTICE TO QUIT

Sections:

26.20.010 Findings and Purposes.

26.20.020 Definitions.

26.20.030 Notices to Quit.

26.20.040 Enforcement.

26.20.010 Findings and Purposes.

The City Council finds and determines that, in order to effectively study the number of notices to quit which are given to tenants in the City of Santa Barbara, it is necessary that landlords who issue a notice to quit to a tenant send a report of the notice to quit to the City. The City Council finds that the requirement for such a report would not materially affect a landlord's ability to regain possession of the leased property pursuant to California law. (Ord. 4291, 1984; Ord. 4244, 1983.)

26.20.020 Definitions.

"Landlord and rental unit," when used in this Chapter, shall be construed as defined herein. Other words and phrases used herein shall have the meaning stated elsewhere in this Code.

A. **LANDLORD.** An owner, lessor, or sublessor (including any person, firm, corporation, partnership, or other entity) who receives or is entitled to receive rent for the use of any rental unit, or the agent, representative or successor of any of the foregoing.

B. **RENTAL UNIT.** A dwelling unit, as defined in Section 28.04.210 of this Code, rented or offered for rent for living or dwelling purposes, the land and buildings appurtenant thereto, and all housing services, privileges, furnishings and facilities supplied in connection with the use or occupancy thereof, including garage and parking facilities. This term shall include a dwelling unit in a condominium or similar project. The term shall not include:

1. A dwelling unit on a lot with four or fewer dwelling units, provided one such dwelling unit is occupied by a record owner of the property.
2. A single family residential structure where there is only one such structure on the lot.
3. Housing accommodations in hotels and boarding houses, provided that at such time as an accommodation has been occupied by one or more of the same tenants for sixty (60) days or more, such accommodation shall become a rental unit subject to the provisions of this chapter.
4. A dwelling unit in a nonprofit or limited equity stock cooperative while occupied by a share-holder tenant of the stock cooperative.
5. Housing accommodations in any hospital; state licensed community care facility; convent, monastery, extended medical care facility; asylum; fraternity or sorority house; or housing accommodations owned, operated or managed by an institution of higher education, a high school, or an elementary school for occupancy by its students or teachers.
6. Housing accommodations which a governmental agency, or authority owns, operates, or manages, or as to which rental or mortgage assistance is paid pursuant to 24 C.F.R. 882 ("HUD Section 8 Federal Rent Subsidy Program") or a similar federal rental assistance program.
7. Housing accommodations operated by an organization exempt from federal income tax is under section 501(c)(3) of the Internal Revenue Code provided that the gross income derived therefrom does not constitute unrelated business income as defined in Section 512 of the Internal Revenue Code, or a nonprofit public benefit corporation under California Corporations Code Section 5110 et seq., whose principal purpose is to provide low or moderate income housing. (Ord. 4291, 1984; Ord. 4244, 1983.)

26.20.030 Notices to Quit.

Prior to or at the same time as the written notice of the landlord's intention to terminate the tenancy required by Code of Civil Procedure §1161 is served on the tenant of a rental unit, the landlord shall file with the City Clerk an executed statement in the form provided by resolution of the City Council. (Ord. 4291, 1984; Ord. 4244, 1983.)

26.20.040 Enforcement.

In any action by a landlord to recover possession of a rental unit, the tenant may raise as an affirmative defense any failure by the landlord to comply with the requirements of Section 26.20.030.

The affirmative defense provided for by this Section shall be null and void upon the execution and filing with the City Clerk of a Rental Housing Data Collection Form regarding the unit which is the subject of the action. (Ord. 4291, 1984; Ord. 4244, 1983.)

Chapter 26.30

HOUSING DISCRIMINATION

Sections:

26.30.010 Findings and Purpose.	26.30.040 Exemptions.
26.30.020 Definitions.	26.30.050 Penalties/Remedies.
26.30.030 Prohibited Activities.	
26.30.035 Occupancy Standards Permitted; Limitations.	

26.30.010 Findings and Purpose.

The City Council finds and declares that:

- A. Arbitrary discrimination in rental housing exists in the city.
- B. The existence of such discrimination poses a substantial threat to the public health and welfare of a large segment of the community.
- C. Such discrimination cuts across all racial, ethnic, and economic lines, but falls most heavily on minority and single-parent families with children.
- D. It is consistent with the Housing Element of the General Plan to promote and ensure open and free choice of housing without discrimination.
- E. Because housing is a fundamental necessity of life, it is against the public policy of the city to discriminate in rental housing on any arbitrary basis. (Ord. 4446, 1987; Formerly §9.150.010, Ord. 4268, 1984).

26.30.020 Definitions.

For the purposes of this chapter, certain terms are defined as follows:

- A. **BEDROOM.** As defined in Title 28 of this Code.
- B. **INFANT.** A child less than one year of age.
- C. **LANDLORD.** An owner, lessor, or sublessor (including any person, firm, corporation, partnership, association, trust, estate or other entity) who receives or is entitled to receive rent for the use of any rental unit, or the authorized agent, representative or successor of any of the foregoing.
- D. **MINOR CHILD.** A natural person under the age of sixteen years.
- E. **PERSON.** An individual, firm, partnership, joint venture, association, corporation, estate or trust.
- F. **RENTAL UNIT.** A dwelling unit, as defined in Section 28.04.210 of this Code, rented or offered for rent for living or dwelling purposes, the land and buildings appurtenant thereto, and all housing services, privileges, furnishings and facilities supplied in connection with the use or occupancy thereof, including garage and parking facilities. This term shall include a dwelling unit in a condominium or similar project.
- G. **SENIOR ADULT.** A person sixty-two years of age or older.
- H. **UNRUH ACT.** The Unruh Civil Rights Act, California Civil Code Sections 51 et seq., as construed by the California Supreme Court and courts of appeal. (Ord.4446, 1987; formerly §9.150.020, Ord. 4268, 1984).

26.30.030 Prohibited Activities.

It is unlawful for a person to do or attempt to do any of the following acts, where the act constitutes discrimination on a basis prohibited by the Unruh Act:

- A. Refuse to rent or lease a rental unit, refuse to negotiate for the rental or lease of a rental unit, or otherwise deny to or withhold from any person or persons a rental unit.
- B. Discriminate against any person in the terms, conditions, or privileges of the rental or lease of a rental unit, or in the provision of services, facilities or benefits in connection therewith. However, nothing in this chapter shall preclude any person from imposing reasonable restrictions on the use of common areas, facilities, and services which are necessary to protect the health and safety of a tenant.
- C. Represent to any person that a rental unit is not available for inspection, rental, or lease when such is, in fact, available.
- D. Make, print, or publish, or cause to be made, printed, or published any notice, statement, sign, advertisement, application, or contract with regard to a rental unit offered by that person that indicates any preference, limitation, or discrimination.
- E. Include in any rental agreement or lease for a rental unit, a clause or condition providing that as a condition of continued tenancy, the tenants shall remain childless or shall not bear children or otherwise not maintain a household with a person of a certain age.
- F. Refuse to rent after making a bona fide offer, or to refuse to negotiate for the rental of, or otherwise make unavailable or deny, rental unit to any person.

G. Discriminate by means of arbitrary occupancy standards. This subsection shall not prohibit enforcement of an occupancy standard in compliance with Section 26.30.035 of this Code.

I. Charge additional rent for persons living in a rental unit.

J. Discriminate by means of arbitrary income restrictions. There is a rebuttable presumption of discrimination where a landlord refuses to rent to a person who can demonstrate by prior rental history or by other means that he or she is able to pay the required rent. (Ord. 4446, 1987; formerly §9.150.030, Ord. 4268, 1984).

26.30.035 Occupancy Standards Permitted; Limitations.

It is unlawful for a person to enforce an occupancy limit unless it satisfies all of the following criteria:

A. It is uniformly imposed on all comparably-sized rental units on the premises.

B. It is conspicuously posted on the premises or contained in a written policy, rule or notice which is given to each tenant and prospective tenant.

C. Minor children are not counted in enforcing the occupancy standard, except that:

1. No provision of this chapter shall be construed to require a landlord to accept occupancy of a rental unit by more than two persons (including minor children) per bedroom; and

2. No provision of this Chapter shall be construed to authorize occupancies in violation of the floor-area standards of Section 503(b) of the Uniform Housing Code.

D. It does not apply to infants. (Ord. 4446, 1987.)

26.30.040 Exemptions.

Nothing contained in this Chapter shall apply to or be construed to apply to or affect:

A. SENIOR FACILITIES.

1. A housing project or development where the landlord has publicly established and implemented a policy of renting exclusively to senior adults and their spouses. Deviance from or abandonment of that policy shall automatically terminate this exemption and subject the owner to all the provisions of this Chapter.

2. A state-licensed residential care facility for the elderly.

B. NURSING HOMES. A state licensed nursing home, convalescent home, or community care facility.

C. OWNER-OCCUPIED UNIT. A rental unit occupied by the owner.

D. SUBLEASES. A rental unit occupied by a tenant who subleases any portion of that accommodation to another tenant.

E. GOVERNMENT HOUSING. A rental unit owned, operated or managed by a governmental agency. (Ord. 4446, 1987; formerly §9.15.0.040; Ord. 4268, 1984).

26.30.050 Penalties/Remedies.

A. CRIMINAL. A violation of this Chapter shall constitute an infraction.

B. CIVIL. Any person who violates the provisions of this Chapter shall be liable (i) to each party injured by such violation for actual damages sustained by such person, costs and reasonable attorneys' fees; and (ii) for civil penalties pursuant to §1.18.050 of this Code. In addition, the court may award punitive damages.

C. INJUNCTIVE RELIEF.

1. Any person who commits, or proposes to commit, an action in violation of this Chapter may be enjoined therefrom by any court of competent jurisdiction.

2. Any action for injunctive relief under this Chapter may be brought by the City Attorney, by an aggrieved person, by other law enforcement agencies, by the District Attorney or by any person or entity which will fairly and adequately represent the interests of the protected class. (Ord. 4446, 1987; formerly §9.150.050; Ord. 4268, 1984).

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