

RENT REVIEW BOARD

For City Clerk's Use:

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APPROVED

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DENIED

Reso No. RRB _____

File No. _____

Ord No. RRB _____

Agenda Item No.: 16

Date: April 14, 2010

TO: Honorable Chairman and Members of the Rent Review Board

FROM: Roni Keiser, Housing Division Manager

SUBJECT: Short-form Rent Increase Application for Escondido Mobilepark West

RECOMMENDATION:

- Consider the short-form rent increase application submitted for Escondido Mobilepark West Mobilehome Park.
- If approved, adopt Rent Review Board Resolution No. 2010-01 granting an increase of seventy-five percent (75%) of the change in CPI, or 2.92% (an average of \$11.60) for the period June 30, 2007, through June 30, 2009.

INTRODUCTION:

Escondido Mobilepark West Mobilehome Park ("Park") has filed a short-form rent increase application. The Board is asked to consider the application, accept the staff report, hear public testimony, and make a determination concerning the request in accordance with the Escondido Rent Protection Ordinance and the short-form procedures as outlined in the Rent Review Board Guidelines (Section 12). The application and the staff report have been made available to the Board for review and consideration prior to the hearing.

THE RENT INCREASE APPLICATION:

Mobilepark West is an all-ages Park located at 2700 E. Valley Parkway. The Park contains 314 spaces, and 214 of the spaces are subject to rent control. The Park has requested a zero increase for 13 spaces occupied by residents who are currently participating in the City of Escondido or the HUD Section 8 subsidy programs, therefore the rent increase would only affect 201 spaces in the park. Of the remaining 100 spaces, one home is occupied by the Park Manager, and the other 99 spaces are either vacant or on long-term leases. The current average space rent for the spaces affected by the increase is \$397.35.

Common facilities include a clubhouse with a kitchen, billiard room, exercise rooms, sauna, swimming pool and spa, shuffleboard court and outdoor barbecue area. The Park also has two laundry facilities, basketball court, and RV storage area with car wash facilities.

PARK OWNER'S REQUEST:

Under the short-form policy guidelines, the Park owner is requesting an increase of seventy-five percent (75%) of the change in the Consumer Price Index (CPI) covering the period of June 30, 2007, through June 30, 2009. The average increase requested is \$11.60 per space, per month, which is a 2.92% increase for the two year period.

The application meets the eligibility criteria for submittal of a short-form rent increase application. The last rent increase for the Park was granted in November of 2007 and was implemented in March of 2008. The Rent Review Board granted an increase equal to 75% of the change in the CPI for the two-year period of June 30, 2005, to June 30, 2007, for an increase of 4.67% of the base rent per space, per month.

The next previous rent increase for the Park was granted in January of 2006 for \$37.53 per space, per month via a long-form application that was submitted on August 15, 2005. The period of consideration for that application was from December 31, 1999, to June 30, 2005. Prior to the long-form application, no rent increase had been granted to Mobilepark West since 2000.

RESIDENT MEETING AND COMMENTS:

All residents subject to rent control were invited to attend a meeting in their clubhouse on March 11, 2010, at 6:00 p.m., at which time staff reviewed the short-form hearing and code inspection procedures. Mr. Chad Casenhiser, a member of the property management company and the Owner's representative, the Park manager, and the resident representative and HOA Board President, Mr. Dale Anderson, attended the meeting. In addition, there were approximately 25 residents in attendance. Among the issues raised were lighting and ponding water in the Park. The period of consideration of the change in the CPI was also a topic of conversation with some of the residents.

An additional meeting between the Park owner's representative and members of the Board (including the resident representative) took place on March 24, 2010. Various Park issues were discussed and the participants talked about the upcoming rent control hearing. Specifically, the Board members advised Mr. Casenhiser that they would accept an increase capped at 1.5% without opposition. Mr. Casenhiser stated several reasons why that would not be acceptable to the Park owner. However, Mr. Casenhiser and the Board participants were able to agree to regular, monthly meetings between Mr. Casenhiser, the on-site Park manager, and members of the Board to address on-going maintenance and management issues of the Park and to keep the lines of communication more open.

Mr. Casenhiser will address the Board at the hearing on April 14, 2010, on behalf of the Park owner. In addition, Mr. Joseph Parrish, the HOA Board Vice President will address the Board on behalf of the residents.

CODE INSPECTION REPORT:

An inspection of Park's common areas by the City's Code Enforcement Division noted several violations of the Health and Safety Code. A copy of the Code Report is attached as Exhibit "A." The applicant representative has received a copy of the report, has indicated the violations will be corrected, and is further aware that no rent increase, if any is granted, may be implemented until the Health and Safety Code violations have been cleared.

ADDITIONAL FACTORS AFFECTING THE APPLICATION:

In conformance with the Rent Review Board Guidelines, a decision of the Board granting the requested increase will be finalized by adoption of a Resolution confirming the findings of the public hearing. The Notice of Determination will be mailed to the applicant and residents immediately upon decision of the Board.

The 90-day notice of a rent increase, if granted, may be sent to the residents by the Park owner immediately upon the adoption of the Resolution. The implementation of any rent increase is further subject to clearance of all Health and Safety Code violations noted in the Code Inspection report.

STAFF RECOMMENDATION:

- Consider the short-form rent increase application submitted for Escondido Mobilepark West Mobilehome Park.
- If approved, adopt Rent Review Board Resolution No. 2010-01 granting an increase of seventy-five percent (75%) of the change in CPI, or 2.92% (an average of \$11.60) for the period June 30, 2007 through June 30, 2009.

Respectfully Submitted,



Roni Keiser
Housing Division Manager



DATE: March 25, 2010

TO: HONORABLE CHAIRMAN AND MEMBERS OF THE RENT CONTROL BOARD

FROM: LESLIE MILKS, CODE ENFORCEMENT MANAGER

SUBJECT: ESCONDIDO MOBILEPARK WEST RENT CONTROL

Escondido Mobilepark West was inspected on March 15, 2010, with the lighting inspection conducted March 16, 2010, as a result of an application for rent increase having been filed. The inspection report is attached.

The resident representative met on site with Senior Code Enforcement Officers Dan Hippert and Al Bates and provided them with the Rent Control Checklist Resident Concerns. The concerns that rose to the level of a health and safety violation were noted in the inspection report. Management was advised of the remaining concerns and they have agreed to address those issues.

There are currently no open Code Enforcement cases at the park, and there have been no cases opened in the last six months.

CC: Barbara Redlitz, Director of Community Development
Jamie Kasvikis, Rent Control Administration

Code Enforcement Division
201 North Broadway, Escondido, CA 92025
Phone: 760-839-4650 Fax: 760-432-6819

March 17, 2010

MOBILEHOME PARK RENT CONTROL
CODE ENFORCEMENT INSPECTION REPORT

Park Name: Escondido Mobilepark West
2700 E. Valley Parkway
Escondido, CA 92027

Park Management Co: Bessire & Casenhiser, Inc.
Att: Chad Casenhiser
430 S. San Dimas Ave.
San Dimas, CA 91773

Park Manager: Mike Flowers **Phone:** (760) 747-1616

Inspection Dates: 3/15/10 **Inspector:** Al Bates & Dan Hippert
3/16/10

The following report is based on an inspection of the mobile home park conducted under provisions outlined in the California Health & Safety Code, Division 13, Part 2.1; the California Code of Regulations, Title 25. This inspection report only addresses health and safety issues related to the common facilities and areas in the mobile home park for which maintenance, repair and operations is the responsibility of the owners and managers of the park.

General Violations:

1. Repair or replace the loose toilet seat in the clubhouse men's restroom. **25 CCR 1605 (a)(6)**
2. Repair the portions of lifted concrete in the walking areas to the east of the clubhouse (between the horse shoe courts and the picnic area). **25 CCR 1605(a)(6)**
3. Remove the tree stump from the lawn area to the north of the horse shoe court. **25 CCR 1605(a)(6)**
4. Repair or replace the curb and storm drain grate at the northeast corner of the common area lawn, directly across from space 280. **25 CCR 1605(a)(6)**
5. Repair or replace the concrete at the northeast corner of the car wash facility. **25 CCR 1605 (a)(6).**
6. Repair or replace the asphalt at the south end of the parking area for the west laundry room. **25 CCR 1605 (a)(6)**
7. Repair the portions of lifted concrete in the walking areas to the south of the shuffleboard court. **25 CCR 1605 (a)(6)**
8. Repair or replace the damaged concrete street gutter and/or curb at spaces 3, 46, 69, 108, 203, 249, 289, 290, 307 and 311, and between the two visitor parking areas south of the clubhouse. **25 CCR 1605 (a)(6)**
9. Repair the sunken sidewalks and/or driveways adjacent to the concrete gutters at spaces 12, 79, 82, 125, 134, 136, 157, 173, 199, 204, 210, 214, 220, 244, 245 and 284. **25 CCR 1605 (a)(6)**
10. Repair, replace or remove the wood trim along the south perimeter of the basketball court. **25 CCR 1605 (a)(6)**
11. Install concrete or paver block in dirt area at northeast entrance to the shuffleboard court. **25 CCR 1605 (a)(6)**
12. Repair or replace the portions of the flooring in the east laundry room that pose a trip hazard (near west entry door). **25 CCR 1605 (a)(6)**

13. Repair or replace the large dryer venting along the north wall of the east laundry room. **25 CCR 1605 (a)(6)**
14. Repair or replace the smoke detectors in the library, Girl Scout room, poker/card room, exercise room, billiard room and west laundry room. **25 CCR 1605 (a)(6)**
15. Repair or replace the handrail for the steps into the spa and for the pool side steps on the south side of the pool. **25 CCR 1605 (a)(6)**

Electrical Violations:

1. Replace the missing electrical cover on a receptacle in the Billiard Room. **25 CCR 1605 (d)**
2. Re-install the missing J-box cover on the fixture at the west end of the south support beam at the shuffleboard court. The fixture is approximately 8.5 feet above ground level. **25 CCR 1605 (d)**
3. 3 Replace the bond or ground wire on the pool and pump motor in the pool pump house. **25 CCR 1605 (d)**
4. Repair or replace the non working light on the support beam on the north side of the shuffleboard court. **25 CCR 1605 (d)**
5. Repair or replace the GFCI outlet in the men's restroom of the west laundry room. **25 CCR 1605 (d)**
6. Repair or replace the conduit that has separated along the west side of the pool enclosure. **25 CCR 1605(d)**

Lighting Inspection conducted on 3/16/10 per 25 CCR 1108

1. Repair or replace the non-working street lights in the following locations:
 - On the side of space 291
 - Between spaces 215 & 216
 - Between spaces 71 & 72

Escondido Mobilepark West
2010 Rent Control Inspection Report
Page 4

- Space 73
- Across from space 73
- Space 194
- Space 154
- Northeast corner of Clubhouse
- Between spaces 164 & 166

The following issues were stated in the Rent Control Inspection Checklist – Resident Comments, as part of the rent control inspection for Escondido Mobile Park West. The issues are not addressed in the rent control inspection report, as they are not violations of the health and safety provisions of California Code of Regulations, Title 25, but were discussed with Mr. Dale Anderson, the park's resident representative, on the day of the inspection.

Standing water in three locations in the park.

While there was evidence of possible standing water in these locations (staining, some cracked pavement), there was no standing water during the time of the inspection. This information was provided to the park manager during the inspection for investigation as conditions warrant.

Space numbers on mailboxes and curbs

Each space within the park was identified by having the space number stenciled in a contrasting color on the curb in front of the home. The resident representative stated that the Mobilehome Residency Law (MRL) requires that the space numbers be posted, however, enforcement of the MRL is through civil action between residents and park ownership/management, and not addressed in this inspection.

Fence all around park

All common areas within the park were inspected during this inspection. The park perimeter fencing is not a common area, and therefore was not included in the inspection report. The park manager said that he will be repairing or replacing portions of the fence that are damaged as the need arises, and the resident representative agreed that this was an acceptable solution.

Windows screwed shut in public rooms in the clubhouse area

During the inspection, it was found that the sliding windows in the public rooms have been screwed shut. Both the park manager and the resident representative agreed that this has been done to keep the windows from being removed by vandals. The resident representative felt that this may be a safety hazard. The inspection revealed that all required ingress and egress options were available and operating, and the secured windows did not pose a safety hazard.

Emergency information signs too small and not enough

All required signs were checked during the inspection, and were found to contain the appropriate and required information. Signs were posted in public locations (at the door to the park office and in the clubhouse. 25 CCR 1122 does not require a specific number of signs, nor does it state that the signs must be of a specific size. The signs were found to be in compliance.

All water drains need repair

All storm drains in the park were inspected during the inspection, and those in need of repair were noted in the report. The resident representative was

concerned with the amount of water left standing after a heavy rain. The park manager said he would monitor each drain during rainy periods to ensure that water was effectively carried away by the drains.

Walkways, curbs and driveways throughout the park in need of repair

All curbs, walkways and driveways were inspected during the inspection. In several locations, it appeared that some walkways had been lifted above the level of the curb. These locations were noted, and the condition was reviewed by the City's Building Official. Because the lifted areas were located directly adjacent to the curb, it was determined that the height differential was similar to normal height differentials in curbs throughout the public areas, and did not pose a hazard. Any curbs or driveways that were lower than the curb were identified as hazards, and were noted in the inspection report. All lifted walkways not adjacent to curbs were also noted in the inspection report as requiring repair or replacement.

City of Escondido
Code Enforcement Division
201 N. Broadway
Escondido, CA 92025
(760) 839-4650

RENT CONTROL INSPECTION CHECKLIST RESIDENT COMMENTS

Responsible person: There shall be a person available who shall be responsible for the operation and maintenance of the mobile home park. The person or designee shall reside in parks of 50 units or more, and shall have knowledge of emergency procedures of the park facilities.

MIKE FLOWERS, RESIDENT MANAGER

Rubbish, accumulation of waste material: The park shall be kept clean and free of the accumulation of refuse, garbage, rubbish, excessive dust or debris.

Drainage: The park common areas and roadways shall be graded and sloped to provide storm drainage runoff. Standing water should evaporate within 72 hours.

STANDING WATER 196-197, 251, 214,

Building and park lighting: During hours of darkness, artificial lighting shall be maintained in accordance with requirements of Title 25.

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Lot address identification: Each lot shall be identified by letters, numbers or a street address mounted in a conspicuous place facing the roadway.

SPACE #1'S ON MAILBOXES + CURBS (NOT MOUNTED)

Permanent park buildings: Park buildings, structures and facilities shall be maintained free from hazards.

FENCE ALL AROUND PARK
WINDOWS PAINTED OR SCREWED SHUT, STEPS GOING NORTH FROM shuffleboard area,
NOT OPEN DRAINING REGULAR HOUSES LIBRARY, CARD ROOM,
CLUB HOUSE, N. SIDE PARKING AREA CURB.
LOT'S OF CEMENT RAZED UP 11 PLACES ON WALKWAY AROUND TRACK
COMMON AREA. TREE STUMP NORTH SIDE, BASKETBALL COURT WOOD
AROUND IS SPLINTED

Emergency information: Emergency information is to be printed and posted in a conspicuous location and shall contain the following telephone numbers/information:

Fire Department
Police Department
Park office
Responsible person for operation and maintenance
Code Enforcement
Park location – address
Nearest public telephone

SIGNS TOO SMALL + NOT ENOUGH

Other questions, comments or concerns:

See attached letter PAGE # 5 To RES REP
RC form.doc

**MOBILEPARK WEST NOTES FOR RENT CONTROL INSPECTION CHECKLIST
RESIDENT COMMENTS**

1. All water drains need repair.
2. Most of the curbs with in the park need repair.
3. The following spaces have their walkway, curb or drive way in need of repair.
203, 199, 191, 190, 182, 181, 62, 215, 237, 290, 287, 285, 284, 276, 168, 167,
161, 160, 3, 307, 310, 301, 321, 22, 27, 30, 36, 67, 65, 63, 61, 62, 59, 54, 47, 46,
43, 42, 41, 39, 38, 37, 36, 35, 287, 155, 148, 150, 152, 164, 146, 175, 173, 170
side yard, 268, 260, 262, 264, 265, 254, 256, 243, 244, 245, 246, 249, 251, 227,
213, 210, 209, 204, 69, 74, 76, 78, 79, 80, 82, 88, 91, 96, 100, 106, 108, 122, 125,
126, 227, 129, 132, 133, 134, 135, 136 and 156.

RESOLUTION NO. RRB 2010-01

A RESOLUTION OF THE ESCONDIDO
MOBILEHOME RENT REVIEW BOARD
MAKING FINDINGS AND GRANTING A
RENT INCREASE FOR ESCONDIDO
MOBILEPARK WEST MOBILEHOME PARK

WHEREAS, Article V of Chapter 29 of the Escondido Municipal Code is a codification of the Escondido Mobilehome Rent Protection Ordinance ("Ordinance") and provides for mobilehome space rent regulation; and

WHEREAS, the City of Escondido Mobilehome Park Rental Review Board ("Board") is charged with the responsibility of considering applications for rent increases; and

WHEREAS, a short-form rent increase application pursuant to Section 12 of the Rent Review Board Guidelines was filed on January 26, 2010, by Chad Casenhiser, the Owner's representative of Escondido Mobilepark West Mobilehome Park ("Park"), located at 2700 E. Valley Parkway in Escondido. The short-form rent increase applies to 201 of the 314 spaces; and

WHEREAS, this is the eighth rent increase application filed by the Park since the Ordinance became effective in 1988. The last short-form rent increase of 4.67%, or approximately \$18.53 per space, per month, was granted at a Rent Review Board Hearing held on November 28, 2007, and formally adopted by Rent Review Board Resolution 2007-08; and

WHEREAS, at the time of the current short-form rent increase application, the average monthly space rent was \$397.35 for the 201 spaces subject to the rent

increase. The owner requested a rent increase in the amount of seventy-five percent (75%) of the change in the Consumer Price Index (CPI) for the period June 30, 2007, through June 30, 2009, in accordance with the Rent Review Board short-form policy guidelines. The short-form rent increase application estimated this amount to be an increase of 2.92% per space, per month (an average of \$11.60 per space, per month); and

WHEREAS, a notice of the Park's Short-form Rent Increase Application was sent to all affected homeowners. All parties were given notice of the time, date, and place of the rent hearing before the Board; and

WHEREAS, on March 25, 2010, a Mobilehome Park Rent Review Code Enforcement Inspection Report ("Inspection Report") was completed and it noted health and safety code violations in the Park; and

WHEREAS, on April 14, 2010, the Board held its public hearing and after an initial staff presentation, the Board invited testimony from the Park owner's representative, residents of the Park, and other residents of the community at large; and

WHEREAS, after all present had been given an opportunity to speak, the hearing was closed. Following an opportunity for discussion among the Board members and clarifying questions to the parties and Staff, the Board voted to grant an increase of 2.92%, an average of \$11.60 per space, per month, for the 201 spaces which are subject to a rent increase.

NOW, THEREFORE, BE IT RESOLVED by the Rent Review Board of the City of Escondido, as follows:

1. That the above recitations are true.
 2. That the Board has heard and considered all of the reports and testimony presented, and has considered the facts as outlined in the short-form Guidelines ("Guidelines").
 3. That following the Guidelines, an increase based on seventy-five percent (75%) of the change in the CPI for San Diego County from June 30, 2007, through June 30, 2009, would amount to 2.92%, which averages \$11.60 per space, per month, for the 201 spaces that are subject to a rent increase.
 4. That the Board concluded that an increase of 2.92% is consistent with the Guidelines, and is fair, just, and a reasonable increase in light of the information presented by all parties.
 5. That the short-form rent increase may not be implemented until after the health and safety code violations noted in the Inspection Report have been corrected, signed off, and are in compliance with the various state and local code sections as noted in the Inspection Report.
 6. That the short-form rent increase may be implemented upon the expiration of the required 90-day notice to the residents, which may be issued upon the adoption of this Resolution.
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