

RENT REVIEW BOARD

For City Clerk's Use:

☐ **APPROVED** ☐ **DENIED**

Reso No. RRB _____ File No. _____

Ord No. RRB _____

Agenda Item No.: 9

Date: May 25, 2011

TO: Honorable Chairman and Members of the Rent Review Board

FROM: Roni Keiser, Housing Division Manager

SUBJECT: Short-form Rent Increase Application for Westwinds Mobilehome Park

RECOMMENDATION:

- Consider the short-form rent increase application submitted by Westwinds Mobilehome Park.
- If approved, adopt Rent Review Board Resolution No. 2011-03 granting an increase of seventy-five percent (75%) of the change in the Consumer Price Index, or .932% (an average of \$3.32) for the period of December 31, 2009, to December 31, 2010.

INTRODUCTION:

Westwinds Mobilehome Park ("Park") has filed a short-form rent increase application. The Board is asked to 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. 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:

Westwinds Mobilehome Park is an all-age park located at 1415 S. Pine Street and has a total of 65 spaces. There are 13 spaces subject to rent control, and the Park is requesting an increase for the 13 rent controlled spaces. The other spaces not included in this application are on long-term leases, occupied as rentals or are vacant. The amenities available for the residents include a furnished clubhouse with a kitchen, a pool, and laundry facilities.

The application meets all the eligibility criteria for submittal of a short-form rent increase application.

PARK OWNER'S REQUEST:

The Park is requesting an increase of 75% of the change in Consumer Price Index for the period of December 31, 2009, to December 31, 2010. Seventy-five percent of the change in the CPI for the period of consideration is .932%. The average monthly rent for the residents that are affected by this application is \$355.84. The average monthly increase requested for each of the 13 spaces is \$3.32 per space, per month.

This is the fourteenth rent increase request filed by this Park since the Ordinance was implemented. The last increase was granted in 2010 for an average amount of \$1.49, per space, per month.

RESIDENT MEETING AND COMMENTS:

A resident meeting was held in the Park's clubhouse on April 20, 2011. The meeting was attended by the Property Manager, Jim Younce, the resident representative, Faith Crouse, Code Enforcement Officer, Sandra Moore and consultant, Michelle Henderson. Ms. Crouse stated that the residents had not expressed any issues or concerns to her prior to the meeting, and she did not have any health and safety code issues to be addressed.

Westwinds has five residents participating in the City of Escondido Rent Subsidy Program.

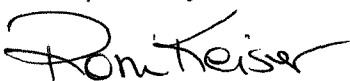
CODE ENFORCEMENT INSPECTION:

An inspection of the common areas of the Park by the Code Enforcement Division of the City noted some violations of the Health and Safety Code. A copy of the Code Report ("Report") is attached as "Exhibit A." The Owner, resident Manager, and resident representative received a copy of the Report, and were made aware that no rent increase, if granted, may be implemented until the Health and Safety Code violations have been cleared.

ADDITIONAL FACTORS AFFECTING THE APPLICATION:

The decision of the Rent Review Board will be finalized by adoption of the Resolution confirming the findings of the Public Hearing. The Notice of Determination will be mailed to the applicant and residents immediately upon adoption of the Resolution. The Park owner may send the 90-day notice of any rent increase granted to the residents upon the adoption of the Resolution.

Respectfully Submitted,




Roni Keiser
Housing Division Manager



DATE: APRIL 28, 2011

TO: HONORABLE CHAIRMAN AND MEMBERS OF THE RENT CONTROL BOARD

FROM: BRIAN GUSTAFSON, CODE ENFORCEMENT MANAGER 

SUBJECT: WESTWINDS MOBILEHOME PARK RENT CONTROL

Westwinds Mobilehome Park was inspected on April 28, 2011, with the lighting inspection conducted that morning. This inspection was a result of an application for a rent increase having been filed. Three violations were found and noted in the attached inspection report.

The resident representative for the park was contacted and was the only resident who attended the resident meeting on April 20, 2011. She advised there were no health and safety concerns and said she had received no complaints from any of the park's residents.

There were two cases in this park in the past year, both concerning property issues on specific spaces that are the responsibility of the residents.

CC: Barbara Redlitz, Director of Community Development
Michelle Henderson, Rent Control Administration

April 28, 2011

MOBILEHOME PARK RENT CONTROL
CODE ENFORCEMENT INSPECTION REPORT

Park Name: Westwinds Mobile Home Park

Park Owner: Westwinds Mobile Home Park LLC
c/o Thomsen Properties
301 E. 17th Street, #208
Costa Mesa, CA 92627

Park Manager: Jim Younce

Phone: (760) 740-0743

Inspection Date: 04/26/11

Inspector(s): S. Moore

The following report is based on the 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; the Escondido Zoning Code, Article 45; and the Escondido Municipal Code. This inspection report only addresses health and safety issues that are related to areas for which maintenance, repair and operations is the responsibility of the owners and managers of the park.

General Violations:

1. Install a protective covering such as conduit around the exposed electrical wiring at the top of the light fixture near the laundry room building. **25 CCR 1605 (d) (1)**
2. Repair the walkway near the trash bins and laundry room and repair cracks in asphalt of roadways where necessary. **25 CCR 1102 (a)**

3. Inspector not able to visually verify bonding conductor from pool steel to pump motor. Have licensed and qualified electrician check for continuity from pool steel to pump motor location. Schedule inspection with electrician present to witness test performed on bond wire connection system. **25 CCR 1162, 25 CCR 1188 (b), 25 CCR 1605 (d) (1)**, per NEC, 2010 Edition, Article 250 and Article 680.

**Areas of the park needing illumination per 25 CCR 1108
(Lighting Inspection; 04-28-11)**

No lighting violations were found.

MOBILEHOME PARK RENT REVIEW

RESIDENT REPRESENTATIVE REPORT FORM

Park Name: Westwind MHP

Date of Inspection:

Resident Representative Faith Crouse, 8 Tahiti Dr.

This park will be inspected as a result of an application having been filed for a rent increase. The Code Enforcement Division will base their inspection under provisions outlined in the California Health and Safety Code, Division 13, Part 2.1; California Code of Regulations – Title 25, the Escondido Zoning Code, Article XLV; and the Escondido Municipal Code, Section 6-480 Property Maintenance.

The report compiled by the Code Enforcement Division will address the health and safety issues related to the common areas of the mobile home park and those items for which the repair and maintenance is the responsibility of the owners and managers of the park. The attached list is to assist you and the residents in noting your current concerns so that they can be addressed as part of the process.

At the time of the inspections, each item on this list will be discussed with the participants. If it is a violation of Title 25 it will be made part of the Inspection Report.

Occasionally there are no concerns noted by park residents. If that is the case, we ask that you check the appropriate statement below, sign the form and return it to the Code Enforcement Division.

☒ The residents have expressed no specific concerns or issues at this time.

☐ The residents have expressed the specific issues and concerns that are noted on the accompanying pages of this report.

Faith Crouse
Print Name of Resident Representative

4-20-2011
Date

Faith Crouse
Signature

8 Tahiti 760/740-8572
Space # / Phone Number

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.

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.

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

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

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

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

Other questions, comments or concerns:

RESOLUTION NO. RRB 2011-03

A RESOLUTION OF THE ESCONDIDO
MOBILEHOME RENT REVIEW BOARD
MAKING FINDINGS AND GRANTING A
RENT INCREASE FOR WESTWINDS
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 March 30, 2011, by Bart Thomsen, the owner of the rental spaces in Westwinds Mobilehome Park, located at 1415 S. Pine Street in Escondido; and

WHEREAS, this is the fourteenth rent increase application filed by the Park since the Ordinance became effective in 1988. The last rent increase was granted by the Rent Review Board Resolution 2010-02 on May 26, 2010, for an increase of .455%, or approximately \$1.49 per space, per month; and

WHEREAS, at the time of the current application, the average monthly rent per space was \$355.84 for 13 spaces subject to the rent increase. The owner requested a rent increase in the amount of 75% of the change in the Consumer Price Index (CPI) for the period December 31, 2009, through December 31, 2010, in accordance with the

Rent Review Board short-form policy guidelines. The application estimated this amount to be an average of \$3.32 (an increase of .932%) per space, per month; and

WHEREAS, a notice of the Park's 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 April 28, 2011, a Mobilehome Park Rent Review Code Enforcement Inspection Report ("Inspection Report") was completed. It noted Health and Safety Code violations in the Park; and

WHEREAS, on May 25, 2011, the Board held its public hearing. After an initial staff presentation, the Board invited testimony from Park ownership, 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 average rent increase of \$3.32 per space, per month, for the 13 spaces which are subject to the 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 75% of the change in

the Consumer Price Index (CPI) for San Diego County from December 31, 2009, through December 31, 2010, amounts to an increase of .932%, which averages \$3.32 per space, per month, for the 13 spaces that are subject to the rent increase.

4. That the Board concluded an increase of \$3.32 per space, per month, 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 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.

6. That the 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.