ESCONDIDO
City of Choice

RENT REVIEW BOARD

For City Clerk's Use:
☐ APPROVED ☐ DENIED
Reso No. RRB _____ File No. _____
Ord No. RRB _____

Agenda Item No.: 13
Date: May 23, 2012

TO: Honorable Chairman and Members of the Rent Review Board

FROM: Jerry Van Leeuwen, Director of Community Services

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. 2012-04 granting an increase of seventy-five percent (75%) of the change in the Consumer Price Index, or 2.031% (an average of $7.81) for the period of December 31, 2010 to December 31, 2011.

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, 2010, to December 31, 2011. Seventy-five percent of the change in the CPI for the period of consideration is 2.031%. The average monthly rent for the residents that are affected by this application is $384.41. The average monthly increase requested for each of the 13 spaces is $7.81 per space, per month.

This is the fifteenth rent increase request filed by this Park since the Ordinance was implemented. The last increase was granted in May, 2011 for an average amount of $3.32, per space, per month.

RESIDENT MEETING AND COMMENTS:

Individual notices were sent to each affected resident notifying them of the increase application and the hearing date. Additionally, a resident meeting was held in the Park's clubhouse on April 24, 2012. The meeting, coordinated by Karen Youel. was attended by the Property Manager, Jim Younce, the resident representative, Faith Crouse, and Code Enforcement Officer, Sandra Moore. 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.

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:

In conformance with the Rent Review Board Guidelines, the decision of the 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,

Jerry Van Leeuwen
Director of Community Services

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EXHIBIT "A"

May 3, 2012

MOBILEHOME PARK RENT CONTROL
CODE ENFORCEMENT INSPECTION REPORT

Park Name: Westwinds Mobile Home Park

Park Owner: Bart Thomsen
301 E. 17th Street, #208
Costa Mesa, CA 92627

Park Manager: Jim Younce **Phone:** (760) 740-0743

Inspection Date: 05/02/12 **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 and the California Building Code (CBC), 2010 Edition. 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. Remove the trash and discarded items near the trash bins. **25 CCR 1120 (b)**

2. Determine the cause of the dampness/musty odor inside the storage closet in the clubhouse, then have the moisture removed and make repairs where necessary. **25 CCR 1605 (a) (6), 25 CCR 1605 (i)**

3. Remove the stored materials next to the water heater inside the electric meter room, outside the clubhouse. **25 CCR 1246 (b) per CPC, 2010 Ed., 502.6 & 505.3**

4. Repair the loose electrical outlet on the west exterior wall of the clubhouse building near the laundry room. **25 CCR 1132, 25 CCR 1605 (a) (6)**

Areas of the park needing illumination per 25 CCR 1108
(Lighting Inspection: 05-03-12)

Although the lighting in the park was found to be generally sufficient and lighting levels were within the minimum requirements for illumination, the inspection revealed the following: The light fixture adjacent to 1 Jamaica Ln. is inoperable. The light fixture adjacent to 6 Tahiti Dr. is functioning improperly (light flashes or shuts off). The light fixture adjacent to 7 Bahama Dr. is partially obscured from view by tree branches.

Make necessary corrections to the above to improve overall lighting within the park.

MOBILEHOME PARK RENT REVIEW

RESIDENT REPRESENTATIVE REPORT FORM

Park Name Westwinds MHP

Date of Inspection _____

Resident Representative Faith Crouse

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

Faith Crouse
Signature

April 24, 2012
Date

8 Tahiti Dr, 760/740-8572
cell 760/877-9543
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.

Satisfactory

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

Satisfactory

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

Satisfactory

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

Satisfactory

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

excellent

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

excellent

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

excellent

Other questions, comments or concerns:

Good co-operation between management and residents.

Agenda Item No.: 13
Date: May 23, 2012

RESOLUTION NO. RRB 2012-04

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 26, 2012, 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 fifteenth 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 2011-03 on May 25, 2011, for an increase of 0.932%, or approximately $3.32 per space, per month; and

WHEREAS, at the time of the current application, the average monthly rent per space was $384.41 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, 2010, through December 31, 2011, in accordance with the

Rent Review Board short-form policy guidelines. The application estimated this amount to be an average of $7.81 (an increase of 2.031%) 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 May 2, 2012, 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 23, 2012, 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 $7.81 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, 2010, through December 31, 2011, would amount to an increase of 2.031%, which averages $7.81 per space, per month, for the 13 spaces that are subject to the rent increase.

4. That the Board concluded that an increase of $7.81 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.