

RENT REVIEW BOARD

For City Clerk's Use:

☐ **APPROVED** ☐ **DENIED**

Reso No. RRB _____ File No. _____

Ord No. RRB _____

Agenda Item No.: 5

Date: August 15, 2012

TO: Honorable Chairman and Members of the Rent Review Board

FROM: Jerry VanLeewen, Director of Community Services

SUBJECT: Short-form Rent Increase Application for Mobile Park West

RECOMMENDATION:

- Consider the short-form rent increase application submitted for Mobile Park West Mobilehome Park.
- If approved, adopt Rent Review Board Resolution No. 2012-09 granting an increase of seventy-five percent (75%) of the change in CPI, or 2.989% (an average of \$11.41) for the period December 31, 2009, through December 31, 2011.

INTRODUCTION:

Mobile Park 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 216 of the spaces are subject to rent control. The application requests an increase of less than the full 2.989% for 27 spaces as those space rents will reach the maximum amount that the Park will charge for those spaces. The Park has requested a zero increase for 6 spaces occupied by residents who are currently participating in the City of Escondido or the HUD Section 8 subsidy programs. Of the remaining spaces, one home is occupied by the Park Manager, and the others are either vacant or on long-term leases. The current average space rent for all spaces under rent control is \$425.34.

Common facilities include a clubhouse with a kitchen, billiard room, card room, library, arts and crafts room, exercise room, swimming pool and space and a barbeque area. The Park also has two laundry facilities, two RV storage areas and a car wash facility.

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 December 31, 2009, through December 31, 2011. The average increase requested is \$11.41 per space, per month, which is a 2.989% 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 August of 2010. The Rent Review Board granted an increase equal to 75% of the change in the CPI for the two-year period of June 30, 2007, to June 30, 2009, for an increase of 2.92% of the base rent per space, per month.

RESIDENT MEETING AND COMMENTS:

Residents of Mobile Park West were invited to attend a meeting in their clubhouse on July 10, 2012, at 6:00 p.m., at which time staff reviewed the short-form hearing and code inspection procedures. Chad Casenhiser, the Owner's representative, the Park manager, and the resident co-representatives Don Greene and Joe McCoy (HOA Board President), attended the meeting. In addition, there were approximately 41 residents in attendance. Among the issues raised were the conditions of driveways and tree root damage, the community pool, lighting and mailboxes and recent water shut-offs. Non-physical issues included: security and the patrol company, park emergency contact information and the lack of response from the police, slow response of park staff especially on weekends, office hours, selective enforcement of the rules, minors not obeying the rules of the park, vandalism in common areas, monitor/lifeguard for the pool, level of general maintenance/cleaning, towing of cars parked on the streets, speeding in the park, and plans for the old shuffleboard court. The residents also discussed the possibility of creating a neighborhood watch.

Additional meetings between the Park owner's representative and the resident representatives began on July 19th. To discuss Park issues and the upcoming rent control hearing. Specific items discussed included implementing a driveway replacement schedule and a tree root program, replacement of fencing behind the western laundry facility and RV storage area, and additional staffing for maintenance/cleaning. Negotiations between Park management and residents have produced positive results. Mr. Casenhiser and Mr. Greene will address the Board at the hearing on August 15, 2012 regarding the status of these negotiations.

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:

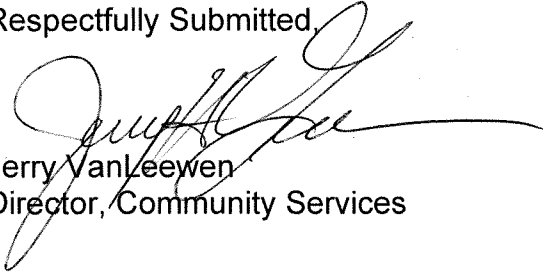
In conformance with the Rent Review Board Guidelines, a decision of the Board granting the requested increase will be finalized by adoption of a Resolution confirming the findings of the public hearing. The Notice of Determination will be mailed to the applicant and residents immediately upon decision 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 Mobile Park 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 2.989% (an average of \$11.41) for the period December 31, 2009 through December 31, 2011.

Respectfully Submitted,




Jerry VanLeewen
Director, Community Services



DATE: July 24, 2012

TO: HONORABLE CHAIRMAN AND MEMBERS OF THE RENT CONTROL BOARD

FROM: BRIAN GUSTAFSON, CODE ENFORCEMENT MANAGER 

SUBJECT: MOBILE PARK WEST

Mobile Park West was inspected on July 23, 2012, with the lighting inspection conducted the morning of July 19, 2012, as a result of an application for rent increase having been filed. There were ten general violations found during the park inspection and two violations found during the lighting inspection which are noted in the attached report.

A resident meeting was held on July 10, 2012, attended by 41 residents, Chad Casenhiser (management company representative) and Mike Flowers (on-site manager).

There were no Code Enforcement cases opened during the past year.

CC: Barbara Redlitz, Director of Community Development
Karen Youel, Rent Control Administration



July 24, 2012

MOBILEHOME PARK RENT CONTROL
CODE ENFORCEMENT INSPECTION REPORT

Park Name: Escondido Mobile Park West

Park Owner: CEJ Management LLC
99 Pacific St., Bldg. 375-E
Monterey, CA 93940

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

Inspection Date: 07/23/12 **Inspector:** S. Moore/D. Hippert

The following report is based on the inspection of the mobile home park conducted under provisions outlined in the California Code of Regulations, Title 25, Division I, Chapter 2 and the Escondido Zoning Code, Article 45. 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. Repair/replace the broken panel behind the clothes dryer in the east laundry building. **25 CCR 1605 (f)**
2. Re-seal the base of the toilet and repair the leaky sink faucet in the bathroom of the east laundry building. Repair the loose sink faucets in both the east and west laundry buildings. **25 CCR 1605 (e)**
3. Remove the wood and debris behind the east laundry building and in the clothes line area, adjacent to the west laundry building. **25 CCR 1120 (c)**

4. Repair/replace the rain gutter/drain on the exterior roof of the west laundry building. **25 CCR 1605 (g) (2)**
5. Replace the missing electrical outlet cover in the library building. Replace the cover over the ceiling light fixture and replace the burned-out out light bulb in the recreation/craft room. Install new light bulbs in the recessed lighting fixtures in the clubhouse. Replace light fixture covers for park buildings where necessary. **25 CCR 1605 (d) (1), 25 CCR 1605 (a) (6)**
6. Repair the sliding glass door in the clubhouse and repair the loose tiles on the countertop in the billiard room. **25 CCR 1605 (a) (6), 25 CCR 1605 (g) (2)**
7. Replace the cover over the ceiling exhaust fan in the men's bathroom inside the clubhouse. **25 CCR 1605 (f) (2)**
8. Repair the loose handrails on the swimming pool and spa. **25 CCR 1608 (a) (6), 25 CCR 1608 (i)**
9. Install new handrails on the stairs located behind the clubhouse and library, which conform to current building code requirements. **25 CCR 1102 (d), 25 CCR 1605 (k)**
10. Repair the concrete drainage way adjacent to the parking lot near the office building. **25 CCR 1102 (a), 25 CCR 1116 (a)**

**Areas of the park needing illumination per 25 CCR 1108
(Lighting Inspection; 07-19-12)**

1. Repair/replace the inoperable light adjacent to spaces 221/222, and repair/replace the flickering light adjacent to spaces 314/315.
2. Trim the vegetation away from the street light fixtures adjacent to spaces 312/313 and spaces 316/317.

MOBILEHOME PARK RENT REVIEW

RESIDENT REPRESENTATIVE REPORT FORM

Park Name MOBILE PARK WEST
Date of Inspection 7/23/2012
Resident Representative DON GREENE

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.

DON GREENE
Print Name of Resident Representative

[Signature]
Signature

7/23/12
Date

760-239-9197
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.

N/A

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

THE TRASH CANS THROUGHOUT COMMON AREAS AND CLUBHOUSE ARE NOT
EMPTIED REGULARLY - INCLUDING THE DOG RUN AREA LITTER BIN CANS.

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

DRAINAGE ON STREETS IS GOOD. WATER DOES STAND FOR MORE THAN
72 HOURS AT BOTTOM OF MAIN DRAIN IN PARK. POTENTIAL VECTOR
CONTROL ISSUE.

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

*LEVEL OF LIGHTING IS ADEQUATE. SEE ATTACHMENT FOR
SPECIFIC LIGHTING ISSUES.*

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

N/A

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

SEE ATTACHED.

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

N/A

Other questions, comments or concerns:

PLEASE SEE ATTACHED.

Mobile Park West Resident Representative Report Form Addendum A

Concerns of Residents:

1. **Driveways:** Most driveways are comprised of asphalt. Many of these driveways are deteriorating with time and need either repairs or replacement. The driveways inspected by the residents and found in need of repair. The issues range from need for general repair (e.g. deterioration of the asphalt creating trip hazards at the ribbon curbing) to tree roots raising and cracking causing issues. The sample of the driveways are in the following spaces:

5, 19, 23, 284, 127, 161, 164, 263, 260, 257, 254, 191, 202, 187, 184, 92, 96, 104, 300, 305, 307, 299, 38, 48, 218, 219, 71, 188, 276, 169

2. **East Laundry Room:** The laundry room was inspected by residents and the following concerns were found:

- Debris behind building
- Electric wire for charging cart left out *ok*
- Extension cord outside of building *ok*
- Sump area for washers a trip hazard
- Leaky commode in bathroom
- Leaky faucets at both basins
- Panel behind dryer assembly exposing wires
- Broken and missing light covers on exterior lights *ok*

3. **East RV Storage Area:** The storage area was inspected by residents and the following concerns were found:

- Weeds *ok*
- Debris along back wall and in back corner *- old gates*

4. **West Laundry Room:** The laundry room was inspected by residents and the following concerns were found:

- Drain plug outside a trip hazard *ok*
- Debris in laundry hanging area
- Fencing in need of repair
- Storm drain pulling away from fascia boards
- Sump area for washers trip hazard

5. **West RV Storage Area:** The storage area was inspected by residents and the following concerns were found:

- Fence in need of repair or replacing
- Debris in back of lot *ok*

6. **Space #127:** The amount of concerns raised at Space 127 were so great that individual notes need be taken:

- Tree roots causing cracked concrete walkway
- Roots problem in backyard, causing electric pedestal to raise and foundation to crack
- Roots causing house to shift, damage to skirting evidence of this
- Liquid amber roots still producing shoots from removed tree, but did not remove the roots
- Walkway lip is raised because of roots.

7. **Park Area:** Weeds continue to be a concern in the ground cover.

8. **Clubhouse:** The residents inspected the clubhouse and found the following items:

- Back rail loose on stairs leading to rear door
- No railing on step path near new play area
- Exposed rebar protruding from ground, trip hazard
- Light cover missing in new play area (south)
- Water sprinkler valve area exposed, loose PVC pipes *work in progress*

9. **Pool Room:** Recessed lighting not working in pool room *Bill, and*
loose files on side storage cabinet

10. **Men's Bathroom:** No cover for fan assembly

11. **Main Room:**

- Cable cover pulled away from wall ✓ *ok*
- Large, flat screen tv on fire place ledge needs strapping down for earthquake and drop hazard

12. **Card Room:**

- Electric outlet pulled away from wall *ok*

13. **Pool:**

- Loose railing – north side of pool
- Loose railing – Jacuzzi
- Spa rules sign missing from Jacuzzi

14. **Library:**

- Electric plug cover missing (by door)
- Main light covers not cleaned in a while

RESOLUTION NO. RRB 2012-09

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 May 28, 2012 and amended on July 2, 2012, by Chad Casenhiser, the Owner's representative of Mobile Park West Mobilehome Park ("Park"), located at 2700 E. Valley Parkway in Escondido. The short-form rent increase applies to 216 of the 314 spaces; and

WHEREAS, this is the ninth rent increase application filed by the Park since the Ordinance became effective in 1988. The last short-form rent increase of 2.92%, or approximately \$11.60 per space, per month, was granted at a Rent Review Board Hearing held on August 28, 2010, and formally adopted by Rent Review Board Resolution 2010-01; and

WHEREAS, at the time of the current short-form rent increase application, the average monthly space rent was \$425.34 for the 216 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 December 31, 2009, through December 31, 2011, 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 2.989% per space, per month (an average of \$11.41 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 July 23, 2012, 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 August 15, 2012, 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 2.989%, an average of \$11.41 per space, per month, for the 216 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 December 31, 2009, through December 31, 2011, would amount to 2.989%, which averages \$11.41 per space, per month, for the 216 spaces that are subject to a rent increase.
4. That the Board concluded that an increase of 2.989% 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.