



County of San Mateo

Inter-Departmental Correspondence

Department: COUNTY MANAGER

File #: 16-491

Board Meeting Date: 9/12/2017

Special Notice / Hearing: None
Vote Required: Majority

To: Honorable Board of Supervisors

From: John L. Maltbie, County Manager
Peggy Jensen, Deputy County Manager

Subject: Introduction of an Ordinance Amending Chapter 1.30 of the San Mateo County Ordinance Code Regarding Mobilehome Rent Control

RECOMMENDATION:

Introduction of an ordinance amending Chapter 1.30 of the San Mateo County Ordinance Code regarding mobilehome rent control, and waive the reading of the ordinance in its entirety.

BACKGROUND:

The County's Mobilehome Rent Control Ordinance (the "Ordinance"), which was adopted in 2003 and codified at Chapter 1.30 of the County Ordinance Code, instituted rent control in mobilehome parks located within the unincorporated area of the County. The Ordinance places a cap on the amount by which a mobilehome park owner can increase rent for a mobilehome park space in any given year. The cap is pegged to the rent for the space in effect on July 1, 2003, with increases allowed no more than once each year in an amount that does not exceed 75% of the annual increase in the Consumer Price Index (CPI) for the San Francisco-Oakland-San Jose area or 5% of the existing rent, whichever is less.

In December 2015, the Board amended portions of the Ordinance, including adding an annual reporting requirement to better track ongoing compliance with the Ordinance. The Board also instructed staff to develop an education and outreach program regarding the Ordinance for both mobilehome park owners and tenants.

Thus, beginning in 2016, staff engaged in outreach efforts with both mobilehome park owners and tenants. Those efforts included preparing and circulating informational flyers, holding in-person meetings and training sessions with tenants and mobilehome park owners, and soliciting input from stakeholders, including residents and mobilehome park owners themselves as well as tenants' rights advocates and mobilehome park owners' representatives, some of whom recommended changes to the Ordinance.

In 2017, staff received the first round of reporting forms submitted by mobilehome park owners.

Through its outreach efforts and review of the annual reporting forms, staff learned that mobilehome parks in the unincorporated area are occupied by not only mobilehomes or manufactured homes as defined by Civil Code Section 798, et seq., but also by other vehicles designed or used for habitation, including camping trailers, recreational vehicles, motorhomes, slide-in campers, and travel trailers. Staff also observed that the current version of the Ordinance uses the term “mobilehome space,” but fails to define it and that this lack of definition is potentially problematic. Finally, staff faced difficulties in enforcing compliance with the annual reporting requirement.

DISCUSSION:

Given the foregoing, staff recommends that the Board adopt further amendments to the Ordinance to do the following:

1. Clarify that the definition of mobilehome home includes all structures used for habitation located on a mobilehome space within a mobilehome park;
2. Define “mobilehome space” as that term is used in the Ordinance; and
3. Clarify available audit and enforcement mechanisms that can be used to respond to a mobilehome park owner’s failure to comply with the annual reporting requirement.

In the course of staff’s community outreach regarding the Ordinance amendments, one mobilehome park resident suggested that the Ordinance should be amended to change the way maximum rent increases are calculated under the Ordinance. Specifically, she recommended that Ordinance be amended such that the date used to calculate changes in the Consumer Price Index (CPI) should be the most current published CPI rate on the date that is four months prior to the proposed date of rent increase. (Currently, annual increases in rent for all mobilehome spaces in the unincorporated area are based on the CPI index published for the month of July.) However, because this change would require mobilehome park owners to determine which index applied to each tenant every year and because it would likely result in different increases among tenants based on the applicable index, staff is not recommending the amendment to the Board.

Adopting amendments to Chapter 1.30 of the San Mateo County Ordinance Code will help to preserve affordable housing units in the County, which is consistent with the livable community shared vision goal.

FISCAL IMPACT:

There is no known fiscal impact associated with adopting this ordinance.