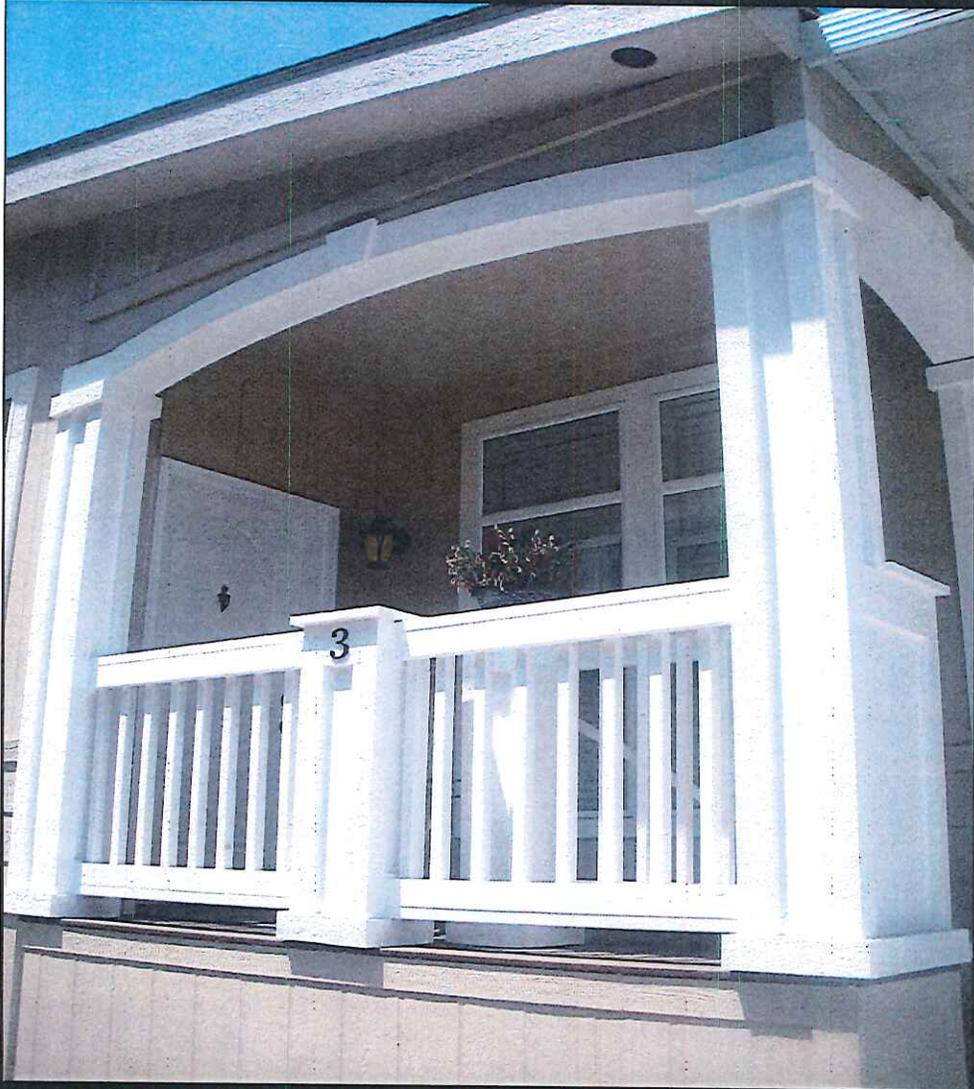
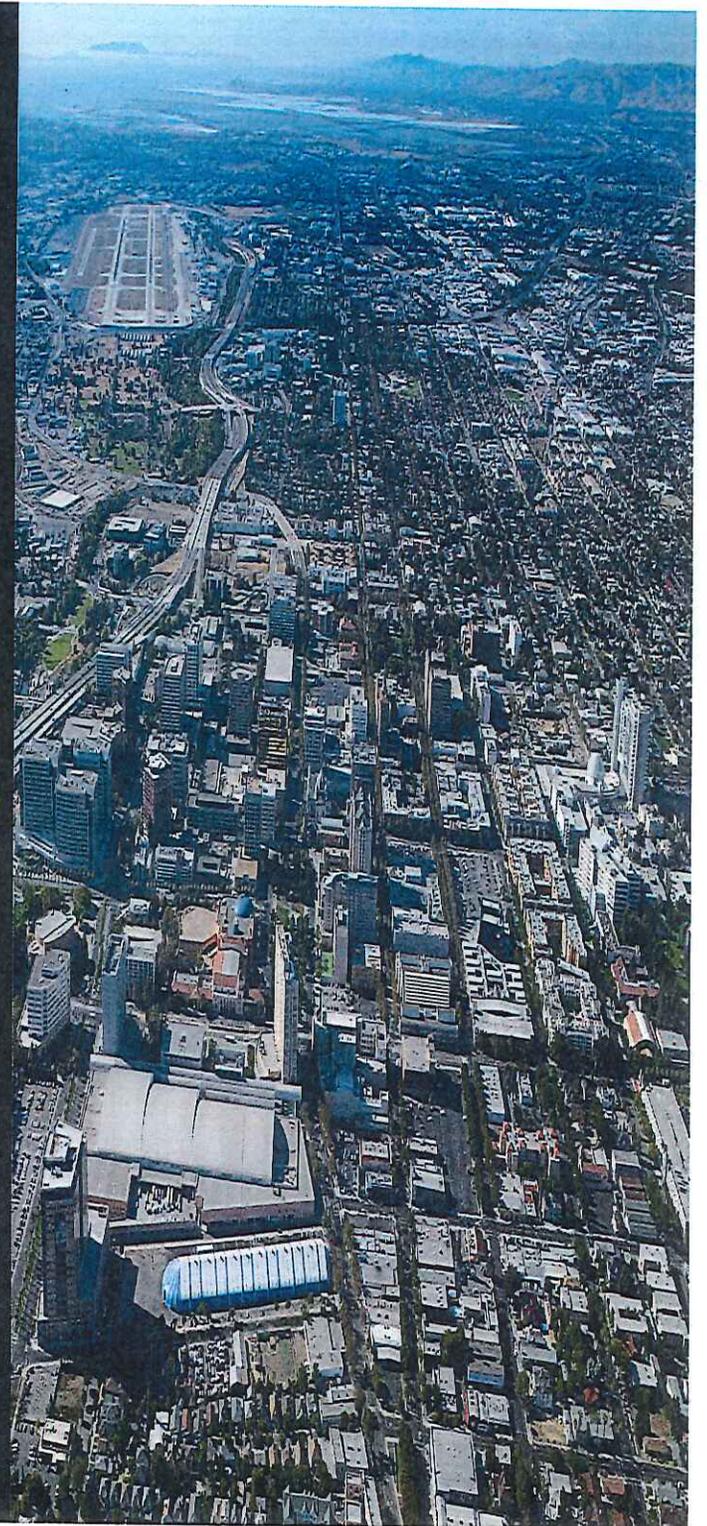


Mobilehome Resource Guide



City of San José Housing Department

The City of San José is committed to protecting housing rights of mobilehome residents and park owners through information and resource aimed at improving resident-owner relationships in the mobilehome community.



CONTENTS

Introduction.....	6
History.....	7
Administration of the Ordinance.....	8
Housing and Community Development Commission (HCDC).....	8
Mobilehome Ordinance Overview.....	9
Maximum Annual Percentage Increase (MAPI) Table.....	9
Maximum Annual Percentage Increase (MAPI) Formula.....	10
Fair Rate of Return to Mobilehome Park Owners.....	11
Filing a Petition.....	12
Hearing Process.....	13
Mobilehome Fee.....	14
Mobilehome Fee Exemptions.....	14
Mobilehome Fee Pass-Through.....	14
Ordinance Exemption.....	15
Mobilehome Park Demographics.....	16
Mobilehome Parks by City Council District Map.....	17
Frequently Asked Questions.....	18
• Mobilehome Ordinance.....	18
• Rent Control Rent Increases.....	20
• Service Reductions.....	26
Questions and Answers Outside the Ordinance.....	28
• Security Deposits.....	26
• Written Notices.....	28
• Evictions.....	30
• Retaliation.....	32
• Fair Housing.....	32
• Mediation.....	33
• Health & Safety.....	33

CONTENTS

Mobilehome Park Roster.....	38
Websites to Visit.....	42
Resource Numbers.....	44
• Emergency Services/Public Safety.....	44
• Government.....	44
• Courts.....	44
• Fair Housing.....	45
• Legal Services.....	45
• Mediation Services.....	45
• Mobilehome Advocacy Associations.....	45
• Parks.....	46
• Recreation.....	46
• Senior Services.....	46
• Youth Services.....	46
• Utilities.....	46
• Other.....	47

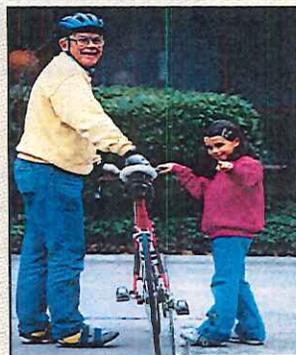
+homeowner may refer to a mobilehome owner, mobilehome resident, or a tenant—Refer to the City’s Mobilehome Ordinance for definitions.

Disclaimer: this guide is not intended to be a substitute for the Mobilehome Ordinance. The City of San José takes no responsibility for the quality of services provided by non-City agencies. The information contained in this listing is accurate as of the time of printing. If you have trouble contacting a particular service provider, please refer to a telephone book or search the Internet. For more information, visit our website at www.sjhousing.org or contact the Rental Rights & Referrals Program at 408.975.4480.



Family

&



Community



Together

Welcome to the Mobilehome Resource Guide

INTRODUCTION

The purpose of this Mobilehome Resource Guide is to provide better understanding of the function of the City of San José Mobilehome Rent Ordinance (San José Municipal Code—Chapter 17.22).



This Guide provides an overview of rent control and addresses Frequently Asked Questions (FAQs). Copies of the Mobilehome Rent Ordinance and Regulations may be obtained from:

City of San José, Housing Department
Rental Rights & Referrals Program
200 East Santa Clara Street, 12th Fl.
San José, CA, 95113-1905
Main: 408.975.4480
Mobilehome Staff: 408.975.4475
E-mail: theresa.ramos@sanjoseca.gov
www.sjhousing.org

The Mobilehome Rent Ordinance is supplemental to the STATE OF CALIFORNIA CIVIL CODE, Section 798 through 799.6 of the *Mobilehome Residency Law (MRL)* that governs mobilehome parks. Residents may request a copy this document from their park manager. Updates of the MRL are completed and made available to the Public by February 1st of each year. Homeowners who have not received a copy of the Mobilehome Residency Law should ask management to provide them with a copy or visit the website: www.leginfo.ca.gov/calaw.html, select Civil Code, and search for 798.

HISTORY

In 1979, San José City Council appointed a task force address rent issue in rental housing. In July 1979, the City Council adopted a Rent Stabilization Ordinance for both mobilehome parks and apartments. The Ordinance went into effect that year. Subsequently, the City Council created the Rental Dispute Resolution Program to administer the Ordinance. In 1985, the City Council voted to separate the Rent Stabilization Ordinance into two separate Ordinances: the Mobilehome Rent Ordinance Chapter 17.22, and the Apartment Rent Ordinance, Chapter 17.23. In 2002, the Program relocated to the Department of Housing and renamed as the Rental Rights & Referrals Program (RRR Program).



“The purpose of the Mobilehome Resource Guide is to provide a user-friendly reference of the Mobilehome Rent Ordinance and a quick reference guide to mobilehome resources.”

ADMINISTRATION OF THE ORDINANCE

HOUSING & COMMUNITY DEVELOPMENT COMMISSION (HCDC)

The RRR Program administers the Mobilehome Rent Ordinance and provides information to the Housing and Community Development Commission (HCDC).

The HCDC acts in an advisory capacity to the City Council and/or the Department of Housing. One of the functions of the thirteen (13) member Housing and Community Development Commission (HCDC) is to make recommendations to the City Council regarding rules, regulations, amendments, and/or changes that may be deemed necessary to ensure the ongoing successful operation and administration of the Mobilehome Rent Ordinance. Commissioners make recommendations to the City Council and Administration regarding staffing levels necessary to operate and maintain the mediation and administrative hearing process set forth in the Ordinance, as well as to prepare semiannual reports and proposed budgets relating to the present future operations of the RRR Program.

Section 2.08.2800 Boards, Bureaus and Commissions— The Housing and Community Development Commission (HCDC) was established in July 2013 as the successor to and continuation of the City Commissions identified in the Mobilehome Rent Ordinance-Chapter 17.22, the Apartment Rent Ordinance-Chapter 17.22 and related Regulations; and the Housing and Community Development Advisory Commission. The Commission consist of thirteen (13) members: one member of the Commission shall be a person recommended by a mobilehome park owner organization and one person recommended by mobilehome resident organization of San José; consistent with goals of the citizen participation plan; the Commission should include low-income members; and the Commission should also include members with experience related to development, lending, community development, homeless services, or federal funding.

ADMINISTRATION OF THE ORDINANCE

MOBILEHOME ORDINANCE OVERVIEW

The San José Mobilehome Rent Ordinance covers (59) fifty-nine mobilehome parks and 10,838 mobilehome lots in the City of San José. The Mobilehome Rent Ordinance allows rent increases without an Administrative Hearing when the rent increase does not exceed the Maximum Annual Percentage Increase (MAPI). The MAPI is 75% of the increase in the April San Francisco-Oakland-San José All-item Consumer Price Index (CPI) with a minimum of 3% and a maximum of 7%. The MAPI applies to all rent increases, with an effective date from October 1st through September 30th of the following year. Rent increase dates have been consolidated into one anniversary date for each park.

From 1986 through 1992, a 5% annual increase was allowed. The percentage as described above was set in 1993 at a minimum of 3% and a maximum of 7%. Refer to the *Mobilehome Rent Ordinance, Part 4, Allowable Rent Increases*.

The Maximum Annual Percentage Rent Increase (MAPI) Table is from 1993 to 2014 effective October 1st through September 30th:

MAXIMUM ANNUAL PERCENTAGE INCREASE (MAPI)	
Year	Maximum Rent Increase
1993-1999	3%
1999-2000	3.5%
2000-2001	3%
2001-2002	4.4%
2002-2014	3%

ADMINISTRATION OF THE ORDINANCE

The Mobilehome Rent Ordinance prohibits more than one rent increase in any (12) twelve-month period, for a continuous tenancy. Under the California *Mobilehome Residency Law* as well as the City of San José Mobilehome Rent Ordinance, a park owner must provide a homeowner with a (90) ninety-day rent increase notice. A park owner whose proposed rent in exceeds the MAPI must file a Petition for a Hearing with the City's RRR Program.

MAXIMUM ANNUAL PERCENTAGE INCREASE (MAPI) FORMULA

Below is the Maximum Annual Percentage Increase (MAPI) formula:

$$75\% \text{ of: } \frac{(\text{April CPI of Current Year}) - (\text{April CPI of Previous Year})}{\text{April CPI of Previous Year}}$$

Example:

$$75\% \text{ of: } \frac{(\text{April 2014 (CPI)}) - (\text{April 2013 (CPI)})}{(\text{April 2013 (CPI)})}$$

The data is from the U.S Department of Labor, Bureau of Labor Statistics at www.bls.gov. The San Francisco-Oakland-San José All-item Consumer Price Index (CPI) data statistics for April of the current year and previous year is used in the calculation. The numbers represent the index for measures of prices of goods and services purchased by the consumer for a particular month.

The MAPI is calculated at three quarters of the CPI however, the Mobilehome Rent Ordinance allows between a minimum of 3% to a maximum 7% rent increase which is determined by the City. The MAPI is from October 1st through September 30th of each year.

A City notice of the MAPI increase is distributed annually in June to all park owners/managers for posting. The current allowable rent increase may be viewed at:

www.sanjoseca.gov/index.aspx?nid=1339.

ADMINISTRATION OF THE ORDINANCE

Assume a homeowner's rent is \$500.00 a month and he/she receives a 3% Rent Increase Notice, the calculation is as follows:

$$\$500.00 + [\$500 \text{ (present rent)} \times 3 \text{ (\% increase)}] = \$515.00$$

In the example above, the homeowner's new rent is set at \$515.00 a month.

FAIR RATE OF RETURN TO MOBILEHOME PARK OWNERS

Income and expenses from 1985 are adjusted for inflation and compared to current income and expenses. *For example*, if a mobilehome park's current income, after expenses have been paid, is not as large as it was in 1985 (when adjusted for inflation), then the park owner may increase rent in excess of the Maximum Annual Percentage Increase (MAPI). However, some types of costs and expenses are not allowed. *Refer to the Mobilehome Rent ordinance, Part 4, Allowable Rent Increases.*



FILING A PETITION



Park owners requesting to increase rent in excess of the MAPI are required to file a Petition at least (95) ninety-five calendar days, but not more than (120) one hundred twenty calendar days prior to the effective date of the proposed rent increase with the RRR Program. Park owners have the burden of proof that the increase is required and must submit supporting evidence. Park owners must notify homeowners within (5) five working days of the date petition is filed. Park owners are required to make available during normal business hours a copy of the Petition along with all supporting documentation at the mobilehome park office.

The RRR Program will notify both park owners and homeowners of the date, time, and location of the hearing and the name of the Administrative Hearing Officer assigned to hear the petition within (10) ten working days of the receipt of the park owners' rent increase petition.

Mobilehome Petition must include the names and addresses of the park owners and homeowners subject to the rent increase, a statement of the proposed effective date of rent increase, and all documentation related to the proposed increase.

A park owner's failure to file a timely Petition may affect the outcome of their request. The Mobilehome Rent Ordinance has specific instructions for filing a Petition. *Refer to the Mobilehome Rent Ordinance, part 6, Landlord Rent Petition, and Chapters 17.22.700 through 17.22.720.*

HEARING PROCESS

The Hearing Process consists of a Pre-hearing Conference and an Administrative Hearing (Hearing). An Administrative Hearing (AH) Officer designated by the City conducts all Hearings. A Pre-hearing Conference is held to review submitted documentation to be presented at the Hearing, for the AH Officer to determine an agenda for the Hearing, and to allow all parties an opportunity to stipulate any uncontested matters. Any procedural determinations made at the Pre-hearing Conference are binding on all parties at the Hearing.

In Hearings, the AH Officer has the authority to hear and review all evidence and testimony presented by all parties involved. Once all evidence and testimony are given, the presiding AH Officer makes a final written decision, which is legally binding. Program staff will mail a copy of the decision to all parties. *Refer to the Mobilehome Rent Ordinance, Part 7, Administrative Hearing, from Chapter 17.22.750 through 17.22.850.*

The presiding AH Officer, the park owner and homeowners, along with their witnesses and representatives, generally may attend Administrative Hearings. Program staff may also attend for program evaluation purposes. The Petition and any retained evidence, such as audio recordings, other case materials, and copies of decisions are official public record. They may be requested by submitting a "Public Request Form" to the City of San José, Office of the City Clerk. Park owners should not demand or accept a rent increase in excess of the allowable amount of increase unless an AH Officer has authorized it. *Refer to Regulations Chapter 2, 2.01: General Rules for Conduct of Hearing and Chapter 5, Public Access to Program Records.*



MOBILEHOME FEE

MOBILEHOME FEE

The Mobilehome Rent Ordinance allows for a "Mobilehome Fee" to be imposed upon each mobilehome lot for the cost recovery of the City's administration of the Mobilehome Rent Ordinance. Visit webpage: www.sanjoseca.gov/index.aspx?NID=2675.

The Housing and Community Development Commission submits an annual fee recommendation to the City Council. Mobilehome lots covered by the "Mobilehome Fee" adopted by resolution of the City Council is final. *Refer to the Mobilehome Rent ordinance, Part 8, Fees.*

MOBILEHOME FEE EXEMPTIONS

The park owner is responsible for payment of all mobilehome lots covered by the Mobilehome Rent Ordinance on or before January 31 of each year. The park owner may pass one-half of the cost on to the homeowner. *For Example*, if the Mobilehome Fee is \$21.00 per mobilehome lot, the park owner may pass \$10.50 on to the homeowners. This Mobilehome Fee is separate from the base rent. *Refer to the Mobilehome Rent Ordinance, Chapter 17.22.920.*

Note: Other fees on the lot may be passed through. Refer to the Mobilehome Residency Law, Civil Code Section 798.49.

Mobilehome lots, not subject to the Mobilehome Rent Ordinance, are not required to pay the annual "Mobilehome Fee."

MOBILEHOME FEE PASS-THROUGH

Park owners have the "burden of proof" of providing that a mobilehome lot is exempt from the Mobilehome Rent Ordinance. Park owners wishing to claim an exemption are required to submit to the RRR Program a completed Mobilehome Fee Exemption Request Form with all required documentation. *Refer to the Mobilehome Rent Ordinance, Chapters 17.22.900 through 17.22.950.*

MOBILEHOME FEE

ORDINANCE EXEMPTION

The Mobilehome Rent Ordinance does not apply to:

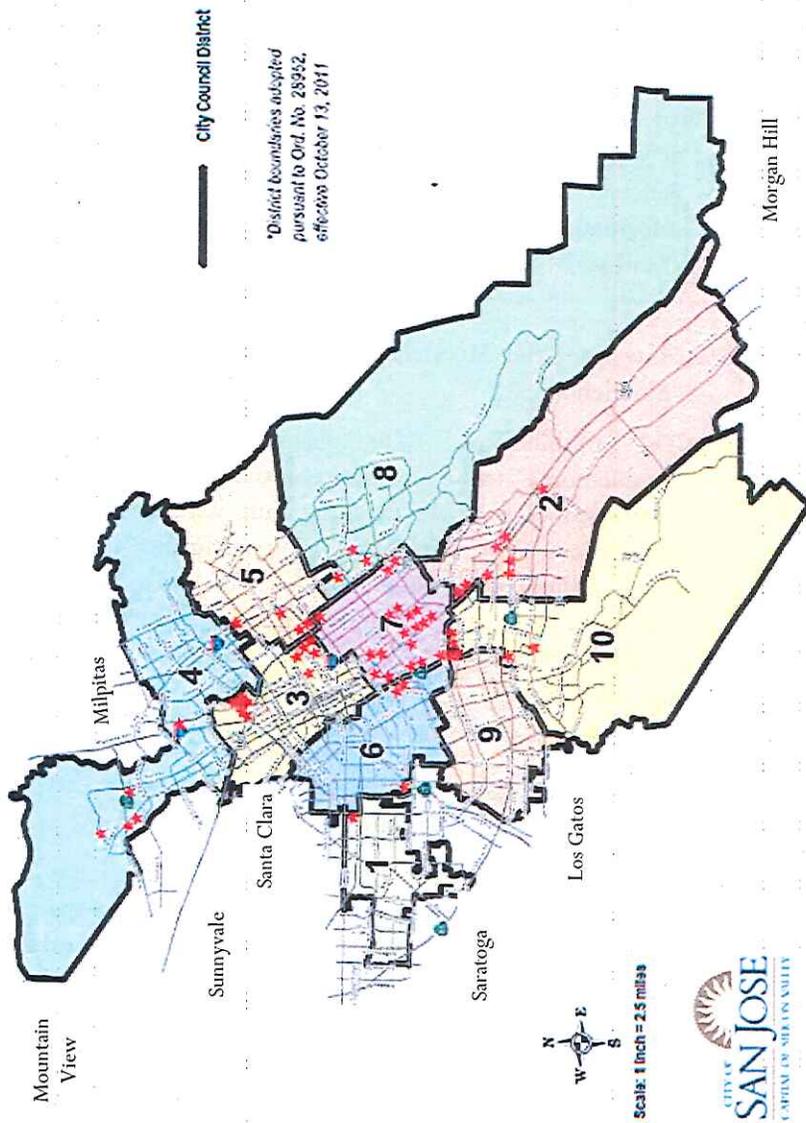
- A mobilehome lot occupied by a park owner;
- A rental lot that has plumbing, electrical, and sewage permits issued *after* September 7, 1979;
- Properties which are owned or operated by a governmental agency;
- Mobilehomes or mobilehome lots for which rent is subsidized under a Housing Assistance Program; and
- A rental agreement, voluntarily entered between management and homeowner, which meets all of the following criteria:
 - * The rental agreement was entered into on or after January 1, 1986.
 - * The term of the rental agreement is in excess of 12 months' duration.
 - * The mobilehome lot that is the subject of the rental agreement is used for personal and actual residence of the homeowner.
 - * The first paragraph of the rental agreement contains a provision notifying the homeowner that the mobilehome lot will be exempt from the Ordinance.

Note: Mobilehome lots for which permits were issued before September 7, 1979 and whose long-term rental agreement has expired are covered under the Ordinance. Refer to the mobilehome Rent Ordinance, Part 3, Exemptions.



MOBILEHOME PARK DEMOGRAPHICS

CITY OF SAN JOSE MOBILEHOME PARKS BY CITY COUNCIL DISTRICT AS OF JANUARY 2014		
District	# of Parks	# of Lots
1	1	111
2	8	1,977
3	11	1,216
4	5	1,877
5	4	298
6	3	439
7	19	3,359
8	3	505
9	2	315
10	3	741
Total	59	10,838



MOBILEHOME ORDINANCE

Question: How many I obtain a copy of the City's Mobilehome Rent Ordinance?

Answer: Visit the City of San José, Housing Department's website at www.sjhousing.org or contact the Rental Rights and Referral Program (RRRP) at 408.975.4480 for more information regarding the Mobilehome Rent Ordinance (San José Municipal Code Chapter 17.22).

Question: How does the Mobilehome Rent Ordinance define a "mobilehome?"

Answer: The Mobilehome Rent Ordinance considers a "mobilehome" to be any transportable structure that is composed of a single dwelling unit with or without foundation. The Mobilehome Rent Ordinance includes some trailers and other structures that the State of California may not require to be registered as a mobilehome. Refer to the Mobilehome Rent Ordinance Chapter 17.22.160.

Question: Are subleases of mobilehomes covered under the City's Mobilehome Rent Ordinance?

Answer: If a homeowner sublets his/her home and the home is no longer a homeowner's primary residence, the space rent is still subject to rent control if the rental agreement permits the homeowner to sublet. And the home is no longer the homeowner's primary residence, then rent control may not apply. Refer to Mobilehome Residency Law, California Civil Code Sections 798.23.5 and 798.21 for more information.

FREQUENTLY ASKED QUESTIONS

Question: How do I know if the Mobilehome Rent Ordinance covers my mobilehome?

Answer: The Mobilehome Rent Ordinance covers most mobilehomes. There are exceptions such as when mobilehome lots are permanently exempt when plumbing, electrical, and sewer permits were issued after September 7, 1979. Also, mobilehome lots may be temporarily exempt when:

- * A mobilehome lot occupied by a park owner
- * Units owned or operated by a government entity or subsidized by a Housing Assistance Payment Program
- * A homeowner has voluntarily entered into a rental agreement with a park owner where the rental agreement meets all of the following criteria:
 1. The rental agreement entered into on or after January 1, 1986;
 2. The term of the rental agreement is excess of the twelve months' duration.
 3. The mobilehome lot which is the subject of the rental agreement is used for the personal and actual residence of the homeowner; and
 4. The first paragraph of the rental agreement contains a provision notifying the homeowner that the mobilehome lot will be exempt from the Mobilehome Rent Ordinance.

The temporary exemption shall apply only for the duration of the term of the rental agreement and any uninterrupted, continuous extension thereof. If the term of the rental agreement is not extended and no new rental agreement meeting the above-stated criteria is entered into, the Ordinance provisions shall immediately become applicable to the mobilehome lot, and the last rental rate charged for the lot under the immediately preceding rental agreement shall be the rent for purposes of determining base rent under

FREQUENTLY ASKED QUESTIONS

this Mobilehome Rent Ordinance. *Refer to the Mobilehome Rent Ordinance, Chapter 17.22.370.*

RENT CONTROL RENT INCREASE

Question: What is rent increase?

Answer: A rent increase means any rent demand of or paid by a homeowner in excess of rent paid for the space lot immediately prior to such demand or payment. Rent increase includes any reduction in the monies demanded for or paid as rent. *Refer to the Mobilehome Rent Ordinance Chapter 17.22.250.*

Question: How much may rents increase?

Answer: The Mobilehome rent Ordinance allows for a rent increase without an Administrative Hearing when the rent increase does not exceed the Maximum Annual Percentage Increase (MAPI). An example of a rent increase is listed on Page 9. *Refer to the Mobilehome Rent Ordinance Chapter 17.22.155, 17.22.570, and 17.22.1070.*

Question: How often may rents increase?

Answer: Rents may be increased for a current homeowner on the rent increase anniversary date that occurs once in (12) twelve-month period. *For example:* If a homeowner moves into a mobilehome park in June and the park's anniversary for a rent increase is in October, the park owner may increase rent in October to all homeowners but must wait (12) twelve months from October to raise rents again. If the increase has not occurred in (24) twenty-four months or more, the park owner may increase the rent without an Administrative Hearings by the total number of the current and the previous year of

FREQUENTLY ASKED QUESTIONS

the “Maximum Annual Percentage Increase” (MAPI). *For Example:* If a homeowner moved in 2012 and has not had a rent increase since then, the park owner may increase the rent by 6% (MAPI for year 2013 is 3% plus MAPI for year 2014 is 3% which equals 6%) without an Administrative Hearing. *Refer to the Mobilehome Rent Ordinance Chapter 17.22.450.*

Note: The Mobilehome Residency Law, California Civil Code Section 798.30 requires that a park owner provide a homeowner with a 90 day rent increase notice.

Question: Are there exceptions to a Maximum Allowable Percentage Increase?

Answer: Yes. Rent may be increased in the following situations:

- **Post-Judgment Settlement:** A vacancy occurring pursuant to a post-judgment settlement following the termination of the homeowner in accordance with the *Mobilehome Residency Law, California Civil Code Sections 798.55 through 798.58 and section 798.60, as amended. Refer to the Mobilehome Rent Ordinance Chapter 17.22.450.D.1a.*
- **Abandonment:** An abandonment of the mobilehome as such term is defined in the *Mobilehome Residency Law, California Civil Code Section 798.61* which includes that a:
 - * Mobilehome located in a mobilehome park on a site for which no rent has been paid to management for the proceeding (60) sixty-days,
 - * Mobilehome is unoccupied,
 - * Reasonable person would believe that a mobilehome is abandoned,

FREQUENTLY ASKED QUESTIONS

* Park owner has followed the process of “Abandoned Mobilehomes” as defined in the *Mobilehome Residency Law, California Civil Code Section 798.6.1. Refer to the Mobilehome Rent Ordinance Chapter 7.22.450.D.1.b.*

- **Dealer Pull-Out:** A transaction in which a mobilehome dealer, as such term is defined in *Section 18002.6 of the Health and Safety Code*, purchases a mobilehome from a homeowner; the homeowner voluntarily terminates the tenancy; the dealer replaces the old mobilehome on the lot with a new one and pays a storage fee to the park owner; the dealer transfers the new mobilehome to a new homeowner. *Refer to the Mobilehome Rent Ordinance Chapter 17.22.135 and Chapter 17.22, Part 4 Allowable Rent Increases.*
-

Question: How much notice does management need to give before issuing a rent increase?

Answer: Management must give at least (90) ninety-day notice of a rent increase to a homeowner. *For example, if the mobilehome park's anniversary date is in July, the park owner must give notice to homeowners in April. Refer to Mobilehome Residency Law, California Civil Code Section 798.30.*



FREQUENTLY ASKED QUESTIONS

Question: If management increases rent less than 3%, may he/she increase rent again within a year?

Answer: No, the Mobilehome Rent Ordinance only allows a rent increase once in a (12) twelve-month period.

Question: May a park owner increase rent above the "Maximum Annual Percentage Increase?"

Answer: Yes, only if both of the following conditions are met:

- * A park owner has petitioned the RRR Program and has notified homeowners of an Administrative Hearing as required in the Mobilehome Rent Ordinance, and
- * An Administrative Hearing Officer has granted the park owner's request to increase the rent above the MAPI. Refer to the *Mobilehome Rent Ordinance Chapter 17.22, Part 5— Rent Increase Limitations, and Part 6— Landlord Rent Petition.*

If the park owner has not petitioned for an Administrative Hearing, the rent increase may violate the Mobilehome Rent Ordinance. Contact the RRR Program at 408.975.4480 and/or seek civil penalties through the courts. Turn to **Legal Services**, on page 45.

Question: May rent be increased when the mobilehome is sold or transferred?

Answer: No. Rent may not be increased if a mobilehome is sold on site or transferred in place and remains in the mobilehome park. Refer to the *Mobilehome Rent Ordinance Chapter 17.22.450(e)*.

FREQUENTLY ASKED QUESTIONS

Question: May rent be increased when the mobilehome is inherited?

Answer: No. If the person who inherits the mobilehome is already residing in the mobilehome park. For example, a couple who resides in a mobilehome park with a signed rental agreement, and the husband inherits a mobilehome from his deceased wife, who purchased the mobilehome prior to their marriage.

Question: Does an inheritor of a mobilehome automatically become a resident of a mobilehome park?

Answer: No. The inheritor wishing to reside in a mobilehome park must apply and qualify for residency prior to moving in to the mobilehome park.

Note: You may inherit a mobilehome, but you are not automatically entitled to become a resident in a mobilehome park.

Question: May the rent be increased when the homeowner upgrades his/her mobilehome to a new model?

Answer: No.

Question: What protection do homeowners have if a park owner tries to retaliate for exercising their rights?

Answer: A park owner may not retaliate against homeowners under the Ordinance by threatening to sue for possession of the homeowner's coach; harassing them to leave; reducing services; increasing rent; or imposing a security deposit or any other charge. Refer to *Mobilehome Rent Ordinance 17.22.200 through 17.22.2030, and Regulations, Chapter 4*. If such occur, the aggrieved party should send a written complaint to:

City of San José, Housing, Rental Rights and Referrals Program
200 East Santa Clara Street, San José, CA, 95113

FREQUENTLY ASKED QUESTIONS

SERVICE REDUCTIONS

For specific questions related to “Service Reductions” consult an attorney and/or a legal agency.

Question: What is a service reduction?

Answer: A service reduction is a decrease in basic service levels that the park owner must provide pursuant to any of the following:

- California Civil Code Section 1941.1 and 1941.2.
- The Mobilehome Residency Law 798, California Health and Safety Code Sections 18200.
- The park owner’s implied warranty of habitability.
- An express or implied agreement between the park owner and a homeowner.
- The levels of service, as implied by the condition of improvements, fixtures, and equipment, and their availability for use by the homeowner at the time of the rent increase.
- Applicable rules or regulations of the mobilehome park. *Refer to the Mobilehome Rent Ordinance Chapter 17.22.280.*

Question: If a park owner reduces service without filing a Petition for an Administrative Hearing, what are my options?

Answer: A homeowner may not petition for an Administrative Hearing. However, he/she may seek civil penalties through the courts. A park owner may be in violation of the Mobilehome Rent Ordinance. Turn to **Courts**, on page 44.



Residents Build Communities



FREQUENTLY ASKED QUESTIONS

Question: How does an Administrative Hearing Officer deal with a service reductions?

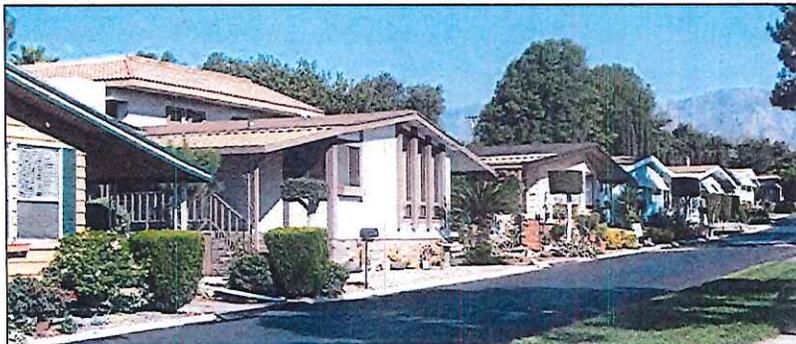
Answer: This is rare. However, an Administrative Hearing Officer decides a service reduction occurs when:

- A park owner petitions for an Administrative Hearing by an Administrative Hearing Officer to request approval for a rent increase above the maximum allowable increase.
- A homeowner files a written claim that a service reduction has occurred and provides proof of their claim.

An Administrative Hearing Officer will then determine:

- If a service reduction has occurred.
- If the service reduction is covered by the Mobilehome Rent Ordinance.
- If the service reduction occurred since the last opportunity a homeowner had to file a written claim.
- The amount of a rent decrease in order to compensate for the value of the service reduction.

Note: A homeowner must prove that a service reduction has occurred. Refer to the Mobilehome Rent Ordinance Chapter 17.22.590.



Q's & A's OUTSIDE THE ORINANCE

These are general questions. For specific questions related to "Service Reductions" consult an attorney and/or legal agency.

Question: What is a security deposit?

Answer: A security deposit is considered a payment, a fee, or a charge including, but not limited to, an advance payment of rent. It may be used for past due rent. After one year of tenancy, the homeowner may request for the return of their deposit provided that rent has been paid timely for a 12-month period. For more information regarding deposits, refer to the *Mobilehome Residency Law, 798.39*. For assistance, contact an attorney and/or a legal agency. Turn to **Legal Services**, on page 45.

WRITTEN NOTICES

Question: What is a three-day notice?

Answer: A three-day notice may be given by management to a homeowner when: 1) rent, utilities, or other charges are not paid, 2) there is destroyed or damaged property, and/or 3) there is a violation of a lease or rental agreement. A three-day notice *must* state why a homeowner is being asked to leave, and if the problem is correctable, what a homeowner must do to correct the problem. If the violation is corrected, or a park owner decides to overlook the violation and rescinds the three-day notice (preferably in writing), a homeowner may be allowed to stay. Rescinded notices should be in writing. For assistance, contact an attorney and/or a legal agency. Turn to **Legal Services**, on page 45.

Q's & A's OUTSIDE THE ORINANCE

Question: What is a seven-day notice?

Answer: A seven-day notice is generally used to immediately correct a violation from park rules and regulations. For example, a homeowner is playing loud music late at night and the park owner gives the homeowner such a notice requiring him/her to cure the violation. For assistance, contact an attorney and/or a legal agency. Turn to **Legal Services**, on page 45.

Question: What is a fourteen-day notice?

Answer: A fourteen-day notice is a provision generally stated in a lease or rental agreement that allows the park owner to give a homeowner a notice of intent to charge for space maintenance (limited to landscape and driveway areas). Such a notice *must* list the violation and the cost to remedy the violation. For assistance, contact an attorney and/or a legal agency. Turn to **Legal Services**, on page 45.

Question: What is a thirty-day termination notice?

Answer: A thirty-day termination notice does not apply to mobilehome lots. For more information, and assistance, contact an attorney and/or a legal agency. Turn to **Legal Services**, on page 45.

Question: What is a sixty-day termination notice?

Answer: A sixty-day termination notice is given to terminate a lease or rental agreement. A reason for termination *must* be stated. Such a notice is part of the "Just Cause Eviction" Process. For assistance, contact an attorney and/or a legal agency. Turn to **Legal Services**, on page 45.

Q's & A's OUTSIDE THE ORINANCE

Question: May a park owner serve a 3-day (non-payment of rent) / 60-day (termination of tenancy) notice?

Answer: Yes. Since an eviction notice typically results in a homeowner having to move or sell his/her home, **IMMEDIATELY** contact an attorney and/or a legal agency. For assistance turn to **Leal Services**, on page 45. Refer to the *Mobilehome Residency Law, California Civil Code Section 798.56*.

EVICITION

Question: What is an eviction?

Answer: An eviction is a lawsuit, also known as an "Unlawful Detainer." Since an eviction notice typically results in a homeowner having to move or sell his/her home, **IMMEDIATELY** contact an attorney and/or a legal agency for assistance. Turn to **Legal Services**, on page 45.

Question: What is the eviction process for non-payment of rent?

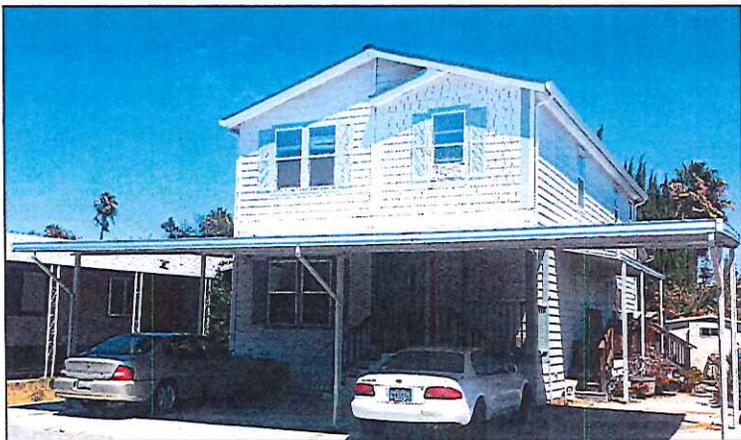
Answer: A typical eviction process is described below:

1. A park owner serves a combined 3-day notice/60-day notice to pay rent that is at least (5) five-days unpaid after its due date, or the tenancy will be terminated. If rent is not paid within the time allowed, the tenancy is terminated and the homeowner has (60) sixty-days to move or sell his/her home from the mobilehome park.
2. If the homeowner does not remove his/her mobilehome or sell it within the (60) sixty-days, the park owner may file a lawsuit in Superior Court, also known as an "Unlawful Detainer." The homeowner has only (5) five-days to respond by filing an "Answer" to the "Unlawful Detainer" in Superior Court.

Q's & A's OUTSIDE THE ORDINANCE

3. If the homeowner files an "Answer" to the "Unlawful Detainer," a hearing date in Superior Court will be scheduled. A judge will make a decision based on evidence and testimony.
4. If the judge rules against the homeowner, he/she must move his/her mobilehome. If the homeowner fails to move his/her mobilehome, the park owner may be granted a "Writ of Possession," and a sheriff will either deliver a notice to the homeowner or post it on his/her door allowing up to (5) five-days to move or sell his/her mobilehome. After the (5th) fifth-day, if the homeowner has not moved, a sheriff will physically remove the homeowner from his/her mobilehome and allow the park owner to change the locks. The park owner may also place a lien on the mobilehome.

NOTE: For more information regarding the eviction process, contact an attorney and/or a legal agency for assistance. Turn to **Legal Services**, on page 45. Refer to the *Mobilehome Residency Law*, at California Civil Code Section 798.56(e).



Q's & A's OUTSIDE THE ORDINANCE

RETALIGATION

These are general questions. For specific questions related to "Retaliation" consult an attorney and/or a legal agency.

Question: Is a resident protected against retaliation?

Answer: It is unlawful for a park owner to evict, threaten to sue for possession of a mobilehome, harass a homeowner, or arbitrarily reduce services to a homeowner because he/she exercises his/her legal right under the Mobilehome Rent Ordinance. Refer to the *Mobilehome Rent Ordinance Chapter 17.22.2010*. For more information on retaliation, contact an attorney and/or a legal agency for assistance. Turn to **Legal Services**, on page 45.

FAIR HOUSING

These are general questions. For specific questions related to "Fair Housing" consult an attorney and/or a legal agency.

Question: What is "fair housing"?

Answer: Fair housing is housing without discrimination. It is illegal to discriminate based on race, color, ancestry, national origin, religion, disability, marital status, familial status, sources of income, sexual orientation, sex, age, or any other arbitrary factor. If you believe you are victim of discrimination, you may contact a community-based organization that specializes in fair housing issues. Turn to **Fair Housing**, on page 44.

MEDIATION

These are general questions. For specific questions related to "Mediation" consult an attorney and/or a legal agency.

Question: What is "mediation"?

Answer: Mediation is a process of communication in which a neutral person assists two or more people negotiate a solution to a dispute.



Question: Who can provide mediation services?

Answer: The Santa Clara County's Dispute Resolution Program provides mediation services for homeowners and/or park owners involved in housing-related disputes. Turn to **Mediation Services**, on page 46.

HEALTH & SAFETY

These are general questions. For specific questions related to "Health & Safety" consult an attorney and/or a legal agency.

Question: Is there a State law that regulates mobilehome parks?

Answer: Yes. The State *Mobilehome Residency Law, Civil Code Section 798* regulates mobilehome parks. For information, visit: www.leginfo.ca.gov/calaw.html, select Civil Code, and search for 798.

HEALTH & SAFETY

These are general questions. For specific questions related to "Health and Safety" consult an attorney and/or a legal agency.

Question: Who inspects health and safety problems in mobilehome parks?

Answer: The State Department of Housing and Community Development (HCD) regulates code enforcement, which includes health and safety inspections. Turn to **Government**, on page 44.

Question: Who handles disputed utility billing (electrical and gas)?

Answer: State and local law regulates utility billing and prices for electrical and gas services to master metered/sub-metered parks. Notify management of such issues and contact the Public Utilities Commission and/or the County of Santa Clara, Weights and Measures.

*NOTE: The Mobilehome Residency Law allows for park owners to bill homeowners separately for these utility charges. Turn to **Utilities**, on page 46.*

Question: Who handles garbage, and/or sewer billings?

Answer: The City of San José, Recycle Plus Program handles garbage issues. For sewer issues, contact the City of San José, Public Works and notify the park owner of such issues. Turn to **Utilities**, on page 47.



Question: Who handles community pool maintenance issues at mobilehome parks?

Answer: Notify the park owner and contact the County's Environmental Health Department. Turn to **Government**, on page 44.

Question: Who handles issues regarding hazardous fallen trees?

Answer: If a tree is an Immediate hazard, there are downed power lines, or someone is injured, call 911 and notify the park owner. You may also contact the State Department of Housing and Community Development (HCD). Turn to **Government**, on page 44.

Question: Who assists homeowners with mobilehome repairs?

Answer: The City of San José provides limited funding to agencies who offer homeowners assistance for EMERGENCY repairs (i.e. a leaking roof). For more information, contact Rebuilding Together. Turn to **Housing, Shelter, & Food**, on page 45.

FEES & PASS-THROUGH

These are general questions. For specific questions related to "Fees & Pass-Through" consult an attorney and/or a legal agency.

Question: May a park owner charge a homeowner for the City of San José's Mobilehome Fee?

Answer: Yes. The Mobilehome Rent Ordinance allows for a Mobilehome Fee. The fee is collected once a year from the park owner. The fee amount for 2013-2014 is \$21.00 and one-half (\$10.50) of the Fees may be passed on to a homeowner.

Question: May a park owner charge a homeowner for the annual Housing and Community Development (HCD) Inspection Fee?

Answer: Yes. State law allows for an Inspection Fee to support State health and safety inspections. The annual Fee amount is \$4.00 and \$2.00 may be passed to a homeowner. For more information, contact the State Department of Housing and Community Development (HCD). Turn to **Government**, on page 44.

Question: May management charge a homeowner for the annual Utility charges?

Answer: Yes. The *Mobilehome Residency Law, Section 798.41* allows a park owner to pass through to a homeowner certain utility charges such as sewer, trash collection, and cable T.V. provided that certain conditions are met. Contact the park owner for information.

Q's & A's OUTSIDE THE ORINANCE

Question: May a park owner charge a homeowner for an annual Library Fee?

Answer: Yes. The City of San José passed a bond for a Library Fee assessment, which may be passed through to homeowners per the Mobilehome Residency Law 798.49. The Fee is a tax bill on the number of individual lots per each parcel in mobilehome parks. The Fee of each mobilehome park differs. Contact your park owner for assistance.



*“Our mission is to
strengthen and revitalize our community through
housing and neighborhood investment.”*

MOBILEHOME PARK ROSTER

Ace Trailer Inn Village

2800 Monterey Road
San José CA 95111
408.225.3204

Arbor Point (San José)

540 Bonita Ave
San Jose CA 95116
408.292.9694

Bella Rosa Mobile Lodge

1500 Virginia Place
San José CA 95116
408.923.3066

Cal-Hawaiian Mobile Estates

3637 Snell Avenue
San José CA 95136
408.227.0330

Caribees MH Park

411 Lewis Road
San José CA 95111
408.629.0624

Casa Alondra

5450 Monterey Road
San José CA 95111
408.578.5050

Casa del Lago

2151 Old Oakland Road
San José CA 95131
408.432.1320

Chateau la Salle

2618 Monterey Road
San José CA 95136
408.298.3230

Colonial Mobile Manor

3300 Narvaez Avenue # 191
San José CA 95136
408.269.4404

Cottage Trailer Park

111 Bernard Avenue
San José CA 95112
408.294.3811

County Fair

270 Umbarger Road— Office
San José CA 95111
408.225.4333

Cal-Hawaiian Mobile Estates Coyote Creek MH Community

2580 Senter Road
San José CA 95111
408.279.0925

Foothills Mobilelodge

655 S. 34th Street
San José CA 95116
408.251.3655

Garden City Trail Park

1309 Oakland Road #24
San José CA 95112
408.279.9981

Golden Wheel Park

900 Golden Wheel Park Drive
San José CA 95112
408.453.3575

Hillview

241 S. Jackson Street
San José CA 95116

MOBILEHOME PARK ROSTER

Hilton Mobile Park

661 Bonita Avenue
San José CA 95116
408.297.2363

Hometown Eastridge

1955 Quimby Road
San José CA 95111
408.251.1401

Hometown Monterey Oaks

6130 Monterey Highway
San José CA 95138
408.225.1475

Imperial SJ Mobile Estates

5770 Winfield Boulevard
San Jose CA 95123
408.227.1390

La Buona Vita

445 N. Capitol Avenue
San José CA 95134
408.923.1390

Lamplighter San José

4201 N. 1st Street
San José CA 95134
408.321.9331

Magic Sands

165 Blossom Hill Road
San José CA 95123
408.225.1010

Mayfair Trailer Park

1840 S. 7th Street
San José CA 95112
408.294.1707

Lamplighter San José

4201 N. 1st Street
San José CA 95134
408.321.9331

Magic Sands

165 Blossom Hill Road
San José CA 95123
408.225.1010

Mayfair Trailer Park

1840 S. 7th Street
San José CA 95112
408.294.1707

Moss Creek MH Community

2929 Aborn Square
San José CA 95121
408.274.5600

Mountain Shadows

633 Shadow Creek Dr.
San José CA 95136
408.269.9090

Mountain Springs

625 Hillsdale Avenue
San José CA 95136
408.266.7611

MOBILEHOME PARK ROSTER

Oakcrest Estates

4271 N. 1st Street
San José CA 951134
408.321.9499

Old Orchard

2135 Little Orchard Road
San José CA 95125
408.244.9220

Pepper Tree Estates

2150 S. 1st Street
San José CA 95112
408.275.0588

Quail Hollow

1445 S. Bascom Avenue
San José CA 95118
408.371.0116

Rancho Santa Teresa

510 Saddle Brook Drive
San José CA 95136
408.227.9033

River Glen MH Park

2150 Almaden Road
San José CA 95125
408.269.2367

Riverbend

1358 Old Oakland Road
San Jose CA 95112
408.453.2367

San José Trailer Park

527 McLaughlin Avenue #6
San José CA 95111
408.292.8942

San José Verde

555 Umbarger Road #150
San José CA 95111
408.295.3342

Silver Creek MH Estates

1520 E. Capitol Expressway
San José CA 95121
408.274.5455

Sleepy Hollow Trailer

4210 Monterey Road
San José CA 95111
408.227.8873

South Bay MH Park

1350 Old Oakland Road
San José CA 95112
408.453.8131

Spanish Cove

2600 Senter Road
San José CA 95111
408.275.9360

Summerset MH Estates

2052 Gold Street
San José CA 95054
408.964.1990

MOBILEHOME PARK ROSTER

Sunset Mobile Manor

555 McLaughlin Avenue
San José CA 95116
408.297.0360

Sunshadow MH Community

1350 Panoche Avenue
San José CA 95122
408.293.9317

Town & Country Mobile Village

195 Blossom Hill Road
San José CA 95111
408.225.3165

Trailer-Tel Mobile Manor

1212 Oakland Road
San José CA 95112
408.453.3535

Triangle Trailer Park

1410 N. 10th Street
San José CA 95131
408.275.6771

Villa Teresa

5680 Santa Teresa Boulevard
San José CA 95123
408.226.1900

Village of the Four Seasons

200 Ford Road
San José CA 95138
408.225.7255

Walnut Park

4320 S. Monterey Road
San José CA 95111
408.225.2411

Western Trailer

2784 Monterey Highway
San José CA 95111
408.227.8473

Westwinds Manufactured Home

500 Nicholson Lane
San José CA 95134
408.432.7440

Willow Glen MH Estates

1850 Evans Lane
San José CA 95125
408.264.5020

Winchester Ranch

500 Charles Cali Drive
San José CA 95117
408.249.7661

Woodbridge MH Community

3051 Towers Lane
San José CA 95121
408.274.7500

WEBSITES TO VISIT

CITY

City of San José-www.sanjose.gov

Department of Housing-www.sjhousing.org

Police Report Filing-www.sjpd.org

Home Repair Program-www.sjhousing.org/program/homerepairMH.pdf

RRR Program-www.sjhousing.org/program/rentalrights.html

Libraries-www.sjlibrary.org

Recycle Plus-www.sjrecycles.org

COUNTY

Dispute Resolution Program-www.sccgov.org/portal/site/drps

Environmental Health Department-www.ehinfo.org/portal/site/deh/#

Property Taxes-www.scc-assessor.org

Recorder s Office-www.clerkrecorder.org/portal/site/rec/#

Small Claims Advisory Program-www.sccsuperiorcourt.org/smallclaims

Superior Court-www.sccsuperiorcourt.org

STATE

Census Data Finder-www.factfinder.census.gov

Codes and Standards-www.hcd.ca.gov./codes/mhp

Department of Fair Employment and Housing-www.dfeh.ca.gov

DMV Registration-www.dmv.ca.gov

Housing & Community Development-

www.hcd.ca.gov

Ombudsman Office-www.hcd.ca.gov/codes/ol/ombpg-menu.html

Landlord/Tenant Issues-www.dca.ca.gov.legal/landlordbook

California Legislation Information-www.leginfo.ca.gov

Ombudsman Office-www.hcd.ca.gov/codes/ol/ombpg-menu.html

WEBSITES TO VISIT

LEGAL AGENCIES

- Asian Law Alliance-www.asianlawalliance.org
 Bay Area Legal Aid-www.baylegal.org/offices/santa-clara
 Santa Clara County Bar Association-www.sccba.com
 SCC Lawyer Referral Service-www.sccaa.com/legalconsumer
 Mental Health Advocacy Project-www.lawfoundation.org/mhap.asp
 Bay Area Legal Aid-www.baylegal.org/offices/santa-clara
 Senior Legal Hotline-www.seniorlegalhotline.org
 Senior Adult Legal Assistance-www.sala.org
 Project Sentinel-www.housing.org
 Legal Aid Society Housing-www.legalaidsociety.org

OTHER RESOURCES

- Better Business Bureau-www.bbb.org
 California Legislation Information-www.leginfo.ca.gov
 Census Data-www.factfinder.census.gov
 National Fraud Information Center-www.fraud.org



RESOURCE NUMBERS

COURTS

- Small Claims Court.....408.370.4480
 Superior Court.....408.882.2100

EMERGENCY SERVICES/ PUBLIC SAFETY

- Police, Fire, Paramedics.....911
 Non-Emergency Police.....311
 Cellular Emergency Calls.....408.277.8911
 Crime Prevention.....408.277.4133
 Crime Stoppers (anonymous).....408.947.7867
 Drug (Narcotics) Hotline.....408.971.3784
 Gang Hotline.....408.293.4264
 Graffiti Hotline.....408.277.2758
 Fire Dept. Public Info.....408.277.4444

FAIR HOUSING

- Asian Law Alliance.....408.287.9710
 Bay Area Legal Aid.....408.283.3700
 California Department of Fair Employment & Housing.....408.884.1684
 Law Foundation of Silicon Valley.....408.293.4790
 Legal Aid Society.....408.283.1540
 Project Sentinel.....408.287.4663

GOVERNMENT

- Mayor's Office408.535.4800
 City Council Office.....408.535.4900
 City Hall Information.....408.535.3500
 City Finance & Treasury.....408.535.7055
 City Libraries.....408.808.2000
 City Recycle Plus Program.....408.535.3515
 County Environmental Health Department.....408.918.3400
 Deaf Services-TTY.....408.808.2130
 Hazardous City Streets.....408.277.4373

RESOURCE NUMBERS

GOVERNMENT, *CONTINUE*

Housing & Community Development Commission...	408.535.3860
Mobilehome Title Registration.....	800.952.8356
Rental Rights & Referrals Program (RRRP).....	408.975.4475
San Jose Prepared! (Emergency Preparedness).....	408.277.4598
State Housing & Community Development (HCD) Ombudsman (Building & Installation Permits/Health & Safety Inspections)....	800.952.5275
Mobilehome Title Registration.....	800.952.8356 916.255.5275

HEALTH SERVICES

Access for Infants and Mothers.....	800.433.2611
Santa Clara County Prevention & Disease Control....	408.885.4214
Santa Clara Valley Medical Center.....	888.334.1000
Social Security (Medicare).....	800.772.1213

HOUSING, SHELTER AND FOOD

Home First.....	408.294.2100
Georgia Travis Center.....	408.510.7150
Rebuilding Together.....	408.578.9519
Santa Clara Housing Search.....	877.428.8844
Second Harvest Food Connection.....	800.850.8078
Shelter Bed Hotline.....	800.774.3583
Sacred Heart Community Services.....	408.278.2160

LEGAL SERVICES

Asian Law Alliance.....	408.287.9710
Bay Area Legal Aid	408.283.3700
Consumer Protection/Mediation.....	408.792.2880
Lawyer Referral Service.....	408.971.6822
Legal Aid Society	408.283.1540
Mental Health Advocacy Project.....	408.293.4790

RESOURCE NUMBERS

LEGAL SERVICES

Santa Clara Bar Association.....	408.971.6822
Senior Adult Legal Assistance.....	408.295.5991
Senior Legal Hotline.....	800.222.1753
Small Claims Advisor Program.....	408.882-2100

MEDIATION SERVICES

County Dispute Resolution Program.....	408.792.2327
Project Sentinel.....	408.287.4663

MENTAL HEALTH SERVICES

Community Solutions.....	408.842.7138
CONTACT Cares.....	408.279.8228
Santa Clara Mental Health Services.....	800.704.0900
Valley Medical Center Psychiatric Services.....	408.279.8228

MOBILEHOME ADVOCACY ASSOCIATIONS

Golden State Manufactured Homes (GSMOL)	800.888.1727
Manufactured Housing Educational Trust (MHET)	408.294.1474
Western Manufactured Housing Communities (WMA)	800.669.8847

OTHER

Better Business Bureau.....	408.278.7400
County Consumer Protection.....	408.792.2880
National Fraud Information Center.....	800.876.7060

PARKS

Adopt-A-Park-Program.....	408.793.4190
Community Gardens.....	408.793.5533

RECREATION

Second Harvest Food Bank.....	408.266.8866
Community Centers.....	408.535.3570

RESOURCE NUMBERS

RECREATION

Citywide Sports.....	408.871.3821
Citywide Aquatics.....	408.277.2291
Therapeutic Services.....	408.251.4449

SENIOR SERVICES

Council on Aging.....	408-296.8290
Independent Aging Program.....	408.282.8606
Santa Clara County Senior Nutrition & Services.....	408.975.4860
Meals on Wheels (for the homebound).....	408.350.3246
Brown Bag Program.....	800.984.3663

UTILITIES

CARE/FARA (Lower PG&E rates based on Income).....	866.743.2273
PG&E Smarter Energy Line.....	800.933.9555
PG&E HEAP (Assistance Agency/Pledge Contribution).....	800.933.9677
PG&E REACH (Assistance Agency/Pledge Contribution).....	800.933.9677
Public Utilities Commission.....	800.6497570
Public Works.....	408.535.8300
Recycle Plus Program (Can Size, Disabled, Missed garbage).....	408.535.3515
LIRA (Lower Garbage Rates Based on Income).....	408.535.3515
Weights & Measures (Billing & Meter Enforcement).....	408.918.4601

YOUTH SERVICES

Adopt-A-Park-Program.....	408.793.4190
Alum Rock Counseling Crisis Line.....	408-294-0579
Community Gardens.....	408.793.5533
Clean Slate.....	408.794.1660
California Youth Crisis.....	800.843.5200
EMQ Child & Adolescent Crisis Line.....	408.379.9085
Safe Schools.....	408.794.1637
Santa Clara County Teen Crisis Line.....	888.247.7717
Youth Intervention Services.....	408.794.1630



Housing

200 East Santa Clara St. 12Fl,
San José, CA, 95113-3860

Main Phone: 408-975-4480
Mobilehome Staff: 408-975-4475

www.sjhousing.org

.1k/9.14