

ORDINANCE NO.

AN ORDINANCE OF THE CITY OF MOUNTAIN VIEW
AMENDING THE MOBILE HOME RENT STABILIZATION ORDINANCE
(CHAPTER 46 OF THE MOUNTAIN VIEW CITY CODE) TO REMOVE THE EXEMPTION
FOR MOBILE HOME SPACES AND MOBILE HOMES IN A MOBILE HOME PARK
THAT ARE SUBJECT TO AN APPROVED ACCORD

THE CITY COUNCIL OF THE CITY OF MOUNTAIN VIEW DOES HEREBY ORDAIN AS FOLLOWS:

Section 1. Chapter 46, Section 46.2, of the Mountain View City Code is hereby amended to read as follows:

“SEC. 46.2. - Definitions.

a. ~~“Accord” shall mean a written agreement between a park owner and the city, the form of which has been adopted by the city council.~~ **Reserved.**

b. “Annual general adjustment” shall be equal to the amount announced by the rental housing committee as provided for in this chapter.

c. “Base rent” is the reference point from which the lawful rent shall be determined and adjusted in accordance with this chapter.

1. The base rent for tenancies that commenced on or before March 16 of the base year shall be the rent in effect on that date.

2. The base rent for tenancies that commenced after March 16 of the base year shall be the initial rental rate charged upon initial occupancy, provided that amount is not a violation of this chapter or any provision of state law. The term “initial rental rate” means only the amount of rent actually paid by the tenant for the initial term of the tenancy.

d. “Base year” shall be the calendar year of 2021.

e. “Capital improvement” means the addition, substantial repair or replacement of any improvement to a mobile home space or housing services within the geographic boundaries of a mobile home park that materially adds to the value of the mobile home park and appreciably prolongs its useful life or adapts it to new uses, and that is of the same type of improvement as those allowed to be amortized over the useful life of the improvement in accordance with the Internal Revenue Code and its regulations.

f. "Committee" means the rental housing committee as set forth in Section 1709 of the Community Stabilization and Fair Rent Act (Charter Article XVII).

g. "Communal facilities" means those services and facilities within the mobile home park that mobile home residents are entitled to use, including, but not limited to, any private roads or rights-of-way, clubs or clubhouses and each other common area facility that is open or available to mobile home residents of the mobile home park.

h. "Hearing officer" means an official appointed by the committee to conduct an investigation or administrative hearing pursuant to this chapter.

i. "Housing services" means any benefit, privilege or facility connected with the use or occupancy of a mobile home space and shall include a proportionate part of access to and services provided to communal facilities.

j. "Individual rent adjustment" means an adjustment to the otherwise lawful rent authorized by a hearing officer or the committee pursuant to this chapter.

k. "Mobile home" has the same meaning as the definition of "mobilehome" defined in California Civil Code Section 798.3, as it may be amended from time to time, or a successor code section.

l. "Mobile home landlord" means the person(s) or entity(ies) that lawfully owns a mobile home and rents, including each manager, agent and representative authorized to act on behalf of the owner or operator, as well as the predecessor and any successor-in-interest to the landlord.

m. "Mobile home owner" means a person who owns a mobile home and is also renting a mobile home space in a mobile home park under a space rental agreement with the park owner, which may include the use of services of the mobile home park and other amenities.

n. "Mobile home park" has the same meaning as the definition of "mobilehome park" defined in California Civil Code Section 798.4, as it may be amended from time to time, or successor code section.

o. "Mobile home rental agreement" means a lease or other oral or written agreement between the mobile home landlord and mobile home tenant establishing the terms and conditions of the tenancy.

p. "Mobilehome Residency Law" means California Civil Code Sections 798 through 799.11, as it may be amended from time to time.

q. “Mobile home space” means the lot or space of land in a mobile home park, where a mobile home is or may be located, as well as the right or license to access that space or lot and any other communal facilities in the mobile home park.

r. “Park owner” means the person(s) or entity(ies) that lawfully owns and/or operates a mobile home park, including each manager, agent and representative authorized to act on behalf of the owner or operator, as well as the predecessor and any successor-in-interest to the owner.

s. “Petition” means a request for an individual rent adjustment pursuant to this [Chapter](#).

t. “Rent” means the sum of all periodic payments and all nonmonetary consideration provided to a park owner for the use or occupancy of a mobile home space or a mobile home landlord for the use or occupancy of a mobile home, access to and from the mobile home space and any communal facilities and housing services, including, but not limited to, the fair-market value of goods accepted, labor performed or services rendered. Rent excludes:

1. Any incidental reasonable charges for services actually rendered in accordance with California Civil Code Sections 798.31 and 798.32 as they may be amended or successor code sections; and

2. Any separately billed utility fees and charges, which shall not be deemed to be rent charged for a mobile home space in accordance with California Civil Code Section 798.41 as it may be amended or successor code section; and

3. Any fee, assessment or charge paid pursuant to California Civil Code Section 798.49(a), including any actual fee or cost imposed by a local government pursuant to California Civil Code Section 798.37 as it may be amended or successor code sections.

u. “Space rental agreement” means a lease or other oral or written agreement between the mobile home park owner and mobile home owner establishing the terms and conditions of the tenancy.

v. “Tenancy” means the legal relationship created by a space rental agreement with a park owner for use or occupancy of a mobile home space or the legal relationship created by a mobile home rental agreement with a mobile home landlord, for use or occupancy of a mobile home in a mobile home park.

w. "Written notice to cease" means a written notice provided by a mobile home landlord that gives a tenant an opportunity to cure an alleged violation or problem prior to service of a notice to terminate tenancy. Any written notice to cease must:

1. Provide the tenant a reasonable period to cure the alleged violation or problem;
2. Inform the tenant that failure to cure may result in the initiation of eviction proceedings;
3. Inform the tenant of the right to request a reasonable accommodation;
4. Inform the tenant of the contact number for the committee; and
5. Include sufficient details about the conduct underlying the written notice to cease that allow a reasonable person to comply."

Section 2. Chapter 46, Section 46.4, of the Mountain View City Code is hereby amended to read as follows:

"SEC. 46.4. - Exemptions.

a. In accordance with California Civil Code Sections 798.45 and 798.7, each newly constructed space initially held out for rent after January 1, 1990 is fully exempt from this ~~e~~Chapter.

b. A tenancy for a mobile home space that is created by a qualifying lease agreement in excess of twelve (12) months' duration that meets the criteria identified in California Civil Code Sections 798.17(b)(1) through 798.17(b)(5), as those sections may be amended, is a temporarily exempt tenancy, which tenancy and the mobile home space to which it pertains are generally exempt from this ~~e~~Chapter, unless and until the mobile home space is no longer subject to:

1. A lease agreement meeting the criteria of California Civil Code Section 798.17(b) or successor code section;
2. An extension of a lease agreement meeting the criteria of California Civil Code Section 798.17(b) or successor code section; or
3. A new lease agreement meeting the criteria of California Civil Code Section 798.17(b) or successor code section.

c. A mobile home space that is not used and not occupied as a principal or primary residence by the mobile home owner or a tenant of a mobile home landlord is temporarily

exempt unless and until the mobile home space is used and occupied as a principal or primary residence, in accordance with California Civil Code Section 798.21 or successor code section.

~~d. All mobile homes spaces and mobile homes in a mobile home park that are subject to an accord that has been approved by the city council and at least eighty (80) percent of the residents in a mobile home park shall be temporarily exempt from the provisions of this chapter while the accord is in effect.”~~

Section 3. The provisions of this ordinance shall be effective thirty (30) days from and after the date of its adoption.

Section 4. If any section, subsection, sentence, clause, or phrase of this ordinance is for any reason held to be unconstitutional, such decision shall not affect the validity of the other remaining portions of this ordinance. The City Council hereby declares that it would have passed this ordinance and each section, subsection, sentence, clause, or phrase thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses, or phrases be declared unconstitutional.

Section 5. Pursuant to Section 522 of the Mountain View City Charter, it is ordered that copies of the foregoing proposed ordinance be posted at least two (2) days prior to its adoption in three (3) prominent places in the City and that a single publication be made to the official newspaper of the City of a notice setting forth the title of the ordinance, the date of its introduction, and a list of the places where copies of the proposed ordinance are posted.

Section 6. This ordinance is not subject to the California Environmental Quality Act (“CEQA”) pursuant to Sections 15060(c)(2) of the CEQA Guidelines (Title 14, Chapter 3 of the California Code of Regulations) (the activity will not result in a direct or reasonable foreseeable indirect physical change in the environment) and 15060(c)(3) (the activity is not a project as defined in Section 15378 of the CEQA Guidelines because it has no potential for resulting in physical change to the environment, directly or indirectly).
