



COUNTY OF VENTURA

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September 26, 2023

Board of Supervisors
County of Ventura
800 S. Victoria Ave.
Ventura CA 93009

SUBJECT: Second Public Hearing Regarding Adoption an Ordinance Repealing and Reenacting Division 8, Chapter 10 of the Ventura County Ordinance Code Regarding Mobile Home Park Rent Control to Amend the Exemptions Set Forth in Section 81002, subdivisions (b) and (e), and Make Other Revisions as Specified; and Find that Adoption of the Ordinance is Exempt from the California Environmental Quality Act.

RECOMMENDED ACTIONS:

1. Adopt an ordinance (“Exhibit 1”) repealing and reenacting Division 8, Chapter 10 of the Ventura County Ordinance Code relating to mobile home park rent control (“proposed ordinance”) to amend the exemptions set forth in section 81002, subdivisions (b) and (e), and make other revisions as specified in the proposed ordinance.
2. Find that adoption of the proposed ordinance is exempt from review under the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines section 15061(b)(3) because it can be seen with certainty that there is no possibility that the project may have a significant effect on the environment.
3. Direct County Counsel to prepare, and direct the Clerk of the Board to publish, a summary of the adopted ordinance pursuant to Government Code section 25124(b)(1).

DISCUSSION:

The Board heard and approved a first reading of the proposed ordinance on September 12, 2023.

Upon requests of constituents in our District, we have worked with County Counsel and the Planning Division to take a deeper dive on how best to serve our constituents residing in our Mobile Home Communities.

The County of Ventura has a mobile home park rent control ordinance originally adopted in 1983 which regulates rent increases in mobile home parks within the unincorporated area (“Ordinance”). The Ordinance is codified in Division 8, Chapter 10 of the Ventura County Ordinance Code, commencing with section 81000 et seq. The Ordinance includes numerous exemptions including an exemption for parks constructed after September 1, 1982, and an exemption for tenancies covered by leases that provide for more than a 12-month tenancy. (Ordinance, § 81002.) Any park, tenancy, or space that is covered by an exemption set forth in section 81002 is not subject to any of the rent control protections of the Ordinance.

There are approximately 1,390 spaces in the unincorporated area’s 25 mobile home parks (Exhibit 5). The majority of these parks (18 of 25) are located in Supervisorial District 1; the remaining seven are located in Districts 3 and 5. Districts 2 and 4 have no mobile home parks subject to the Ordinance. Oak Haven Mobile Home Park, a 22-space senior mobile home park located in District 1, is the only park in the unincorporated area that is entirely exempt from the Ordinance due to the park’s date of construction having occurred after 1982 (Ordinance, § 81002 (b)). In addition, as of December 2022, there were approximately 27 spaces (less than 2% of all spaces) in the 24 mobile home parks subject to the Ordinance that are covered by long-term leases (i.e., leases that provide for more than a 12-month tenancy) and are therefore presently exempt from the Ordinance on this basis.

The proposed ordinance makes the following changes to the Ordinance:

- Revises the existing exemption set forth in section 81002, subdivision (b), for parks constructed after September 1, 1982, to align with the new state law exemption for “new construction” spaces and “new mobile home park construction” pursuant to section 798.45 of the Civil Code.
- Revises section 81002, subdivision (e), to phase out the existing exemption for long-term leases that provide for more than a 12-month tenancy to more closely align with the new state law exemption set forth in section 798.17 of the Civil Code, and makes related revisions to sections 81005, subdivision (d), and 81015.
- Makes additional non-substantive and typographical revisions including:
 - Replacing “tri-annual” with “triennial” (as used in the context of the Mobile Home Park Rent Review Board’s preparation of a report to the Board of Supervisors every three years);
 - Replacing male pronoun references for park owner with “the park owner”; and
 - Correcting a citation to section 81001 (Purpose and Intent) in section 81008 (Administrative Fees).

The County’s existing exemptions for post-September 1, 1982 constructed parks, and tenancies covered by long-term leases, predate the enactment of various state laws exempting certain spaces, parks and leases from local rent control, including Civil Code sections 798.45 and 798.17 which exempt “new construction” spaces, “new mobile home park construction” and certain long-

term leases, as specified in those statutes. Recent changes to state law due to Senate Bill 940 (2022) and Assembly Bill 2782 (2020) (Exhibits 3 and 4) have narrowed the scope of the state law exemptions for “new construction” spaces, “new mobile home park construction” and long-term leases, meaning that more parks, spaces and long-term leases can now be subject to local rent control.

While state law prohibits local jurisdictions from applying rent control to “new construction” park spaces, “new mobile home park construction”, and long-term leases as specified in Civil Code sections 798.45 and 798.17, respectively, state law does not require local jurisdictions to enact or maintain rent control ordinances, nor does state law prohibit a jurisdiction from exempting (i.e., refraining from regulating) broader classes of mobile home parks from its local rent control. After carefully considering these recent changes to state law, considering the comments and concerns of my constituents, and consulting with County staff, I believe that narrowing the scope of the County’s existing exemptions for post-September 1, 1982 constructed parks and long-term leases, so that these County exemptions more closely align with the state law exemptions set forth in Civil Code sections 798.45 and 798.17, will help advance the purpose and intent of the Ordinance by protecting additional owners of mobile dwelling units from unreasonable rent increases, while at the same time recognizing the need for park owners to receive a fair return on their investment.

As mentioned above, Oak Haven Mobile Home Park is the only park in the unincorporated area that is completely exempt from rent control due to having been constructed after September 1, 1982. Construction of the park was completed by September 25, 2007. The proposed revisions to section 81002, subdivision (b), would bring Oak Haven Mobile Home Park into the purview of the Ordinance, while recognizing the state law exemption pursuant to section 798.45 of the Civil Code. Under the proposed ordinance, what constitutes a “new” mobile home park or space would automatically update with the passage of time pursuant to Civil Code section 798.45, which establishes a 15-year period after a new park or space is initially held out for rent when the park or space is exempt from local mobile home rent control. Accordingly, any new mobile home parks or spaces that are built in the future would be exempt from the County’s proposed ordinance but would eventually lose that exemption as they age beyond the 15-year exemption period as set forth in state law.

In addition, the proposed ordinance would phase out the County’s existing exemption for long-term leases by allowing any leases executed prior to the effective date of the proposed ordinance to continue to be exempt for the duration of the lease term but making all new and amended leases subject to the Ordinance thereafter. As mentioned above, less than 2 percent of all spaces in the 24 mobile home parks that are presently subject to rent control are exempt pursuant to the County’s existing exemption for spaces covered by a long-term lease. While Civil Code section 798.17, as amended by Assembly Bill 2782 (2020), effectively eliminates the state law exemption for certain long-term leases by making the exemption inapplicable to leases entered into on or after February 13, 2020, meaning that the County could regulate such existing long-term leases now, County staff recommends regulating only those long-term leases that are executed and amended after the effective date of the proposed ordinance to “grandfather out” these few existing long-term leases.

This letter and proposed ordinance have been reviewed by County Counsel. I recommend that our Board adopt the recommended actions.

Cordially,

A handwritten signature in black ink, appearing to read "Matt LaVere". The signature is fluid and cursive, with a long horizontal stroke at the end.

Matt LaVere
Supervisor, First District

Attachments:

- Exhibit 1 – Proposed Ordinance (Clean)
- Exhibit 2 – Proposed Ordinance (Legislative Version)
- Exhibit 3 – Senate Bill 940 (2022)
- Exhibit 4 – Assembly Bill 2782 (2020)
- Exhibit 5 – Map of Mobile Home Parks in the Unincorporated Area