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## MOBILEHOME RENT CONTROL ORDINANCE FREQUENTLY ASKED QUESTIONS

### **What is the History of the County Mobilehome Rent Control Ordinance?**

Ordinance 2118 (Mobilehome Rent Control Ordinance) was originally adopted by the Board of Supervisors on November 7, 1995. During the March 26, 1996 election, Measure G was offered as a means for repealing this ordinance. Voters rejected this measure by a vote of 33.12 % in favor and 61.56 % against. The rent control ordinance has been codified as Chapter 5.28 of the County Ordinance Code and can be found at: [www.tuolumnecounty.ca.gov](http://www.tuolumnecounty.ca.gov).

### **Why does rent control cover mobilehome parks but not apartments and houses?**

It is extremely difficult and sometimes impossible to move mobilehomes due to potential damage as the result of transporting them, the cost of moving, and a lack of vacant mobilehome sites. Unlike those who rent apartments or houses, mobilehome owners have a significant investment in their home. However they do not own the land where the home is located. The ordinance helps protect mobilehome owners from unreasonable rent increases, while at the same time, recognizing the need of mobilehome park owners to make a reasonable profit. The amount of rent charged has a direct correlation to the salability of the home. If rents are unreasonably high, homeowners might be unable to sell their mobilehomes.

### **Does Rent Control cover ALL mobilehome spaces in the County?**

No. It only covers mobilehome parks with two or more rental spaces and only spaces that were originally offered for rent before January 1, 1990. Spaces where the homeowner is on a long-term lease are exempt as required by the California Mobilehome Residency Law. Vacant spaces are exempt. It also does not cover spaces in parks specifically set aside for recreational vehicles, nor does it cover spaces in resident-owned parks.

### **Can park owners increase rent upon a change of ownership in a rent controlled space?**

Yes. Section 5.28.045 states *"Provided that no increase in rent pursuant to this Section has occurred in the preceding twelve (12) months, a park owner may raise space rent upon a change in ownership or occupancy of a mobilehome in an amount not to exceed ten percent (10%) more than the space rent being charged immediately preceding the change in ownership or occupancy."*

### **How are rent control annual increases calculated?**

Annual rent increases are based on the Social Security Cost of Living Adjustment (COLA), which is published annually, usually in late October. The County sends written notice to park owners informing them of the maximum allowable increase for rent controlled spaces.

### **When do mobilehome park tenants begin paying their rent control increase?**

Park residents must be given a 90 day rent increase notice as required by the California Mobilehome Park Residency Law. Increases must fall on or after the date of the mobilehome resident's anniversary of the last rent increase.

**Can a park owner bill separately for utility service fees?**

Yes, under state law (California Civil Code, § 798.41) a park owner may elect to separately charge for utilities such as propane, electricity, water, cable TV, garbage service, and sewer service. Increases in separately-billed utilities are not subject to the Mobilehome Rent Control Ordinance. However, if utilities are included in a resident's base rent, and the park owner later changes the policy to separately charge, then the base rent must be reduced accordingly.

**How do park owners request a "Fair Rate of Return" rent increase?**

Section 5.28.070 of the Ordinance Code provides for a process known as the "Fair Rate of Return." If a park owner does not feel he/she is making a reasonable profit, he/she can go to the Board of Supervisors with a proposal for rent increases based upon an application process that is submitted to the County Community Resources Agency. The Tuolumne County Board of Supervisors would make a determination regarding the mobilehome park request for rent adjustments.

**What are park owners/managers required to provide to every prospective resident prior to establishing tenancy?**

The County's Mobilehome Park Rent Control Ordinance requires that the landlord provide **all** prospective tenants and tenants renewing a lease with a copy of the Ordinance. They must also have the prospective tenant/renewing tenant sign a County Tenant Acknowledgement Form and keep a copy on file at the park. This form informs prospective residents of their rights under rent control so that they can make an informed decision concerning their lease options.

The California Mobilehome Residency Law, Section 798.18(a), regarding requirements for landlords to offer short term rental agreements which would make an eligible space subject to rent control, states:

*"(a) A homeowner shall be offered a rental agreement for (1) a term of 12 months, or (2) a lesser period as the homeowner may request, or (3) a longer period as mutually agreed upon by both the homeowner and management."*

For those spaces subject to the Rent Control Ordinance, park owners, or their representatives (park management), are required to provide prospective residents with the following documents:

1. A copy of the Tuolumne County Mobilehome Rent Control Ordinance (Chapter 5.28 of the Tuolumne County Ordinance Code),
2. Notice of the next scheduled rent increase (anniversary date) if it is less than 12 months after establishing tenancy in the park and is in compliance with state law,
3. Park rules and regulations,
4. Mobilehome Residency Law (Chapter 2.5 of the California Civil Code).

**Where can I get more information?**

To find out more about the County's Mobilehome Rent Control Ordinance, please contact Sheila Shanahan in the County of Tuolumne Community Resources Agency Housing Division at (209)533-6904 or [sshanahan@co.tuolumne.ca.us](mailto:sshanahan@co.tuolumne.ca.us). Information is also available on the County's website at [www.tuolumnecounty.ca.gov](http://www.tuolumnecounty.ca.gov).

Information about the California Mobilehome Residency Law, mobilehome title and registration, mobilehome permits, park maintenance issues, and other state mobilehome programs and regulations can be found at <http://www.hcd.ca.gov/codes/occupational-licensing/ombpg-menu.html> or by calling the State Ombudsman's Office at [1-800-952-5275](tel:1-800-952-5275).