



Ventura County Mobile Home Park Rent Review Board

August 23, 2023 Meeting Agenda

County of Ventura • Resource Management Agency

800 S. Victoria Avenue, Ventura, CA 93009-1740 • (805) 654-2478 • www.vcrma.org/divisions/planning

Wednesday, August 23, 2023 at 1:00 p.m.

All interested persons are invited to attend and be heard at a public meeting to be held by the Ventura County Mobile Home Park Rent Review Board (RRB) at the date and time noted above at the Ventura County Government Center, Hall of Administration, 800 S. Victoria Avenue, Ventura, CA 93009, 3rd Floor, Multi-Purpose Conference Room.

AGENDA

Consideration will be given only as noted to the following:

1. **Call to Order**
2. **Roll Call and Determination of a Quorum**
3. **Pledge of Allegiance to the Flag of the United States of America**
4. **Public Comment on Concerns within the Authority of the County Rent Control Ordinance**
This time is set aside for public comment on items not otherwise on this agenda which are within the purview of the Rent Review Board. Speakers wishing to address the Board shall be allowed a maximum of five minutes for their comments. The Board is prohibited from taking action on any item that is not part of the printed and published agenda.
5. **Approval of Minutes**
RRB Meeting held on May 24, 2023
6. **Receive a Visual Tour of Mobile Home Parks in the Unincorporated County Area**
Presentation by Staff
7. **Discuss the interrelationship between the California Department of Housing and Community Development (HCD) and the Ventura County 2040 General Plan Housing Element as it applies to County mobilehome parks**
Presentation by Planning Director, Dave Ward
8. **Comments from Rent Review Board Members**
9. **Comments from Planning Staff**
10. **Meeting Adjournment**

Next regularly scheduled meeting: Wednesday, November 15, 2023 at 1:00 p.m.

In Compliance with the Americans with Disabilities Act, if you need special assistance to participate in this meeting, please contact Dillan Murray, staff, at 805-654-5042 or Dillan.Murray@Ventura.org or the California Relay Service at (866) 735-2929. Reasonable advance notification of the need for accommodation prior to the meeting (72 hours advance notice is preferable) will enable us to make reasonable arrangements to ensure accessibility to this meeting.



Ventura County Mobile Home Park Rent Review Board May 24, 2023 **Draft** Meeting Minutes

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Note: The following is a summary of actions taken by the RRB at their public hearing and not a verbatim transcription.

1. 1:00 P.M. HEARING CALLED TO ORDER
By Chair Francis

2. ROLL CALL AND DETERMINATION OF A QUORUM

Board Members Present: Richard Francis, Chair
Tom Hundley
Brent Rosenbaum
John Brooks

Board Members Absent: Jill Martinez, Vice Chair

County Staff Present: Dillan Murray, Associate Planner
Tricia Maier, Planning Programs Manager
Dave Ward, AICP, Planning Director
Franchesca Verdin, Assistant County Counsel

3. PLEDGE OF ALLEGIANCE TO THE FLAG OF THE UNITED STATES OF AMERICA

4. PUBLIC COMMENT ON CONCERNS WITHIN THE AUTHORITY OF THE COUNTY RENT CONTROL ORDINANCE

None

5. APPROVAL OF MINUTES

Board Member Hundley made a motion to approve the February 8, 2023, meeting minutes. Board Member Brooks seconded the motion. Motion passed 4-0.

6. CONSIDER STAFF REPORT AND RECOMMENDATIONS AND TAKE APPROPRIATE ACTION FOR THE SERVICE REDUCTION PETITION (CASITAS SPRINGS MOBILE HOME PARK, 8951 NYE RD, VENTURA, CA 93001)

Location: Casitas Springs Mobile Home Park, located at 8951 Nye Road, Ventura, CA 93001 (36 spaces).

Subject: The purpose of this hearing is for your Ventura County Mobile Home Park Rent Review Board (“RRB” or “Board”) to consider a service reduction petition that was filed with the County of Ventura (“County”) pursuant to the Ventura County

Mobile Home Park Rent Control Ordinance (“Rent Control Ordinance”) by 21 tenants (“petitioners”) occupying a total of 19 spaces of the Casitas Springs Mobile Home Park (Case No. MH22-0017). Pursuant to Section 81005(f) of the Rent Control Ordinance, an unauthorized rent increase may occur when significant housing services are permanently reduced or disrupted for an unreasonable length of time without a corresponding reduction in the dollar amount of the space rent. This service reduction petition process provides a means for mobile home park tenants to seek relief from such a service reduction.

Request: An initial service reduction petition was filed with the County on August 17, 2022, by 16 tenants of the park (Exhibit 2). A revised petition, signed by an additional five tenants (21 total), was filed with the County on November 16, 2022 (“Petition”) (Exhibit 3), alleging the following nine issues in support of the alleged service reduction at the park:

- 1) Power outages, surges, and unsafe electrical connections;
- 2) Sewage backups occur both inside and outside homes;
- 3) Inoperable/insufficient laundry facilities and the homeowners are not allowed to have washing machines in their homes;
- 4) Lack of trimming or maintenance of trees, resulting in cracked and raised pavement;
- 5) Power meters are not being calibrated or replaced as needed;
- 6) The manager/owner does not post or distribute notices or information required by the Mobile Home Residency Law;
- 7) It is impossible to contact the owner of the park;
- 8) The park’s owner failed to respond to two certified written requests for a meeting to discuss the park homeowners’ concerns; and
- 9) The owner did not respond to two certified written requests for park ownership information.

Disclosures: None.

Presentation by Staff:

Franchesca Verdin, Assistant County Counsel, provided a statement of the applicable legal principles.

Dillan Murray, Planning Division staff, presented a PowerPoint presentation outlining the property location, service reduction procedures, petition background, local and state jurisdiction and enforcement authority, staff’s evaluation of the issue areas, staff’s recommended rent refund amount, and staff recommended actions.

Planning Division staff recommended that the RRB take the following actions, as reflected in the May 23, 2023, errata memorandum to the RRB:

1. **FIND**, on the basis of the entire record and as set forth in this staff report, that the following specifically enumerated significant housing services were permanently reduced or disrupted for an unreasonable length of time without a corresponding reduction in the dollar amount of the space rent, as set forth in the Rent Control Ordinance and Resolution No. RRB16-001: Casitas Springs Mobile Home Park lacked fully functioning and adequate laundry facilities for all tenants since January 1, 2022, until May 20, 2023;
2. **DETERMINE**, on the basis of the entire record and as set forth in this staff report, that the following dollar amounts correspond to the lack of fully functioning and adequate laundry facilities at the Casitas Springs Mobile Home Park from January 1, 2022 until May 20, 2023 (collectively, "Rent Refund Amounts"):
 - a. January 1, 2022, to November 30, 2022 (when one of three original washers was operable):
 - $\$9.06 \times 11 \text{ months} = \99.66
 - $\$99.66 \times 1/3 = \33.22 (proportionate park owner credit to account for the one functioning washer during this period)
 - $\$99.66 - \$33.22 = \$66.44$
 - b. December 1, 2022, to May 20, 2023 (when two washers were operable):
 - $\$9.06 \times 5.65 \text{ months} = \51.19
 - $\$51.19 \times 2/3 = \34.13 (proportionate park owner credit to account for the two functioning washers during this time period)
 - $\$51.19 - \$34.13 = \$17.06$
 - c. Total Rent Refund Amount per space/household, assuming tenancy throughout the entire period from January 1, 2022, to May 20, 2023, shall be \$83.50; otherwise, the total Rent Refund Amount shall be prorated based on the actual dates of tenancy using the dollar amounts set forth above;
3. **DETERMINE**, on the basis of the entire record and as set forth in this staff report, that the Planning Division incurred in excess of \$11,866.64 in enforcement costs to process the Petition to date;

4. **ORDER** the owner of the Casitas Mobile Home Park to:
 - a. Within 30 days of this hearing date, issue refunds to each space/household in the park according to their dates of tenancy for the period of reduced laundry facilities from January 1, 2022 until May 20, 2023, as set forth above;
 - b. Within 45 days of this hearing date, notify the Planning Division in writing which spaces/households were refunded (including specific names and space numbers), their dates of tenancy, and their corresponding refund amounts;
 - c. Within 30 days of this hearing date, pay the County \$11,866.64 for the Planning Division's enforcement costs incurred in processing this Petition to date; and
 - d. Pay the County all Planning Division staff costs subsequently incurred on post-hearing matters that will be billed to the park owner by separate invoice(s).
5. **ADOPT** Resolution No. RRB23-001 (Exhibit 15) implementing the Rent Review Board's decision; and,
6. **SPECIFY** that the Planning Division is the custodian, and 800 S. Victoria Avenue, Ventura, CA 93009 is the location, of the documents and materials that constitute the record of proceedings upon which this decision is based.

Discussion:

Board Member Hundley inquired as to how a rent reduction is determined. Franchesca Verdin, Assistant County Counsel, stated that, if the RRB found a housing service reduction occurred, it would then determine the amount of refund owed to tenants. Board Member Hundley suggested that any rent refund be tied to the ministerial rent increase approved for the park in 2022 to account for interest the park residents would have accrued had their rents been reduced earlier. Franchesca Verdin, Assistant County Counsel, noted that ministerial rent increase applications from park owners are separate and apart from service reduction procedures and are intended to address annual cost of living adjustments. As part of staff's evaluation of a ministerial rent increase application, objective standards are applied, and staff is required to approve the application if conditions are met. A service reduction petition would not affect past approved ministerial rent increase applications.

Board Member Brooks inquired as to the definition of a “significant” housing service and “unreasonable” length of time. Dillan Murray, staff, stated that he was not aware of a definition in the Rent Control Ordinance or service reduction procedures, although the RRB could consider the factors outlined in the service reduction procedures when making a finding or determination as to what constitutes a significant housing service and unreasonable length of time.

Board Member Brooks noted that “maintenance and repair” is included in the Rent Control Ordinance definition of a housing service and stated his view that it should be considered as such. Next, Board Member Brooks noted that staff used approximations to calculate reduced laundry service dates, but wondered why this wasn’t done for other issue areas, such as tree trimming. In addition, Board Member Brooks questioned whether aesthetics should be considered when evaluating these issues, rather than health and safety alone. Board Member Brooks stated that power meters had not been calibrated within 10 years and wondered why that did not rise to a service reduction petition. Board Member Brooks noted his view that these issues showed a pattern of neglect at this mobile home park. Finally, Board Member Brooks inquired whether the share of responsibility for the County’s mobile home park administration fee between tenants and park owners should be shifted by the Board of Supervisors given the ongoing issues.

Chair Francis echoed Board Member Hundley’s question as to whether the park’s approved 2023 ministerial rent increase should be changed to use a reduced rent amount as the base for calculating the allowable increase for the year. Franchesca Verdin, Assistant County Counsel, stated that a rent reduction could not be applied retroactively in that manner to affect any ministerial rent increase already in effect. With regard to other issue areas outlined in the petition, Ms. Verdin noted that each one would need to be found to be a housing service, as defined, and be specific, significant, and specifically enumerated with factual evidence and support.

Administration of Oath: Before proceeding with presentations from the petitioners, park owner, and public comments, all members of the public intending to provide any factual testimony for or against the petition were required to be sworn in. The administration of the oath was completed together as a group. Chair Francis administered the following oath:

“Do you solemnly state, under penalty of perjury, that the testimony you may give during this hearing shall be the truth, the whole truth, and nothing but the truth?”

Witnesses were allowed time to collectively respond in the affirmative.

Petitioners’ Presentation: Glenn Berry, the petitioners’ representative, provided a presentation on the petition, including information on his experiences with

California Department of Housing and Community Development (HCD) staff and alleged issues at the park. Mr. Berry noted his appreciation of staff's recommended actions and noted his understanding that most of the items raised in his petition fall under HCD jurisdiction. He questioned whether the park owner obtained necessary permits for park improvements from HCD or is adequately documenting the location of utility improvements? Mr. Berry noted that he has not been able to obtain this information from HCD staff and asked for assistance from the County staff in getting HCD to respond.

Park Owner's Presentation: John Koskinen, the park owner's representative, presented a PowerPoint presentation on behalf of the park owner, Mr. James Garcia, who was in attendance. Mr. Koskinen explained the park owner's goals with the park and recent improvements, including a newer washing machine installed in the laundry room. Mr. Koskinen noted that the park owner was prepared to issue refund checks to residents to settle this issue.

Board Member Brooks inquired whether the park owner is willing to engage in direct mediation with tenants to resolve disputes in the future. Mr. Koskinen replied in the affirmative.

Public Comments:

Peter Marshall, resident of Casitas Springs Mobile Home Park, spoke on his experiences living in the park and noted his preference to not trim or remove the tree adjacent to his space (#36) due to the privacy and shade it provides.

Deane Brock (Golden State Manufactured-Home Owners League) (GSMOL), resident of Casitas Springs Mobile Home Park, covered topics including alleged issues with the park manager and lack of maintenance across various areas of the park.

Park Owner's Rebuttal: Mr. Koskinen responded to issues raised in the public comment period and highlighted work completed by the park owner. Mr. Koskinen noted that the park owner and manager are interested in creating a formalized maintenance request system for the tenants.

Petitioners' Rebuttal: Mr. Berry noted his general concerns about financial and corporate greed and offered closing comments.

Staff Closing Comments:

Tricia Maier, staff, responded to questions raised by Board member Brooks at the beginning of the hearing as to why the lack of electrical meter calibration or tree trimming were not determined to be housing services eligible for a rent reduction. Ms. Maier noted that for staff's analysis of these issues, it must be evaluated whether the alleged reduced service could be sufficiently specified and quantified.

As part of this, subject matter experts are consulted. After consulting with others, staff could not make a connection between the delayed electrical meter calibration and a reduction in a specifically enumerated service, as required by the ordinance. Other issues raised by residents were too general or transient in nature and could not be quantified due to lack of substantial evidence such as the dates when the issue began or occurred.

Ms. Maier also responded to the question of whether the park owners could be responsible for a higher share of the County's mobile home park administration fee due to lack of ongoing maintenance?. Ms. Maier stated that that fee is set by the Board of Supervisors and based on a triennial accounting of Planning staff time directly expended on the Mobile Home Park program with the same fee applied consistently to all mobilehome parks for a three year period. It is not applied on a park-by-park basis.

Discussion:

Board Member Hundley noted the challenge of tenants being able to sufficiently quantify alleged housing service reductions.

Board Member Brooks echoed this sentiment and stated his desire to see additional issues enumerated in the form of rent reductions or penalties.

Dave Ward, Planning Director, spoke on the relationship between HCD and the Ventura County General Plan's Housing Element, which contains key elements such as maintaining existing housing stock, including the housing at County mobile home parks, and better engagement with HCD. Mr. Ward noted his commitment to working with HCD staff. He stated his desire to reach out to HCD staff and other counties to initiate a conversation regarding how park deterioration is being addressed statewide. Mr. Ward noted his plan to return to the RRB in the future with an update on any progress.

Chair Francis noted his emotional agreement with comments he heard today. Chair Francis noted his view that in order to recommend a refund, clear and justifiable figures are essential.

Chair Francis closed the public hearing.

Deliberation:

Board Member Hundley made a motion to adopt staff's recommended actions, as reflected in the May 23, 2023, errata memorandum to the RRB. Board Member Rosenbaum seconded the motion.

Board Member Hundley noted his view that these actions reflected the only quantifiable and measurable issue area eligible for a rent reduction.

Board Member Brooks stated that he would be voting no on the motion. Board Member Brooks noted that the staff report is commendable but, in his view, reflects a business-as-usual approach to mobile home parks. Board Member Brooks stated that the parks are a source of housing for seniors and low-income residents and noted his preference that the County be more aggressive in enforcement of issues at mobile home parks.

Motion passed 3-1 (Board Members Brooks opposed).

Chair Francis advised residents to document future alleged service reductions to the greatest extent possible. Chair Francis requested that Planning Division staff engage with HCD staff to create a better working relationship. A consensus of the RRB agreed. Dave Ward stated he would follow up on the RRB's next agenda with a discussion item on the topic of HCD under the umbrella of the Housing Element.

7. ELECTIONS FOR CHAIR AND VICE CHAIR

Chair Francis nominated Board Member Hundley to the position of Chair and Board Member Brooks to the position of Vice Chair.

Board Member Hundley inquired whether a conversation between two of the five members Board would be subject to the Brown Act. Franchesca Verdin, Assistant County Counsel, confirmed that it would not violate the Brown Act or be reportable, so long as what is being discussed is not otherwise in the record already.

The RRB unanimously confirmed the nominations.

8. COMMENTS FROM BOARD MEMBERS

Board Members thanked staff for their efforts.

Chair Hundley stated his desire to see an improved relationship with HCD in order to receive better service at mobile home parks.

9. COMMENTS FROM PLANNING STAFF

Dillan Murray, staff, reported that the Planning Division has approved 10 ministerial rent increase applications for 2023 with two currently pending. The maximum allowable increase for 2023 is 8%. The next hearing of the RRB will be held Wednesday, August 23, 2023 at 1:00 p.m.

10. ADJOURNMENT

At 3:19 p.m., the RRB was adjourned.

Chair
Mobile Home Park Rent Review Board

ATTEST:

Dillan Murray, Staff Coordinator

Date