

ORDINANCE NO. 1743

**AN ORDINANCE OF THE CITY OF SAN RAFAEL
AMENDING SECTIONS 20.04.020(M) AND 20.08.010(B) OF
THE SAN RAFAEL MUNICIPAL CODE CONCERNING
MOBILEHOME RENT INCREASES.**

WHEREAS, in 1989, the City Council adopted the City's mobilehome rent stabilization ordinance, codified as Chapter 20 of the San Rafael Municipal Code, as amended in 1993, in order to implement provisions in the Housing Element of the City's General Plan, requiring the preservation of affordable housing in the City of San Rafael; and,

WHEREAS, mobilehomes continue to be an important source of affordable housing in San Rafael for persons of very low, low and moderate income; and

WHEREAS, San Rafael Municipal Code section 20.08.010(B)(1) currently permits mobilehome space rents to be increased annually in certain graduated amounts based upon increases in the Consumer Price Index, without review under the rent control provisions of Chapter 20; and

WHEREAS, mobilehome rent increases permitted over the past ten years without review pursuant to section 20.08.010(B)(1) of the Ordinance, have resulted in rents which are not considered affordable for very low or low income park tenants, thus effectively negating the purpose of the rent control ordinance to preserve affordable housing; and,

WHEREAS, the City Council desires to ensure that the goals and objectives of its policy to preserve affordable housing within the City of San Rafael, as detailed in the Housing Element of the City's General Plan, are maintained, and, in order to do so, the

City Council finds that it must adjust the provisions of Chapter 20 to more effectively ensure the affordability of housing for mobilehome park tenants, while continuing to provide the mobilehome park owners with a fair return on their investments; and

WHEREAS, the rent hearing procedure will continue to provide the park owner an efficient, inexpensive and prompt method to increase rent in excess of the exempted amount should the evidence justify such an increase to ensure the park owner's fair return on investment;

NOW, THEREFORE, the City Council does ordain as follows:

DIVISION 1:

San Rafael Municipal Code Sections 20.04.020(M) is hereby amended to read as follows:

Section 20.04.020(M) - - Rent Increase.

M. "Rent increase" means any additional rent demanded of or paid by a Homeowner for a rental lot and related amenities, including any reduction or elimination of amenities without a corresponding reduction in the monies demanded or paid for rent, and any additional rent demanded of or paid by an operator for rental of real property used for the operation of a mobile home park. **Any portion of a rent increase assessed for capital replacements or capital improvements shall be separately identified and shall not be included in the base rent.**

DIVISION 2:

San Rafael Municipal Code Sections 20.08.010(B)(1) is hereby amended to read as follows:

Section 20.08.010(B)(1)

Except as provided in section 20.08.010(B)(2) and (B)(3) any rent increase for any mobilehome lot in any 12 month period which is equal to or less than the rent charged on the date 12 months prior to the date the increase is to take effect, multiplied by a cost of living factor and rounded off to the nearest dollar. The cost of living factor shall be seventy-five percent (75%) of the CPI/C, where the CPI/C shall mean the percentage change in the consumer price index (“CPI”) for California, All Urban Consumers, San Francisco-Oakland-San Jose areas, as published by the Bureau of Labor Statistics, San Francisco, over the most recent twelve month period for which figures are available through the month before the month preceding the date notice of the rent increase is given. The most recently published CPI figure available at the time the rent increase notice is given shall be used for the calculation. The City of San Rafael will supply each Owner and/or Operator the published CPI figure to be used in any rent increase. Each Owner and/or Operator

shall post such document in a conspicuous place in the park office or office area, where it can easily be seen by the park Homeowners.
Capital replacement and/or capital improvement assessment(s) shall not be included in the base rent nor eligible for automatic CPI increases under this section.

DIVISION 3:

If any section, subsection, sentence, clause or phrase of this Ordinance is for any reason held to be invalid, such decision shall not affect the validity of the remaining portions of this Ordinance. The Council hereby declares that it would have adopted the 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 invalid.

DIVISION 4:

This Ordinance shall be published once in full before its final passage in a newspaper of general circulation, published, and circulated in the City of San Rafael, and shall be in full force and effect thirty (30) days after its final passage.



ALBERT J. BORO, Mayor

ATTEST:


JEANNE M. LEONCINI, City Clerk

The foregoing Ordinance No. 1743 was read and introduced at a Regular Meeting of the City Council of the City of San Rafael, held on the 18th day of OCTOBER, 1999 and ordered passed to print by the following vote, to wit:

AYES: Councilmembers: Cohen, Heller, Miller, Phillips & Mayor Boro

NOES: Councilmembers: None

ABSENT: Councilmembers: None

and will come up for adoption as an Ordinance of the City of San Rafael at a Regular Meeting of the Council to be held on the 1st day of NOVEMBER, 1999.


JEANNE M. LEONCINI, City Clerk