

Summary of Comments Received on Administrative Guidelines for the Implementation of Oceanside City Code Chapter 16B – Manufactured Home Fair Practices Act

To encourage public participation in the revision of the Administrative Guidelines, the public was provided with reasonable notice and opportunity to comment on the Administrative Guidelines of no less than 30 days.

- Public comment period: Start date of Friday, May 3, 2024 through May 31, 2024.
- Public comment extended period: Start date of Friday, September 5, 2024 through September 20, 2024.
- Public Meetings: Regular meeting of the Manufactured Home Fair Practices Commission on the first Thursday of the month
 - May 2, 2024
 - September 5, 2024
 - November 7, 2024

Copies of the draft Administrative Guidelines were made available for public viewing on the City's website, Manufactured Home Fair Practices Commission page. To provide comments on the Administrative Guidelines, the public was able to contact the Housing and Neighborhood Services Department Administrative Analyst at jadame@oceansideca.org or by written comments submitted to the Department's office location.

Agency/Org/ Individual	Method of Communication	Feedback/Response
Diane Hanson, resident & President of OMHA, Inc	Email-Correspondence (May 3, 2024) (May 7, 2024)	Residents do not pay into the rent control fund and are not covered by rent control and are not homeowners. The term "Resident Designee" is misleading... A homeowner is a resident, but a resident may not be a homeowner, that person may be a renter. Only a Homeowner should represent the other homeowners. <i>Response: Not addressed in the revisions to the Administrative Guidelines as this would be inconsistent with Chapter 16B. [...this council further finds and declares it necessary to protect the <u>owners and residents</u> of manufactured homes from unreasonable space rental increases...] 16B sec 16B.1 (d)</i> <i>"Manufactured home resident. Any person entitled to occupy a manufactured home as the owner thereof or pursuant to a rental or lease agreement with the owner of a manufactured home. Also referred to herein as a 'resident.'" 16B sec 16B.2 (e) and consistent with CA Civil Code Section 798.11.</i>
David Dollahon MHFPC Vice-Chair	Written (May 2, 2024)	Sec. 1.04 (b) the annual permissive adjustment needs to follow the same language of Chapter 16B. <i>Response: Section has been revised to follow the same language of Chapter 16B sec 16B.9 (c)(3)</i>
David Dollahon MHFPC Vice-Chair	Written (May 2, 2024)	Add AB2782 to Sec. 1.07 (b) <i>Response: Section 1.07(b) revised to provide language from the California Senate MRL FAQs is added to state "As of January, 2021, any long-term lease signed on or after February 13, 2020</i>

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		<i>is no longer exempt from local rent stabilization, and the rent regulations in the local ordinance will take precedence. In addition, all long-term leases signed prior to February 13, 2020 shall continue to be exempt from local rent stabilization, but only until they expire, or until January 1, 2025 whichever occurs first. ”</i>
David Dollahon MHFPC Vice-Chair	Written (May 2, 2024)	Remove (C) from sec. 4.01. <i>Response: The park needs to be in compliance with all registration requirements for the current year and all prior years.</i>
David Dollahon MHFPC Vice-Chair	Written (May 2, 2024)	Add “of the next month” to sec. 4.02 (n) for it to read [... (1) July 1 st or (2) the first day of the next month after the park has passed the required health and safety inspection. <i>Response: Inconsistent with Chapter 16B. “...the commission shall grant the adjustment to be effective only upon the park’s providing satisfactory evidence as required by the commission, that all unsatisfactory conditions in the park have been remedied. sec. 16B 15 (b)(3).” Adjustment in effect as of satisfaction of requirements and not delayed.</i>
Linda Walshaw	Email-Correspondence (September 1, 2024)	“The word ‘residents’ [on page 3] should be changed to “affected homeowners” since renters are “residents,” but are not subject to 16B. <i>Response: Not addressed in the revisions to the Administrative Guidelines as this would be inconsistent with Chapter 16B. “[...this council further finds and declares it necessary to protect the owners and residents of manufactured homes from unreasonable space rental increases...]” 16B sec 16B.1 (d)</i> <i>Manufactured home resident. Any person entitled to occupy a manufactured home as the owner thereof or pursuant to a rental or lease agreement with the owner of a manufactured home. Also referred to herein as a “resident.” 16B sec 16B.2 (e)</i>
Linda Walshaw	Email-Correspondence (September 1, 2024)	Add “by majority vote of the affected park residents” to page 11 <i>Response: Declaration of Resident Designee outlines the requirements and states a simple majority defined as majority plus one.</i>
Linda Walshaw	Email-Correspondence (September 1, 2024)	To provide an unredacted copy of the Park Owners’ Application for Permissive Adjustment to affected mobile homeowners and to the MHFPC Commissioners for their review and consideration to determine if the space is a “time-share” or “short-term rental” or if multiple spaces are reported as “rent control” but owned by the same entity/individual and not subject to 16B. <i>Response: Staff proposes to make available the registration application on the Housing & Neighborhood Services Department website on or around February of each year after such time the applications are deemed complete and in preparation for the Commission’s meeting held in April to consider the annual permissive rent adjustments. The Guidelines</i>

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		<p><i>have been revised to reflect this practice. This is similar to staff's practice of publishing the inspection reports and MHFPC Resolutions.</i></p> <p><i>See https://www.ci.oceanside.ca.us/government/housing-neighborhood-services/housing/mobile-home-rent-control/documents-and-resources</i></p> <p><i>Documents will be made available in accordance with the Public Records Act.</i></p>
Jimmy Knott III	Email-Correspondence (September 1, 2024)	<p>Metrics for example lot lines.</p> <p>Parks ignoring the entire infrastructure</p> <p>Using recommendations given in the MRL</p> <p>Time frames notices from parks to residents if intent of conversion of a park and more stringent requirements for conversion or closure of parks.</p> <p><i>Response: Comments received are outside of the scope of the implementation of Chapter 16B and corresponding update of the Administrative Guidelines.</i></p>
Penny Russel	Email-Correspondence (September 16, 2024)	<p>Section 1.05 (b) should mirror section 3.02 as the both reference adopted Resolution 09-R0284-1</p> <p><i>Response: Revised. However, Section 1.05b refers to residents' monthly payments. Section 3.02 refers to the park owners' monthly payments.</i></p>
Penny Russel	Email-Correspondence (September 16, 2024)	<p>Section 1.07(d) - something should be written as to how this will be monitored (by the City, MHFPC?)</p> <p><i>Response: See Section III – Registration of the Administrative Guidelines. Monitoring of exemptions to Chapter 16B is carried out through the registration process, review of the submitted documents, and further verification that may be required. Long term leases will be subject to Chapter 16B as of January 1, 2025. Park residents are encouraged to review the Registration Application or the MHFPC Resolutions for their applicable space and report any discrepancies to staff.</i></p>
Penny Russel	Email-Correspondence (September 16, 2024)	<p>All NOIs should be based on an actual audit, not stated income and expenses. It's too easy for these corporations (who own multiple parks) to get through loop holes. I suggest a Park Owner can't apply for an NOI until they have owned the park for 3-5 years.</p> <p><i>Response: The requirements for determining Net Operating Income are established in Section 16B.12 through 14. The proposed revisions to the NOI are therefore outside the scope of the update to the Guidelines for administering Chapter 16B.</i></p>

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Penny Russel	Email-Correspondence (September 16, 2024)	I continue to ask for MHFPC to "define a just and reasonable return" as the price the Park Owner paid for the park. <i>Response: Section 16B.15(d)(7) and Section 7.01 (d) and (e) of the Administrative Guidelines address factors to consider in an analysis of fair return. As acknowledged in the Guidelines, there is no constitutionally set formula for arriving at a "fair return". More often, guidance in arriving at a fair or warranted rent increase is provided through legal precedence.</i>
Penny Russel	Email-Correspondence (September 16, 2024)	When a park doesn't pass the annual inspection for a number of years, and once they pass they should not be entitled to the accumulation of CPI of all the years the missed. <i>Response: Outside of the scope of the update of the Administrative Guidelines.</i> <i>In accordance with Section 16B.9(c), "a park owner shall be entitled to an annual permissive adjustment of gross space rental income equal to the lesser of an eight (8) percent increase or an increase equal to seventy-five (75) percent of the percentage increase in the CPI". Passing of the Chapter 16B inspection is a condition related to when they may implement the entitled annual permissive adjustment and does not serve as a denial of the annual permissive adjustment.</i>
Diane Hanson, resident & President of OMHA, Inc	Email-Correspondence (September 19, 2024)	Add a clause under Chapter 16B.5 in reference to MRL 798.23 and deny a Permit to Operate in the City of Oceanside if any found violations either to 16B or MRL. <i>Response: Comments received are outside of the scope of the implementation of Chapter 16B and corresponding update of the Administrative Guidelines.</i>
Diane Hanson, resident & President of OMHA, Inc	Email-Correspondence (September 19, 2024)	Not allowing park owners to rent homes to tenants at fair market value. <i>Response: Outside the scope of the update of the Administrative Guidelines.</i>
Linda Walshaw	Email-Correspondence (September 20, 2024)	Require that both park owners and management entities provide their correct legal names and City of Oceanside Business License numbers for each entity. <i>Response: Under Chapter 16B.2 the initial registration shall include the name(s), business address(es), business telephone number(s) of each person or legal entity possessing an ownership interest in the park. This is reflected in the annual Registration Application. For the 2025 registration process, the application will be revised to request business license information.</i>
Linda Walshaw	Email-Correspondence (September 20, 2024)	Restore the requirement for the park owners and/or City of Oceanside to provide the residents and/or Resident Designee, with an unredacted copy of their park's annual Application. <i>Response: There currently is no requirement to provide the annual Registration Application to park residents or resident representatives within Chapter 16B or the Administrative</i>

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		<p><i>Guidelines. The Guidelines currently state that such applications will be provided to the Commission.</i></p> <p><i>The annual Registration Application is available at the request of park residents, homeowner associations and any member of the public for review. The City has and continues to provide such information as requested. Additionally, rent roll information, inclusive of the type of lease and the maximum space rents, is currently available through the MHFPC Resolutions published on the Housing & Neighborhood Services Department website at https://www.ci.oceanside.ca.us/government/housing-neighborhood-services/housing/mobile-home-rent-control/documents-and-resources.</i></p> <p><i>Staff proposes to make available the Registration Applications on the Housing & Neighborhood Services Department website on or around February of each year after such time the applications are deemed complete and in preparation for the Commission's meeting held in April to consider the annual permissive rent adjustments. This language is proposed in the revised Guidelines.</i></p> <p><i>Documents will be made available in accordance with the Public Records Act.</i></p>
Linda Walshaw	Email-Correspondence (September 20, 2024)	<p>To include a process so the park residents, homeowners Association and the public to report any discrepancies, mistakes, misinformation in the park's application form for annual permissive rent adjustments.</p> <p><i>Response: This is already an available option to the public. The annual Registration Application is available at the request of park residents, homeowner associations and any member of the public for review. Revisions to the Guidelines propose making the Registration Application available on the Housing & Neighborhood Services Department website (see the previous comment above). The MHFPC Resolutions are currently published on the Housing & Neighborhood Services Department website at https://www.ci.oceanside.ca.us/government/housing-neighborhood-services/housing/mobile-home-rent-control/documents-and-resources. The MHFPC Resolutions include a rent roll providing the type of lease and the maximum space rents allowed per space.</i></p> <p><i>Section 3.02-Processing the Registration Form of the Guidelines provide for a process of reviewing, verifying and addressing discrepancies in the application, inclusive of communication with park residents. Park residents are encouraged to review the Registration Application or the MHFPC Resolutions for their applicable space and report any discrepancies to staff.</i></p>

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Daniel Dominguez MHFPC Chair	Email-Correspondence (September 21, 2024)	Add “Pursuant to Oceanside Ordinance 16B.16 (d) (3) “Any other provision or agreement, whether oral or written, in or pertaining to a rental agreement whereby any provision of this chapter or decision or regulation of the commission for the benefit of a resident is waived shall be deemed to be against public policy and shall be void. <i>Response: Section 1.07 – Exemptions of the Guidelines revised to include “subject to Section 16B.16 (d).</i>