

May 10, 2023

Dear Mayor and Members of the Petaluma City Council

We the undersigned are residents of Petaluma Estates Mobile Home Park, 901 N McDowell Blvd, Petaluma, CA 94954.

We want to address the upcoming issue of changes to the Petaluma Ordinance that pertains to Mobile Home Park Space Rent. We feel that the current ordinance unfairly financially impacts each and every resident of the park. The specific section of the Petaluma Code is:

6.50.040 Residential rent increase limitations.

A. Except as provided in subsections B or C, or otherwise expressly authorized in this chapter, the space rent payable for use or occupancy of any mobilehome space shall not be increased within twelve months of the effective date of the preceding rent increase. Except as provided in subsection E or otherwise expressly authorized in this chapter, no initial rent increase shall be imposed sooner than twelve months after the last preceding rent increase regardless of whether the preceding rent increase was effective prior to the effective date of this ordinance. Said increase shall be the lesser of:

1. One hundred percent of the percent change in the CPI; or
2. Six percent.

We, the undersigned, call on the Mayor and the Petaluma City Council to fairly address the objectives of the ordinance, while acknowledge that the owners of the park should be able to receive a fair increase in rents, by specifically adopting the following, which we assert is equitable and appropriate for all concerned:

Said increase shall be the lesser of:

1. Twenty-five percent of the percent change in the CPI; or
2. Two percent.

PRINT NAME	SIGNATURE	ADDRESS
Nancy Jamarck	Nancy Jamarck	537 Vina Rose Dr Petaluma
JUSAN KELLER	Jusan Keller	555 VINA ROSE DR. PETALUMA
Kathleen Thomsen	Kathleen Thomsen	573 Vina Rose Petaluma
Mary Curtis	Mary Curtis	554 Vina Rose, Petaluma
MURIEL A. TRUETT	Muriel A. Truett	542 VINA ROSE. PETALUMA
Jessica Pohl	Jessica Pohl	536 Vina Rose Petaluma
Don Paul	Don Paul	536 Vina Rose, Petaluma
Marie Lopez	Marie Lopez	530 Vina Rose Dr. Petaluma
Ed Lopez	Ed Lopez	530 Vina Rose Dr. Petaluma
CAROLYN DISTEL	Carolyn Distel	524 VINA ROSE DR.
KENNY RUSSELL	Kenny Russell	549 Vina Rose Ca.
Freda J. Lucchesi	Freda J. Lucchesi	560 Vina Rose Dr. Petaluma
Deborah Lucchesi	Deborah Lucchesi	560 Vina Rose Dr. Petaluma

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PRINT NAME	SIGNATURE	ADDRESS
Marcia Lucchesi	Marcia Lucchesi	560 VINA ROSE DRIVE
Gloria K Pearson	GK Pearson	pearsongk@aol.com
Bruce PEARSON	Bruce Pearson	1brucep@aol.com
Carol Kirkeby	Carol Kirkeby	548 Vina Rose Dr.

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John Bertas	John Bertas	13 West Napa Dr
Patricia West	Patricia West	21 West Napa Dr
Michael R. West	Michael R. West	21 West NAPA DR
DIANE L BURNS	Diane S. Burns	33 WEST NAPA DR.
FRANK E BURNS	Frank E. Burns	33 W NAPA DR
Bill Piatt	Bill Piatt	64 W. Napa Dr
Nickola L. Frye	Nickola L. Frye	63 W. Napa Dr.
Rhonda Hobbs	Rhonda Hobbs	69 W. Napa Dr.
Elvio Everett	Elvio Everett	39 W Napa Dr
VERA STEINFELS	Vera H. Steinfels	81 W Napa DR
Marcia Gonzales	Marcia Gonzales	69 W. Napa Dr.
JAMES E. WEBSTER	James E. Webster	37 W. Napa Dr
Lorraine Young	Lorraine Young	52 W Napa Dr.

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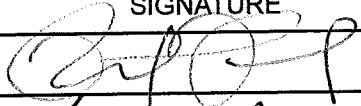
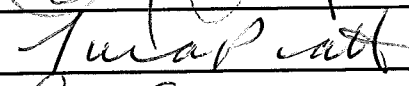
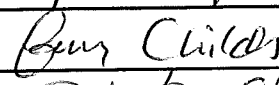
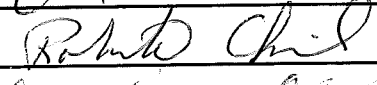
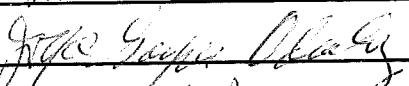


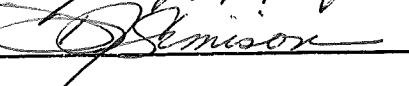
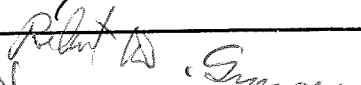
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Robert Pack		75 W. Napa
Christina Piatt		64 W. Napa Dr.
Lucy Childs		58 W. Napa Dr.
Roberta Childs		58 W. Napa Dr.
Jane Gagne Childs		45 W. Napa Dr.
Melanie Steele		51 W. Napa Dr.
GARY CLEMENT		57 W. NAPA DR.
BT SIMISON		57 W. Napa Drive
ROBERT SIMISON		57 W. NAPA DR.

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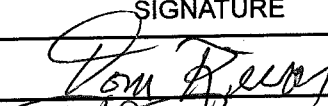

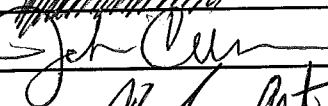
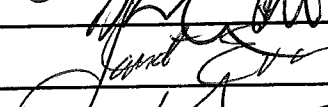
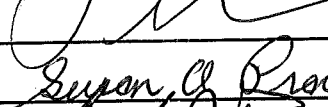

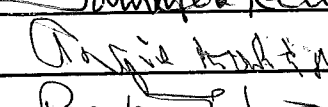
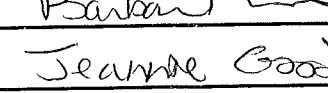


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PRINT NAME	SIGNATURE	ADDRESS
TOM RIVAS		589 SONOMA DR
PAT RIVAS		12 11 1
Julia Marshall		577 SONOMA DRIVE
John Corcoran		577 SONOMA DR.
Rylee Cartier		571 SONOMA DR
JANEI EVANS		545 SONOMA DR
MICHAEL EVANS		565 SONOMA DR
Susan Proctor		559 SONOMA DR
Ed Budziask		588 SONOMA DR
Tamera Kelly		594 SONOMA DR
Angie Kater		595 SONOMA DR
Barbara Thorsen		553 SONOMA DR
	Jeanne Goodfellow	553 SONOMA DR

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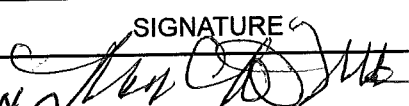
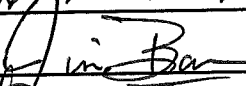
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NANLY DAYTON-MATHESON		143 PETALUMA WAY 94954
SIM BAUER		582 SONOMA DR. 94954
Trinidad Cortes	Trinidad Cortes	901 Petaluma W 94954

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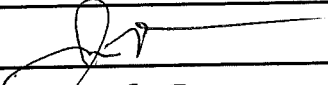
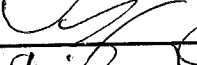
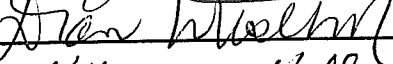
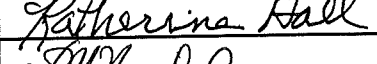
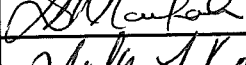



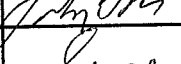

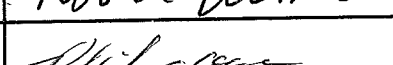
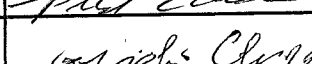
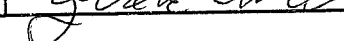
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Judith m. Kress		207 Petaluma Way
Elizabeth May		" " "
Dian Wusthof		221 Petaluma Way
Katherine Hall		223 Petaluma Way
ELENA NAITAKA		225 Petaluma Way
Vicki Keith		86 EAST NAPA DR
KICIA LHO		213 PETALUMA WAY
Jorge Castillo		213 PETALUMA WAY
Bilyan Frank		518 Vinado Drive
SUSAN REESE		214 Petaluma Way
Robert Ulmer		208 Petaluma Way
Phil Chickosky		563 Mendocino Dr.
Firele Chickosky		563 Mendocino Dr.

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Carlene Moon	Carlene Moon	80 East Napa Dr.
Stanley Good	Stanley Good	80 East Napa Dr.
Wanda Taylor	Wanda Taylor	92 East Napa Drive
Cynthia Fisher	Cynthia Fisher	202 Petaluma Way
Elaine Yoder	Elaine Yoder	4 W Napa Dr
MICHAEL STADLER	Michael Stadler	4 W Napa Dr

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Carol George	Carol George	575 Mendocino Drive
Beth Halcomb	Beth Halcomb	580 Mendocino Dr.
WENDELL DAY	Wendell W. Day	533 Mendocino Dr.
THELMA LANNING	Thelma Lanning	545 Mendocino Dr.
RUTH HANSEN	Ruth Hansen	557 MENDOCINO Dr.
Bonnie Graves	Bonnie Graves	539 Mendocino Dr.
Diane Day	Diane Day	533 Mendocino Dr.
Michael Salido	Michael Salido	527 Mendocino Dr.
JENIS P. CARSTEN	Jenis P. Carsten	527 MENDOCINO
JEREN SALIDO	Jeren Salido	527 Mendocino Dr.
ALAN DURALL	Alan Durall	551 MENDOCINO DR.
JIM WEHLAGE	Jim Wehlage	580 Mendocino Dr.
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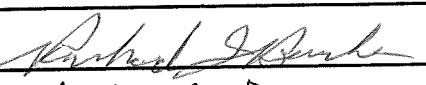
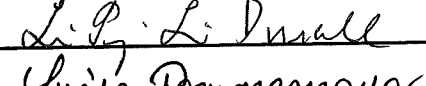
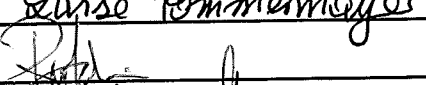
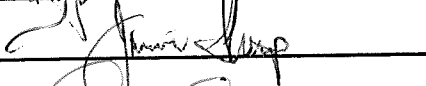


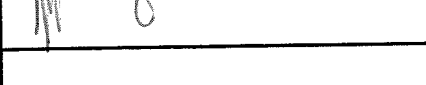
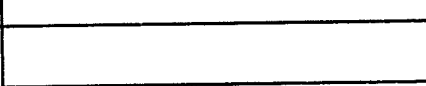
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RICHARD J. BURKE		569 Mendocino Dr Petaluma
LIPING LI-DUKALL		551 Mendocino Dr. Petaluma
LUISE POMMERNAYER		562 Mendocino Dr. Petaluma
RAY GALVIN		526 Mendocino Dr. Petaluma
Juanice Sharp		526 Mendocino Drive Petaluma
Donna Lewis		520 Mendocino Dr, Petaluma
Jennifer Basque		508 Mendocino Dr Petaluma
J. Scott Basque		508 Mendocino Dr Petaluma

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PRINT NAME	SIGNATURE	ADDRESS
Katherine Drady	Katherine Drady	574 Mendocino Dr. Petaluma
Dorothy Drady		574 Mendocino Dr. Petaluma

May 10, 2023

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2. Two percent.

PRINT NAME	SIGNATURE	ADDRESS
LINDA SPENCER	Linda Spencer	121 N. NAPA DR PETALUMA
Betty Soldate	Betty Soldate	120 N Napa Petaluma
Pat Goodlin	Pat Goodlin	109 N. Napa Dr 94954
David Paluso	D. Paluso	95 N. NAPA DR 94954
Nadine Furtado Luevano	Nadine Furtado Luevano	96 N Napa Dr Pet. 94954
Hector J. Luevano	Hector J. Luevano	96 N Napa Dr Pet. 94954
Patsy Lopez	Patsy Lopez	95 N. Napa DR
Mike Lopez	Mike Lopez	95 N. Napa Dr 94954
Mary Heitman	Mary Heitman	90 N Napa Dr 94954
Ann Baker	Ann M. Baker	90 N. NAPA DR. 94954
JOHN MURPHY	John Murphy	91 N. NAPA DR 94954
AL DIORIO	Al Diorio	89 N NAPA DR 94954
CYNTHIA DIORIO	C. Diorio	89 N NAPA DR 94954

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PRINT NAME	SIGNATURE	ADDRESS
KEN McCulla	Ken McCulla	85 N Napa Dr
Dorothy McCulla	Dorothy McCulla	85 N Napa Dr
William Mazzoleni	William Mazzoleni	56 VINA ROSE DR.
Michele Paskal	Michele Paskal	126 N Napa Dr.
Ronald N Hodges	Ronald N Hodges	103 N Napa Dr.
Jo Ann Blackston	Jo Ann Blackston	102 North Napa Dr
DONNA SLATTERY	Donna Slattery	108 N. Napa Dr.
Margaret Hoffman	Margaret Hoffman	115 N Napa Dr.
Whinnie Card	Whinnie Card	114 N Napa Dr
PHILIP PASKAL	Philip Paskal	126 N NAPA DR
ABRIENNE PASKAL	Abrienne Paskal	126 N NAPA DR
Helen Jacobson	Helen Jacobson	101 Petaluma Way

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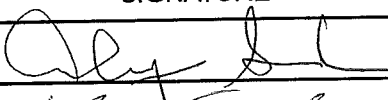
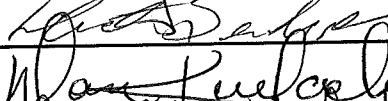
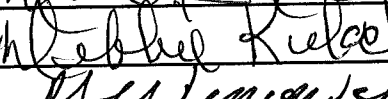
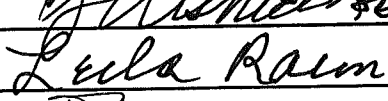
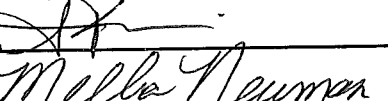
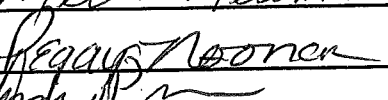
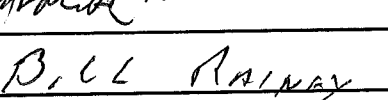
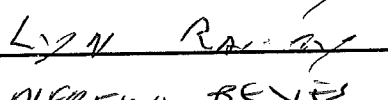
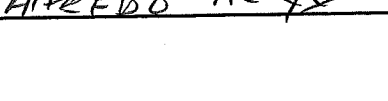


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ARLYN SERBER		505 Sonoma Dr
Hector Serber		505 Sonoma Dr
Dan Kulack		511 Sonoma Dr
Debbie Kulack		511 Sonoma Dr
CATHERINE WISNIEWSKI		84 N. Napa Dr.
Leila Raim		84 N Napa Dr.
KIM PIERCE		504 SONOMA DR.
Melba Newman		528 Sonoma Dr.
PEGGY NOONAN		523 Sonoma Dr
Andrew Grice		534 Sonoma Dr
Bill Rainey		541 Sonoma Dr
Lynn Rainey		-
Alfredo Reyes		516 SONOMA DR

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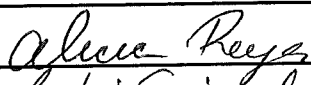
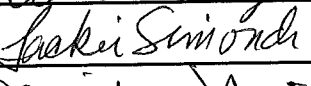
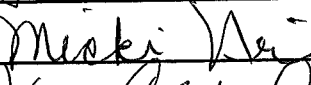

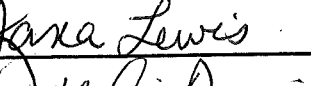
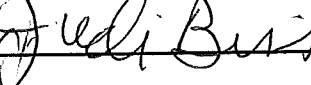
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Alicia Reyes		510 Sonoma DR
Jackie Simondi		72 N Napa Drive
Micki Neil		540 Sonoma Dr
Jean Carolan		516 Sonoma DR
Jana Carolan		516 Sonoma DR
Jedi Biss		522 Sonoma DR

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Sharon Freitas	Sharon Freitas	24 North Napa Dr.
Willene F. Kanasky	Willene F. Kanasky	17 N. Napa Dr.
Sharon Springs	Sharon Springs	30 N. Napa Dr.
MARGARET CARLSON	Margaret Carlson	36 N. NAPA DR.
Suzanne Clark	Suzanne Clark	23 N. Napa Dr.
George Isermann	George Isermann	18 N. Napa Dr.
JANICE STEVENS	Janice Stevens	47 N. NAPA DR.
WALTER KLETTE	Walter Klette	47 N. NAPA DR.
LAUREN WILLIAMS	Lauren Williams	12 N. NAPA DR.
Marcia Vogt	Marcia Vogt	41 N Napa Dr.
Sheila Petersen	Sheila Petersen	48 N. NAPA DR.
Kathleen Stack	Kathleen Stack	79 N Napa Dr.
Diane Tillotson	Diane Tillotson	71 N. Napa DR.

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Debra O'Shea	[Signature]	83 Napa Dr
Deb TANAKA	[Signature]	1004 Sonoma Ct.
M. Miller	[Signature]	1003 Sonoma Ct
Barbara Long	[Signature]	65 N. Napa Dr Petaluma
Barbara Turner	[Signature]	29 N. Napa Dr. Petaluma
Gabrielle Mahurin	[Signature]	35 N. Napa Dr. Petaluma
Maryann Hoffman	[Signature]	35 N. Napa Dr. Petaluma
GEORGETTE ADOLPH	[Signature]	53 N. Napa Dr.
Donna Fowler	[Signature]	1008 Sonoma Ct. Petaluma
Tammy Gregory	[Signature]	1009 Sonoma Ct Petaluma
Diane Pimentel	[Signature]	94 W Napa Dr.
Hil Mattott	[Signature]	503 Mendocino Dr
Karen Fuller	[Signature]	502 Mendocino Dr

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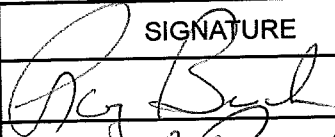
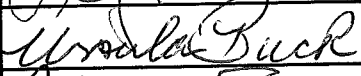


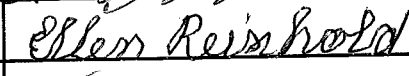
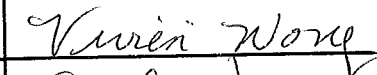
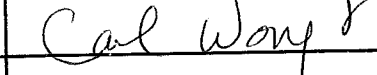
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Craig Buck		514 Mendocino Dr Petaluma
URSULA Buck		11 514 Mendocino Dr.
CLARENCE FICKER		521 Mendocino Dr Petaluma
DOTHY HARBERT		59 NORTH NAPA DR.
ELLEN REINHOLD		42 N. Napa Dr.
VIVIEN WONG		66 N. Napa Dr.
CARL WONG		66 N. Napa Dr

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Bryan Mead	Bryan Mead	256 Petaluma Way
Kayleen Mead	Kayleen Mead	256 Petaluma Way
Philip Willcher	Philip Willcher	238 Petaluma Way
Stephanie Stone	Stephanie Stone	238 Petaluma Way
Cathy Decker	Cathy Decker	244 Petaluma Way
Joe Wecker	Joe Wecker	244 Petaluma Way
Gisa Davis	Gisa Davis	232 Petaluma Way
Marjorie Fogarty	Marjorie Fogarty	249 Petaluma Way
Martha Gustafson	Martha Gustafson	255 Petaluma Way
ZACH DAY	ZACH DAY	255 Petaluma Way
Andra Kaczmarek	Andra Kaczmarek	127 Napa Dr. (North)
Sandra Schaffner	Sandra Schaffner	133 N. Napa Dr. Pet
Amy Co St	Amy Co St	250 Petaluma Way

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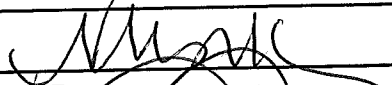

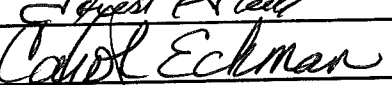
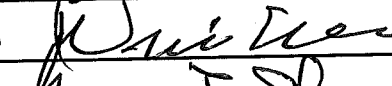
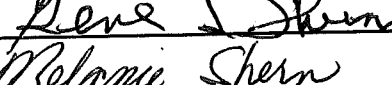
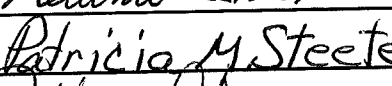


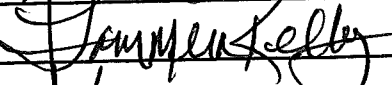



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Nancy Moser		55 East Napa, Petaluma 94954
Nancy Lindzy		38 E. Napa Dr., Petaluma 94954
FOREST STEELE		419 E NAPA DR. PETALUMA 94954
CAROL Eckman		61 E. Napa Dr. Petaluma
Dennis Eckman		61 E NAPA DR Petaluma
Gene Shern		43 E NAPA DR. Petaluma 94954
Melanie Shern		43 E. NAPA DR. Petaluma Ca. 94954
Patricia M. Steele		49 E Napa Dr. Pet. Ca 94954
PATTI Dellabruna		31 E. Napa Dr. Pet 94954
Joe Dellabruna		
Mikio Okada		1 E. Napa Dr. Petaluma CA 94954
Jamiera Kelly		7 E Napa Dr. Pet
Jeann Williams		26 E Napa Dr

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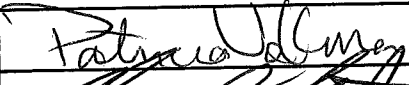

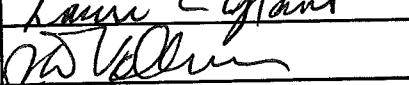
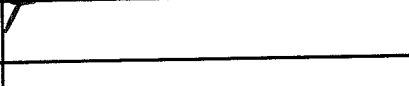
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Patricia Vollmer		25 E. Napa Dr.
BRIAN GRANT		19 E. NAPA DR.
LAURE GRANT		19 E. NAPA DR.
Joseph Vollmer		25 E Napa Dr.

May 10, 2023

Dear Mayor and Members of the Petaluma City Council

We the undersigned are residents of Petaluma Estates Mobile Home Park, 901 N McDowell Blvd, Petaluma, CA 94954.

We want to address the upcoming issue of changes to the Petaluma Ordinance that pertains to Mobile Home Park Space Rent. We feel that the current ordinance unfairly financially impacts each and every resident of the park. The specific section of the Petaluma Code is:

6.50.040 Residential rent increase limitations.

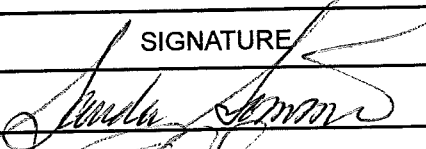
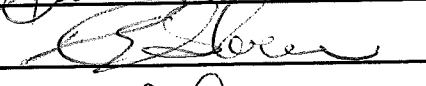
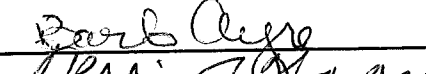
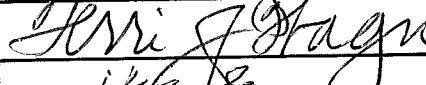

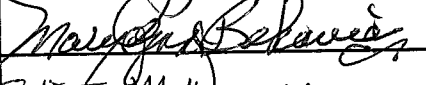
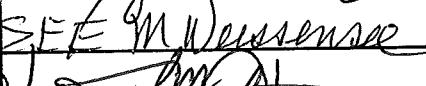
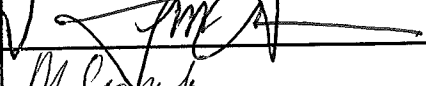
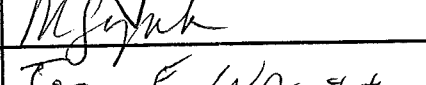
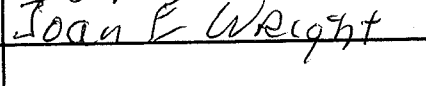
A. Except as provided in subsections B or C, or otherwise expressly authorized in this chapter, the space rent payable for use or occupancy of any mobilehome space shall not be increased within twelve months of the effective date of the preceding rent increase. Except as provided in subsection E or otherwise expressly authorized in this chapter, no initial rent increase shall be imposed sooner than twelve months after the last preceding rent increase regardless of whether the preceding rent increase was effective prior to the effective date of this ordinance. Said increase shall be the lesser of:

1. One hundred percent of the percent change in the CPI; or
2. Six percent.

We, the undersigned, call on the Mayor and the Petaluma City Council to fairly address the objectives of the ordinance, while acknowledge that the owners of the park should be able to receive a fair increase in rents, by specifically adopting the following, which we assert is equitable and appropriate for all concerned:

Said increase shall be the lesser of:

1. Twenty-five percent of the percent change in the CPI; or
2. Two percent.

PRINT NAME	SIGNATURE	ADDRESS
SANDRA SOMMERS		501 VINA ROSE DR. Petaluma
MARTIN SLOAN		501 VINA ROSE DR. Petaluma
Barb Ayre		507 VINA ROSE DR. -
TERRI WAGNER		506 VINA ROSE PETALUMA
Hubb Farasetti		500 VINA ROSE DR. Petaluma
MARYANN BEKOWIES		513 VINA ROSE DR. Petaluma
MARTY WEISSEN		517 VINA ROSE DR Pet
TERRY McQUEEN		27 W. Napa Dr. Petaluma 949
MARCO GEBENWORTH		28 W. Napa Dr. Petaluma CA 949
Joan Wright		46 W. Napa Dr Pet. CA

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2. Two percent.

PRINT NAME	SIGNATURE	ADDRESS
KATHLEEN ADAMS	Kathleen Adams	1006 NAPA Ct. PETALUMA
KRISTEEN ADAMS	Kristeen Adams	1006 NAPA Ct PETALUMA
BRUCE VERMER	Bruce Vermer	1007 Napa Ct Petaluma
PAUL MOSSI	Paul Mossi	1002 NAPA Ct
PATRICIA MULLOCH	Patricia Mulloch	1007 NAPA Ct
NICOLE GARCIA	Nicole Garcia	1018 NAPA Ct
STEVE GARCIA	Steve Garcia	1018 NAPA Ct.
ANN M JACK	Ann M Jack	99 West Napa Dr
DIANE HAWLEY	Diane Hawley	1001 Napa Ct
ELAINE FAUSER	Elaine Fauser	88 W. Napa Dr.
DONALD Mac KENZIE	Donald Mac Kenzie	88 W. NAPA DR.
PAUL CAMPI	Paul Campi	92 W. NAPA DR.
DIANN ATHER	Diann Athor	1013 Napa Ct

May 10, 2023

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1. Twenty-five percent of the percent change in the CPI; or
2. Two percent.

PRINT NAME	SIGNATURE	ADDRESS
Judy Bufano	Judy Bufano	119 Petaluma Way
Marilyn Lee	Marilyn Lee	114 Petaluma Way
CAROLE D'BRIEN	Carole D'Brien	126 Petaluma Way
Chris Street	Chris Street	102 Petaluma Way
Dore Cook	Dore Cook	108 Petaluma Way
Carolyn Distel	Carolyn Distel	524 Ving Rose
TED MILES	Ted Miles	144 PETALUMA WAY
Priscilla Schelkun	Priscilla Schelkun	120 Petaluma Way
GREG SCHELKUN	Greg Schelkun	120 Petaluma Way
GARY MAGNELL	Gary Magnell	125 Petaluma Way
DEBRA TOLSON	Debra K Tolson	107 Petaluma Way
AnnMarie Bledsoe	A. M. Bledsoe	113 Petaluma Way

Mr. Mayor, ladies and gentlemen of the City Council,

My name is Nickola Frye.

I am a resident of the Petaluma Estates Mobilehome Park, and past president of the Homeowners Association.

I stand before you today to lend my unwavering support to the petition that I am presenting to this esteemed council. This petition represents the collective voice of our Petaluma Estates community, and is urging you to take decisive action on a matter of utmost importance - i.e. the Petaluma Ordinance that pertains to Mobilehome Park Space Rent.

The over 250 signatures contained on this petition, represents over 98% of the residents of our community who call on you to fairly address the objectives of the ordinance by specifically adopting the following, which we feel is equitable and appropriate for all concerned:

Thus, we are asking for the ordinance to read:

“Said increases shall be the lesser of:

- 1. Twenty-five percent of the percent change in the CPI; or**
- 2. Two percent.”**

In a city built on the principles of progress and prosperity, it is imperative that we continually strive to improve the lives of all of our citizens. The petition at hand embodies the hopes, dreams, and aspirations of our fellow residents.

Petaluma Estates is a 55+ community, where most of the residents live on limited incomes.

The most recent space rent increase, which saw each of us experience a rise of our space rent, by an amount of six percent, left many mobilehome residents scrambling to pay for their basic life necessities.

Petaluma seniors, veterans, the disabled and families, who live on limited incomes, particularly in mobilehome parks, frequently have to make life-affecting monetary choices, such as: having enough to eat or paying their space rent, choosing between getting health care or making home repairs to live safely.

As a board member of Rebuilding Together Petaluma I have personally been involved in providing services, repairs, yard work, and mobility assistance to numerous residents of many of our local mobilehome parks.

As recently as April this year, over 70 volunteers from the community joined to repair the homes of 12 low-income neighbors, many of whom reside in mobilehome parks. From the installation of grab bars, to replacement of bathroom floors and exterior decks, to sidewalk repairs, to new front porches, the Rebuilding Together Petaluma volunteers did it all.

These repairs were undertaken for those who were unable to physically do the work themselves, and/or who could no longer afford to make such repairs. Without the necessary repairs or yard work being accomplished we are faced with receiving written notices and the possibility of eviction from our homes by park management.

Let us seize this moment and work hand in hand to provide a reasonable adjustment to the Petaluma Ordinance that governs the Mobilehome Park Space Rent.

Thank you for your time, your dedication, and your service to our city.

**Nickola Frye
63 W. Napa Dr.
Petaluma, CA 94954
707-758-6158**

A handwritten signature in cursive script, reading "Nickola L. Frye". The signature is written in black ink and is positioned to the right of the printed name and address.

Cottages of Petaluma

Community Meeting for All Residents

Saturday May 20th at 10:00 a.m.

Dear Residents,

Bill Feeney, the community owner, will lead a question-and-answer session at which everyone will be encouraged to participate. The discussion will be in reference to:

1. State Law Changes voiding long-term leases as of January 1, 2025
2. Proposed changes in the Petaluma Rent Control Ordinance

All residents are encouraged to attend as these changes and/or proposed changes will have a major impact on everyone. We will discuss what, if anything, we can do to adapt or challenge them.

Coffee and donuts will be served. We look forward to seeing everyone on Saturday morning!

Sincerely,

Cottages of Petaluma Management

SUMMARY OF MAY 20, 2023 MEETING

The purpose of the meeting was to discuss the following issues:

1. The state law that voids long-term leases as of January 1, 2025.
2. Proposed changes to Petaluma Rent Control Ordinance.

After a 90-minute question/answer session and an exchange of ideas of how to address the above issues, there were two differing approaches. Park ownership, with the support of several lessees, made the following recommendations in amending the rent control ordinance:

1. A rental assistance program financed by park ownership for qualified residents with financial limitations.
2. The continued inclusion of the exemption of long-term leases from rent control.
3. The abolition of the "vacancy control", which has undermined affordable housing by artificially inflating the sales prices of homes under rent control. Instead, park owners will be allowed to increase the rent on turnover to the average of the three highest rents within the community.
4. The addition of mandatory mediation to the ordinance.

Some tenants felt the following changes to the ordinance were appropriate:

1. Annual CPI rent increases to be limited to 70% of CPI, not to exceed 4%.
2. A more radical suggestion was to limit increases to 25% of CPI, not to exceed 2%.
3. The continuation of "vacancy control."

Ownership pointed out that abolishing the exemption long-term leases from the local ordinance will result in decreased revenue (lower annual rent increases and no increase of rent on the sale of homes) and significantly increased costs (potentially hundreds of thousands of dollars in legal costs resulting from the necessity to utilize rental arbitration), which will impact all the residents of the Cottages as follows:

1. A much lower level of maintenance and repairs to the community facilities and amenities.
2. There will be no new homes installed as the loss of revenue makes it impossible to do so.
3. There will be no new amenities or upgrades to the community leading to a general decrease in the quality of life within the community.
4. In order to generate the revenue lost from abolishing long-term leases, ownership will likely continue to increase the number of rental homes in the community.

For lessees who agree to sign the enclosed "Declaration of Support" that will be given to the Petaluma City Council in support of the continued exemption of long-term leases from the rent control ordinance and the abolition of vacancy control, the Cottage ownership agrees to amend those individual's leases to include the following financial concessions, along with a 5-year lease extension:

1. All future annual CPI rent increases will be a minimum of 3%, not to exceed 6% abolishing the previous provision for a minimum increase of 4%, not to exceed 8%
2. Upon the sale of homes within the community, the buyers' rent will be the average of the three highest rents in the community, rather than the existing provision for the incoming rent to be the highest in the community.

For the almost 150 long-term lessees who want to take advantage of the above very favorable terms, please return the fully executed Declaration of Support to the management office immediately. Kathy will then provide you with a lease extension for your signature which reflects the terms and conditions outlined above. Since this City Council is in the process of collecting tenant suggestions for possible rent control ordinance alterations, the signed declaration must be returned to management by no later than June 1, 2023. Due to the timeliness of this issue, if the signed declaration is not submitted to the management office by June 1, 2023, our offer will no longer be available.

Lastly, since no present residents have participated in the very toxic, expensive, and adversarial rent arbitration process, it is important that everyone understands how distasteful and counterproductive it is. It is effectively a legal trial where the attorney for the park owner presents his case for a significant rent increase and the tenant's attorney makes a case against the proposed increase. Ultimately, the arbitrator determines who "wins." It is important to understand that the results are totally unpredictable! In three arbitrations we have been awarded a 60% increase in rent, a \$650 increase in monthly rent (more than doubling the resident's rent) and an increase of \$400 per month. In three other arbitrations, we were given only the annual CPI increase provided for in the ordinance. Literally no one wins and everyone loses! No one wants their financial future (including park ownership) determined by at best a "coin flip!"

The reason why every eligible resident in our community VOLUNTARILY signed rent-control exempt leases is that they witnessed this ugly process and wanted the security and stability of knowing exactly what their future rents would be. The arbitration process eliminates that security and stability by bringing into play the possibility of huge monthly rent increases of potentially hundreds of dollars. Our long-term leases have provided us the opportunity to consistently update and upgrade our beautiful community infrastructure and amenities, while installing over 100 new manufactured homes in the community. The loss of those leases will be devastating to our community. Please lend your support to protecting our quality of life by taking advantage of our generous offer.

SIMPLIFICATION OF CHOICES

We understand that the recent unauthorized flyers sent out by GSMOL may be confusing as to your options. To clarify the consequences of your choices, here is a brief overview:

1. RENT CONTROL: Annual CPI Increase is the actual CPI, not to exceed 6%.
2. LONG-TERM LEASES: Annual CPI Increase is the actual CPI, not to be less than 3%, not to exceed 6%.

Rent Control Option:

1. Advantage: If CPI is less than 3%, the resident saves a few dollars per month by getting a slightly lower rent increase.
2. Disadvantage: The very expensive and toxic rental arbitration process can potentially award the park owner a rent increase of hundreds of dollars per month.

Long-term Lease Option:

1. Advantage: The defined limits of annual rent increases provide the resident with the security and stability of knowing exactly what their rent will be every year. There is no possibility of the annual rent adjustment being increased by hundreds of dollars per month as rental arbitration is not part of the terms of the lease.
2. Disadvantage: If CPI is less than 3%, the resident will pay a slightly higher increase that year than if he/she were under rent control.

SUMMARY: Those who opt for rent control with the hope of potentially getting a slightly lower increase gamble that the park owner will not be awarded a large rent increase of hundreds of dollars per month through arbitration. Those who sign the long-term lease pay a slightly higher annual rent increase when the CPI is less than 3%; however, they have the peace of mind of knowing that their annual rent increase will never exceed 6% and they are not subject to the rent arbitration process where their rent could be increased by hundreds of dollars per month.

There is a final very important issue to be considered. The owner of the Cottages has historically utilized and **WILL CONTINUE** to utilize the rental arbitration process whenever there are tenants covered by rent control. His success rate has been 50% in that half of the time the arbitrator awarded rent increases of many hundreds of dollars per month. In the arbitrations that he "lost" the residents' rent was still increased by the CPI.

BOTTOM LINE: A LONG-TERM LEASE IS BY FAR THE BEST AND ONLY INTELLIGENT CHOICE! THE RISK OF HUGE RENT INCREASES IS NOT WORTH THE "REWARD" OF AN OCCASSIONAL LOWER ANNUAL RENT INCREASE!

Petaluma Rent Control

As a resident of the Cottages in Petaluma, I voluntarily signed a rent control exempt long-term lease agreement in lieu of a rental agreement governed by the Petaluma Rent Control Ordinance. I prefer the terms and conditions outlined in our lease to the terms of the rent control ordinance. I signed the lease because it gave me the security and predictability of knowing what my rent would be in the future. The rental arbitration provision of the ordinance does not provide that type of financial security and predictability. Although my rent is significantly higher than surrounding rent-controlled mobile home parks, the purchase price of my home was significantly lower than homes in those communities. Lastly, the leases enabled ownership to highly upgrade all our community facilities, while replacing over a hundred older homes in our community with new manufactured homes. These improvements provide me with a much higher quality of life than would be available in rent-controlled communities.

Since the recent California state law voids long-term leases on January 1, 2025, I am requesting that the Petaluma City Council positively affirm that all long-term leases, as outlined in the present rent control ordinance, will continue to be exempt from rent control. By exempting leases from rent control, the city avoids the expense of the rental arbitration process. Obviously, allowing the tenants and landlords to mutually agree to the terms and conditions of the tenants' tenancy is far superior to having a third party dictate those terms through arbitration.

If the Council disallows the lease exemption, I strongly favor the elimination of vacancy control from the rent control ordinance by allowing landlords to increase rent on turnover to the then average of the three highest rents in the community. This provision will likely eliminate the need for park owners to pursue rental arbitration, which gives me a degree of financial security.

Resident of the Cottages

Address

Date

Resident of the Cottages

From: Bill.Feeney@mhinvestors.com
To: [Wolf, Sarah](#); -- City Clerk
Subject: FW: "22/"23 Petaluma Mobile Home Sales
Date: Tuesday, May 30, 2023 5:09:26 PM
Attachments: [Cottage Sales.pdf](#)
[CPI and MH Sales.pdf](#)
[CPI from 2000 to 2022.pdf](#)

---Warning: Use caution before clicking any attachments. THIS EMAIL IS FROM OUTSIDE OUR EMAIL SYSTEM.---

Sarah- Last email previously sent to Karen Shimizu! Thanks, Bill

From: Bill.Feeney@mhinvestors.com
Sent: Wednesday, May 3, 2023 6:50 AM
To: Shimizu, Karen <kshimizu@cityofpetaluma.org>
Cc: Terry Dowdall <trd@dowdalllaw.com>; Saulo Londono <saulo@wma.org>; Edna Cano <edna.cano@mhinvestors.com>; Nick Ubaldi <nick@harmonycom.com>
Subject: '22/'23 Petaluma Mobile Home Sales

From: Bill.Feeney@mhinvestors.com
Sent: Monday, May 1, 2023 5:57 PM
To: Terry Dowdall <trd@dowdalllaw.com>
Subject: FW: Cottage '22/'23 Sales

Karen- I am forwarding you some information that I shared with the other park owners and our attorney, Terry Dowdall, regarding the Petaluma mobile home sales over the last 15 months. I am also attaching an historical CPI chart showing that the average CPI increase under the Petaluma ordinance **over the last 21 years has been only 2.6%!** This fact provides perspective to some of the tenants' claims that the current rent control parameters of CPI, not to exceed 6% creates a financial burden on them; therefore, they are advocating an unrealistic proposal to alter the ordinance to revise it to a fraction of the CPI with as little as a 4% cap, which would make it impossible for mobile home park owners to properly maintain their communities. It is also important to keep in mind that the social security increase for the same time was 7.6%, With that said, we realize that there are a few residents who may be unable to pay the full 6% increase for this year. Therefore, the park owners have devised a program at our expense to accommodate those tenants in need, which we will review with you at our Thursday zoom meeting.

The purpose of the home sales information that I am sending you is to illustrate the impact of 30 years of "vacancy control" (not allowing a rent increase on the sale of the mobile homes) has had in artificially inflating the sales prices of mobile homes in Petaluma. Ironically, the purpose of this provision in the ordinance was intended to "preserve affordable housing" for future generations, while, in fact it has significantly increased the sales prices of the mobile homes, making them unaffordable! You can see that that the average sales price in the rent-controlled communities is approximately \$75,000 higher than the sales prices in the Cottages, free of vacancy control.

Therefore, we community owners are recommending a revision of the vacancy control element of the present ordinance that would partially eliminate, or at least greatly mitigate, the inflated cost of housing for future generations and to allow sufficient income for the park owners to properly maintain, update and upgrade their communities.

Our final recommendation for altering the ordinance is for the City of Petaluma to affirmatively continue, as it has for the last 30 years, to exempt long-term leases from the rent control ordinance.

The need for this clarification is that the State of California recently passed a law that voids long-term leases as of January 1, 2025. Obviously, this lease exemption serves the public interest by eliminating the need of the very expensive and adversarial rent arbitration process. In conclusion, the park owners also feel that by having you physically visit a couple of our communities you would see first-hand the impact of this ill-advised vacancy control provision of the ordinance. Nick Ubaldi of Little Woods has generously volunteered to personally meet with you at his community so that you can witness the devastating impact of vacancy control on his mobile home park. After visiting Little Woods, I would very much like you to tour the Cottages with our community manager to see the comparison of a highly upgraded community free of vacancy control. Please feel free to give me a call if you have any questions at (949) 466-6779. We are looking forward to a very productive meeting with you and your staff on Thursday. Thanks, Bill Feeney (owner of the Cottages)

From: Bill.Feeney@mhinvestors.com

Sent: Thursday, April 27, 2023 5:47 PM

To: Saulo Londono <saulo@wma.org>; Capri Mobile Villa <sierrabriggs@yahoo.com>; Daniel Weisfield <daniel@threepillarcommunities.com>; Jeff Renner <jeff@lacumbremanagement.com>; Jim Murdock <jim@lacumbremanagement.com>; Leisure Lake MHP <propertypartnersca@gmail.com>; Matt Davies <matt@harmonycom.com>; Nick Ubaldi <nick@harmonycom.com>; Petaluma Estates <petalumaestates@att.net>; royaloaks@treehousecommunities.com; Edna Cano <edna.cano@mhinvestors.com>

Subject: RE: Cottage '22/'23 Sales

Saulo- Attached is a list of all the manufactured home sales (all with rent control exempt, long-term leases with the provision that on turnover the rent goes to the highest in the community) in the Cottages for 2022/2023, as well as a list of all homes in Petaluma that sold in communities under rent control. As you can see the absence of vacancy control has resulted the following:

1. The difference in the sales prices of the homes compared to the NADA values (the "blue book" value of the home if it was sold in a not rent-controlled jurisdiction) is \$140,000 in the Cottages vs. the \$215,000 sales of rent controlled sales resulting in a **\$75,000 savings to a home buyer** of a lessee's home, with the provision to increase the rent to the then highest rent in the community upon the sale of a home.
2. The difference in the average rents is about \$900 per month (Long-term Leases average \$1,750 per month vs. Rent Controlled average of \$850 per month). Note that it took over 20 years (and hundreds of thousands of dollars in legal fees for rent arbitrations) for the community to increase rents from \$250 to today's rent level. The primary source of the present rent level is the ability to increase rent to the highest rent in the community on turnover, which protects the home buyer from rent gouging, since others are already

voluntarily paying the rent amount.

3. The “breakeven” point for the home buyer is a little under 7 years. (If the buyer of a lessee home used his/her \$75,000 of savings toward the \$900 per month higher rent--\$75,000 divided by \$900 per month equals over 83.3 months to breakeven). The average length of home ownership in California is approximately 10-12 years. Therefore, the average homeowner is better off paying the higher rent/lower purchase price and living in an updated community that furnishes him/her a superior quality of life. At the same time, the park owner is able to maintain, update and upgrade the community infrastructure, as well as upgrading the housing supply. **The City of Petaluma is also assured that their affordable housing is sustainable for decades to come and avoids the cost of “fair return” litigation.**
4. Per the standard GSMOL formula (\$100 of rent paid reduces the value of the home by \$10,000), the \$900 higher rent should result in a \$90,000 less expensive home vs. the \$75,000 reflected in the recent sales. Part of the reason for this small disparity is the home buyers are willing to pay a bit of a premium purchase price for homes located in updated/upgraded communities. Because of the significantly higher rents over the last 20 years, ownership was able to update and upgrade the infrastructure, community amenities and housing supply of the community. These improvements provide the residents a higher quality of life, which accounts for why home buyers are willing to pay a bit of a premium.

At the very least, this up-to-date sales data emphatically **proves that vacancy control drives up the cost of housing**, thereby defeating the goal of “protecting affordable housing.” It also illustrates the obvious fact that the lower the rent, the higher the sales price of the home and vice versa.

Therefore, a well-designed rent control ordinance must NOT include vacancy control. The comparison of these two “real time” side by side models provide a unique opportunity to examine which is best for the residents.

1. The present rent control rental agreement with vacancy control results in the following:
 - a. The very low rent artificially inflates the sales price of the mobile homes by approximately \$215,000; therefore, this element of the law is undermining the intended goal of “protecting affordable housing.” Just the opposite, **vacancy control is driving up the cost of housing!**
 - b. The inflated prices of these 1960’s/70’s trailers/mobile homes make it financially unfeasible to replace them with new state-of-the-art manufactured homes. Therefore, this deteriorating housing supply is not a sustainable model. Is it reasonable to assume that a 1960’s trailer will provide housing for Petaluma residents in 2040 or 2050? In fact, a recent law change (voiding long-term leases as of 2025) encourages park owners (and likely investors in the future) to buy less expensive mobile homes and convert them to rental homes (rentable at true market rates under a very liberal state rent control law) in order to combat the artificially low rents that a 30-year-old rent control ordinance has created, thereby diminishing the already very limited supply of what is supposed to be “affordable housing.”
 - c. The extremely low rents make it impossible for owners to properly

maintain their communities, let alone upgrade or update the park infrastructure or amenities. All but one of the Petaluma communities were built in the 1950's/60's with an infrastructure that was not designed or intended to be in used in 2023; therefore, it is a constant battle to keep up with needed repairs. The same is true of the original mobile homes/trailers that were not designed to provide housing in 2023.

- d. The extremely low rents perpetuated by vacancy control will likely lead to more "fair return" litigation, which needlessly costs both the park owners and the City of Petaluma potentially hundreds of thousands of dollars.
2. The alternative of a rental agreement that we are proposing allows the incoming rent on the sale of the home to simply go to the then average of the 3 highest rents, which protects buyers from unreasonable or arbitrary increases in rent:
 - a. The higher rent **saves the home buyer at least \$75,000** (probably more) on the purchase of his home vs. the present vacancy-controlled model.
 - b. The lower sales price on the older trailers enables either local mobile home dealers or park ownership to purchase the trailer and replace it with a new manufactured home. This ensures both ownership of the community and the City of Petaluma that there will be **sustainable affordable housing** for many decades to come.
 - c. The higher rent enables ownership to properly maintain, update and upgrade their communities. It may also make it financially feasible to **upgrade the housing supply** by replacing 50-year-old trailers with new manufactured homes.
 - d. Obviously, allowing the higher rent on turnover **eliminates the need and expense of litigation**, in the form of rent arbitration.

One last point that should be included in our proposal—I would like to push the City Council to **include the same long-term lease exemption** that had been part of their ordinance for the last 30 years. What possible reason would they have for not continuing this exemption? Thanks, Bill

Bill Feeney

Manufactured Home Investors, Inc.

bill.feeney@mhinvestors.com

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IN REPLY REFER TO:

10306

May 30, 2023

MEMORANDUM: SUMMARY OF PARKOWNER'S POSITION

To: City of Petaluma

From: Owners of Manufactured Housing Communities in City of Petaluma

Date: June 5, 2023

Executive Summary

The Petaluma parkowners oppose proposed amendment to annual rent adjustments as now provided. The facts do not support a wholesale upheaval of the status quo.

The average annual rent increase over the past 20 year is **2.6%**. The evidence of non-discretionary operating expense exceeds CPI; solvency is threatened absent comparable revenue adjustments. Especially since 2022 is an anomaly seen *just once* over 20 years (the highest inflation in decades), which can be addressed by voluntary rental assistance for the needy. *Please consider the following proposals:*

1. Voluntary rental assistance, paid by park owners, to assist tenants with financial needs or distress, administered by a leading nonprofit organization that has served low-income tenants for over 30 years. This effectively eliminates economic evictions city-wide.

2. Rent adjustments to current park levels for new purchasers, at existing prevailing park levels. This promotes housing affordability (prospective home-buyers seek affordable housing) and as a "catch up." On in-place sale, rents to new tenants would start at an average of the 3 prevailing rents. This new revenue goes right back into the parks---to maintain roads, services, utilities, and services— so parkowners can periodically recover from unreimbursed hard costs of operation. This approach is also fair because it prevents "rent gouging" since at least 3 other residents are already voluntarily paying that level of rent.

3. The proposed status quo means a stable equilibrium, enabling parkowners to agree to continue operations for 5 more years. During this time, the participating parkowners would also agree to suspend their rights to litigate the ordinance on its face in state or federal court.

These modest changes would avoid the need to dramatically alter the status quo, provide a sustainable system at no additional cost to the taxpayer, and provide protection for residents which could never be mandated or required by Petaluma.

City of Petaluma
May 30, 2023
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Introduction

Parkowners have at all times been responsible, concerned and accountable. The average CPI increase for Petaluma's law for the last 21 years was 2.6% (CPI-U, All Items). The rent histories show that the rent adjustments are much less than the rate of inflation.

Overreaction? Note the 2001 (and current year CPI) are both 6.6% (capped at 6%). Following 2001, CPI dropped annually to 1.2%, 1.6%, 1.4% and 1.1%.

2002	1.8	2.1	1.2
2003	3.3	2.2	1.6
2004	0.2	0.5	1.4
2005	1.6	2.1	1.1

The "cap" has come into play one time in 22 years. That is a 4.5%, or over 22 years, a single occasion. That is essentially statistically insignificant. There is no reason to upset a delicately balanced status quo.

Proposals

1. Voluntary rental assistance for all residents in need. Voluntary assistance eliminates any eviction based on inability to pay rent.

Proposal: Mobilehome park owners will provide a well-established state-wide rent assistance program. The "Mobile Home Rental Assistance Program" (RAP) administered by the Manufactured Housing Educational Trust (MHET), a non-profit association serving low-income mobilehome owners in California for over thirty years. The park owner pays the subsidy. Once an applicant is approved, a "rent credit" in the amount of the rent subsidy is given each month on the recipient's monthly rent statement. Subsidies are 10% or where the need exists, owners approve higher subsidies.

The owners have the power to provide this relief, government cannot mandate it. Absence of "red-tape" means direct and immediate relief to needy tenants unable to pay. This legally binding remedy provides relief the city cannot offer: charitable promises are as binding and effective as enforceable contracts. The city cannot stop evictions. Parkowners can. At no cost to taxpayers.

The provision of rental assistance to end evictions presumes the maintenance of the status quo. This includes continuing enforcement of existing codes without change. This commitment can be provided for an initial 5 year period. This means no further rent evictions for the needy unable to pay.

2. "Pumping the brakes" on spiraling market of mobilehome sales. Stabilize the runaway market with vacancy rent adjustments.

Proposal: Allow adjustments at transfer at existing levels charged in the park. The park owners propose a modest change. Allowable re-indexing to an average of the 3 highest rents in the park has been used, and means equitable treatment for all tenants, the owners and consumers. Obviously, this protects the buyers from "rent gouging" since at least 3 other

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Page 3

residents are *already paying rent* at that level.

The Shadow Market in Petaluma. The average sales price in the rent-controlled communities is approximately \$75,000 higher than where mutually agreed-upon leases provide for adjustments on sale. This is the value of rent control tenancies sold to new buyers. The new buyers pay for the entire expected rent control subsidy at market, in full, at sale.

Specifically, sellers moving on want depressed rents to spike profit margins—it all has little to do with ability to pay. A \$75,000 differential in sales price is a "real time" reality today. That is pure profit from subsidized rents, and pure cost added to price for the consumer. The buyer will pay for all future benefits in rent control in a lump sum.

Comparing the sales price over the last 15 months of Petaluma mobile homes in rent-controlled communities as opposed to a community where the lease allows the rent to increase to the then highest (already being charged) in the park on turnover.

Sale Date	Sales Price	Nada Value	Difference	Year Built	Incoming rent	Address
4/19/2022	\$54,000	\$29,504.00	\$24,496	1983	\$1,757	67 Candlewood Dr Petaluma, CA 94954
6/24/2022	\$79,000	\$6,352.00	\$72,648	1970	\$1,757	148 Oakwood Dr Petaluma, CA 94954
9/29/2022	\$155,000	\$37,163.38	\$117,837	2005	\$1,513	521 Maplewood Dr Petaluma, CA 94954
8/26/2022	\$166,000	\$31,416.29	\$134,584	2002	\$1,757	525 Rosewood Cir Petaluma, CA 94954
11/17/2022	\$181,000	\$32,096.31	\$148,904	2005	\$1,863	125 Candlewood Dr Petaluma, CA 94954
3/29/2022	\$189,000	\$34,469.02	\$154,531	2010	\$1,757	81 Candlewood Dr Petaluma, CA 94954
2/22/2022	\$192,465	\$35,630.17	\$156,835	2003	\$1,690	105 Candlewood Dr Petaluma, CA 94954
3/17/2023	\$215,000	\$33,090.26	\$181,910	2009	\$1,863	52 Oakwood Dr Petaluma, CA 94954
8/31/2022	\$225,000	\$15,291.68	\$209,708	2005	\$1,757	129 Oakwood Dr Petaluma, CA 94954
7/1/2022	\$245,000	\$1,449.06	\$243,551	1999	\$1,757	36 Oakwood Dr Petaluma, CA 94954
2/16/2023	\$250,000	\$44,476.99	\$205,523	2003	\$1,757	43 Candlewood Dr Petaluma, CA 94954
3/11/2023	\$52,000	\$4,368.12	\$47,632	1974	\$1,863	13 Oakwood Dr Petaluma, CA 94954
Average	\$166,955	\$25,442	\$141,513		\$1,758	
Difference between community averages vs. Cottages			\$73,828.12		\$906	

Scarce commodities drive dysfunctional "black" or "shadow" markets. That is the current situation emerging in the city of Petaluma. Peer-reviewed studies show that selling a subsidized tenancy at market generates huge ill-begotten profit. That means that departing sellers are profiteering on a overinflated value generated by rent control. Selling that inflated value at market deprives future generations of any rent control benefits.

This is a reality recognized by municipal leaders sensitive to the needs of home buyers and shortage of affordable housing. Progressive jurisdictions like Santa Cruz have imposed ceilings on mobilehome sales (as a condition for rent control benefits) to protect affordable housing for new homeowners and existing tenants seeking housing.

Discussion

The Folly of Paltry Annual Adjustments: The owners' proposals would improve the landscape of housing affordability, availability and optimism. This creates a SUSTAINABLE business model. *How?* Existing tenant rents would be better protected by the ordinance by curbing just return rent applications; buyers are protected by limiting the rent increase and

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May 30, 2023
Page 4

driving down the cost of housing, and park owners are able to generate enough revenue on turnover to properly update and upgrade park infrastructure to maintain longevity.

Among other things, owners would have far less reason to apply for a rent adjustment. This means far less legal cost in the administration, staffing, and defense of rent controls. The absence of applications generated by the modest changes would cost the city nothing.

Gradual rent increases allows owners to address ever-increasing costs to maintain, update and upgrade aging community infrastructure. Such re-investment protects the community and individual home values. But preventing recoupment of increases for inflation, operating expenses, taxes and capital improvements force owners to seek fair return rent applications. And applications, granted or denied, are often challenged by the aggrieved parties (owners *and* tenants). Staff must assume such a “mandamus” lawsuit against every grant *or* denial.

How to budget for the potential onslaught of rent applications sought to avert the downward spiral into insolvency? Each park, each year, may seek to show irrefutable facts: real inflation, actual expenses, rising costs— all factors relevant to the courts. Consider actual costs to the taxpayers of Petaluma:

- ⌄ The total number of parks, multiplied by staff preparation per park;
- ⌄ The average cost of defending lawsuits: (i) from owners when denied and (ii) from residents when granted (supported by voluminous papers, documents and records); and
- ⌄ The cost of appeals.

Based on other rent control jurisdictions, if we assume (underestimate) costs at \$100,000 per administrative hearing, then \$100,000 per lawsuit, and, then \$100,000 per appeal / year, we have eight (8) parks (x) \$300k/year, or \$2.4 million per year. Conservatively.

Cities with rent controls actually budget well more. Please note this is why the “automatic adjustment” developed among cities concerned with tax payer burdens. To cut down on municipal taxpayer burden and shock. General revenue for a small population of mobilehome profiteers is bad policy and infuriates voters.

Ancillary Benefits: Petaluma is the “big winner” by virtually eliminating the need/expense of “fair return” litigation. Consider:

No Closures: For the 5 years’ initial duration offered by the Parkowners, we would also agree to no action to close any of the parks, cease operations, or serve notices of intent for closure in whole or part (unless required to do so by an earthquake, fire, or other unanticipated occurrence that results in a substantial loss of income and/or destruction of the infrastructure). This benefit is a concession no governmental entity can mandate. A voluntary concession to maintain affordable housing for the period requested costs the taxpayer nothing.

Agreement to Floors and Ceilings. If the foregoing are acceptable, the owners could further consider other *progressive* improvements to the stability of the status quo for the protection of residents, including the regulation of the CPI increase with a minimum adjustment

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City of Petaluma
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Page 5

("floor") of 3% and a maximum annual automatic adjustment ("ceiling") of 6%. Many other options could be explored.

The proposals by the Parkowners would curb needless taxpayer expense benefitting a small group of market profiteers. And open up housing to the consumer— including new homeowner prospects such as tenants seeking affordable ownership. The Park owner's 2 proposals will cost the taxpayers nothing. And result in a net benefit to improving affordable housing opportunities for the five-year period as proposed. .

We believe this is a fair and equitable adjustment which would yield net benefits for virtually all voters in the city.

Very Truly Yours,

/s
Terry R. Dowdall
for
Dowdall Law Offices, A.P.C.

petaluma_pre_lit_rent_interdiction_accord-eff-MMXXIII-17-MAY_v_4.wpd

cc: Petaluma Park Owners
Western Manufactured Housing Communities Association, Inc.

CPI for All Urban Consumers (CPI-U)
12-Month Percent Change

AVERAGE CPI INCREASE SINCE 2002 = 2.6%
 70% = 1.8%

Series Id: CUURS49BSA0
 Not Seasonally Adjusted
 Series Title: All items in San Francisco-Oakland-Hayward, CA, all
 Area: San Francisco-Oakland-Hayward, CA
 Item: All items
 Base Period: 1982-84=100
 Years: 2000 to 2023

Year	Jan	Feb	Mar	Apr	May	*Jun	Jul	Aug	Sep	Oct	Nov
2000		4.2		3.8		4.2		4.7		4.7	
2001		6.5		5.8		6.6 / 6% MAX		5.1		4.5	
2002		1.8		2.1		1.2		1.3		1.4	
2003		3.3		2.2		1.6		1.4		1.0	
2004		0.2		0.5		1.4		1.2		2.0	
2005		1.6		2.1		1.1		2.2		2.8	
2006		2.9		3.2		3.9		3.8		2.5	
2007		3.2		3.3		3.4		2.6		3.3	
2008		2.8		2.9		4.2		4.2		3.6	
2009		1.2		0.8		0.2		0.2		0.1	
2010		1.8		1.7		1.1		1.0		0.9	
2011		1.7		2.8		2.4		2.9		3.2	
2012		3.0		2.1		2.6		2.8		3.2	
2013		2.4		2.4		2.6		2.0		1.6	
2014		2.4		2.8		3.0		3.0		3.2	
2015		2.5		2.4		2.3		2.6		2.6	
2016		3.0		2.7		2.7		3.1		3.6	
2017		3.4		3.8		3.5		3.0		2.7	
2018		3.6		3.2		3.9		4.3		4.4	
2019		3.5		4.0		3.2		2.7		3.0	
2020		2.9		1.1		1.6		1.6		1.1	
2021		1.6		3.8		3.2		3.7		3.8	
2022						6.8 / 6% MAX					

CPI for All Urban Consumers (CPI-U)
12-Month Percent Change

AVERAGE CPI INCREASE SINCE 2002 = 2.6%
 70% = 1.8%

Series Id: CUURS49BSA0

Not Seasonally Adjusted

Series Title: All items in San Francisco-Oakland-Hayward, CA, all

Area: San Francisco-Oakland-Hayward, CA

Item: All items

Base Period: 1982-84=100

Years: 2000 to 2023

Year	Jan	Feb	Mar	Apr	May	*Jun	Jul	Aug	Sep	Oct	Nov
2000		4.2		3.8		4.2		4.7		4.7	
2001		6.5		5.8		6.6 / 6% MAX		5.1		4.5	
2002		1.8		2.1		1.2		1.3		1.4	
2003		3.3		2.2		1.6		1.4		1.0	
2004		0.2		0.5		1.4		1.2		2.0	
2005		1.6		2.1		1.1		2.2		2.8	
2006		2.9		3.2		3.9		3.8		2.5	
2007		3.2		3.3		3.4		2.6		3.3	
2008		2.8		2.9		4.2		4.2		3.6	
2009		1.2		0.8		0.2		0.2		0.1	
2010		1.8		1.7		1.1		1.0		0.9	
2011		1.7		2.8		2.4		2.9		3.2	
2012		3.0		2.1		2.6		2.8		3.2	
2013		2.4		2.4		2.6		2.0		1.6	
2014		2.4		2.8		3.0		3.0		3.2	
2015		2.5		2.4		2.3		2.6		2.6	
2016		3.0		2.7		2.7		3.1		3.6	
2017		3.4		3.8		3.5		3.0		2.7	
2018		3.6		3.2		3.9		4.3		4.4	
2019		3.5		4.0		3.2		2.7		3.0	
2020		2.9		1.1		1.6		1.6		1.1	
2021		1.6		3.8		3.2		3.7		3.8	
2022						6.8 / 6% MAX					

Sale Date	Sales Price	Nada Value	Difference	Year Built	Incoming rent	Address
2/2/2023	\$110,000	\$18,610.02	\$91,390	1981	\$794	583 Sonoma Dr Petaluma, CA 94954
1/12/2022	\$115,000	\$5,222.79	\$109,777	1977	\$1,178	77 Pamela Dr Petaluma, CA 94954
10/25/2022	\$137,500	\$8,786.59	\$128,713	1984	\$1,200	1521 Florence Way Petaluma, CA 94954
3/6/2023	\$145,000	\$15,537.49	\$129,463	1977	\$920	74 Pamela Dr Petaluma, CA 94954
10/27/2022	\$155,000	\$5,927.15	\$149,073	1971	\$882	133 N. Napa Dr Petaluma, CA 94954
4/28/2022	\$161,650	\$15,537.49	\$146,113	1977	\$685	82 Pamela Dr. Petaluma, CA 94954
8/3/2022	\$179,000	\$5,848.98	\$173,151	1972	\$814	1007 Napa Ct Petaluma, CA 94954
3/7/2022	\$185,000	\$15,511.06	\$169,489	1984	\$820	1506 Royal Oak Dr Petaluma, CA 94954
1/14/2022	\$187,000	\$15,511.06	\$171,489	1984	\$806	1514 Royal Oak Dr Petaluma, CA 94954
10/28/2022	\$200,000	\$6,401.07	\$193,599	1983	\$870	1518 Royal Oak Dr Petaluma, CA 94954
3/10/2023	\$200,000	\$15,511.06	\$184,489	1984	\$736	1508 Royal Oak Dr Petaluma, CA 94954
2/18/2022	\$210,000	\$5,586.84	\$204,413	1972	\$800	201 Petaluma Way Petaluma, CA 94954
12/1/2022	\$210,000	\$8,507.61	\$201,492	1986	\$824	1550 Royal Oak Dr Petaluma, CA 94954
9/27/2022	\$222,000	\$6,546.55	\$215,453	1984	\$948	1526 Florence Way Petaluma, CA 94954
3/31/2022	\$222,220	\$4,867.33	\$217,353	1978	\$867	51 Napa Dr Petaluma, CA 94954
7/22/2022	\$225,000	\$33,709.71	\$191,290	2003	\$1,100	29 Napa Dr Petaluma, CA 94954
2/9/2023	\$225,000	\$29,415.27	\$195,585	1999	\$919	113 Petaluma Way Petaluma, CA 94954
2/23/2022	\$227,000	\$7,449.12	\$219,551	1983	\$785	1540 Crown Rd Petaluma, CA 94954
10/25/2022	\$255,000	\$14,295.48	\$240,705	1972	\$795	506 Vine Rose Dr Petaluma, CA 94954
3/28/2022	\$260,000	\$13,221.65	\$246,778	2004	\$856	528 Sonoma Dr Petaluma, CA 94954
4/11/2022	\$285,000	\$43,132.76	\$241,867	2006	\$834	23 Michael Dr Petaluma, CA 94954
9/19/2022	\$299,900	\$41,603.44	\$258,297	2005	\$894	574 Mendocino Petaluma, CA 94954
3/21/2022	\$315,000	\$12,761.42	\$302,239	1998	\$867	65 N Napa Dr Petaluma, CA 94954
4/15/2022	\$323,000	\$41,561.48	\$281,439	1987	\$793	7 E Napa Dr Petaluma, CA 94954
11/11/2022	\$327,000	\$20,399.48	\$306,601	2003	\$945	516 Sonoma Dr Petaluma, CA 94954
6/29/2022	\$345,000	\$26,152.35	\$318,848	1979	\$868	66 N Napa Dr Petaluma, CA 94954
12/22/2022	\$360,000	\$35,479.56	\$324,520	1999	\$882	97 N Napa Dr Petaluma, CA 94954
2/24/2022	\$380,000	\$56,240.08	\$323,760	2021	\$953	143 Petaluma Way Petaluma, CA 94954
5/26/2022	\$395,000	\$58,535.55	\$336,464	2015	\$905	79 N Napa Dr Petaluma, CA 94954
1/27/2023	\$185,000	\$13,332.60	\$171,667	1971	\$560	300 Stony Point Rd #418 Petaluma, CA 94954
3/10/2022	\$229,000	\$5,317.26	\$223,683	1969	\$770	512 Vine Rose Dr Petaluma, CA 94954
1/24/2022	\$259,000	\$30,420.96	\$228,579	1999	\$608	300 Stony Point Rd #519 Petaluma, CA 94954
11/30/2022	\$289,800	\$135,902.84	\$153,897	2021	\$775	300 Stony Point Rd #231 Petaluma, CA 94954
5/13/2022	\$300,000	\$29,623.09	\$270,377	2004	\$685	300 Stony Point Rd #119 Petaluma, CA 94954
Average	\$238,943	\$23,602	\$215,341		\$851	

4/19/2022	\$54,000	\$29,504.00	\$24,496	1983	\$1,757	67 Candlewood Dr Petaluma, CA 94954
6/24/2022	\$79,000	\$6,352.00	\$72,648	1970	\$1,757	148 Oakwood Dr Petaluma, CA 94954
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Average	\$166,955	\$25,442	\$141,513		\$1,758	
Difference between community averages vs. Cottages			\$73,828.12		\$906	







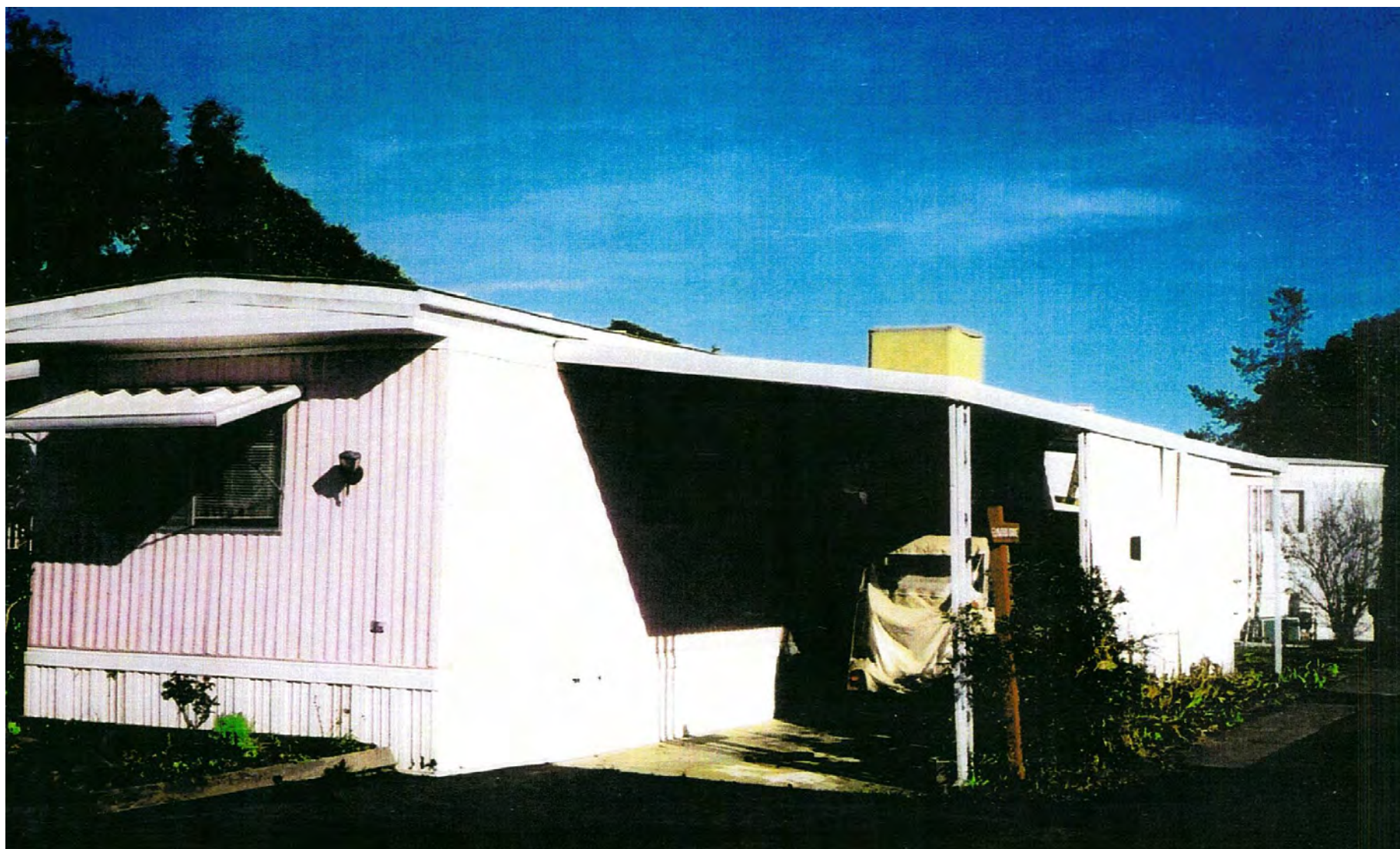




















**THE
COTTAGES
PETALUMA**

576 North McDowell Boulevard



































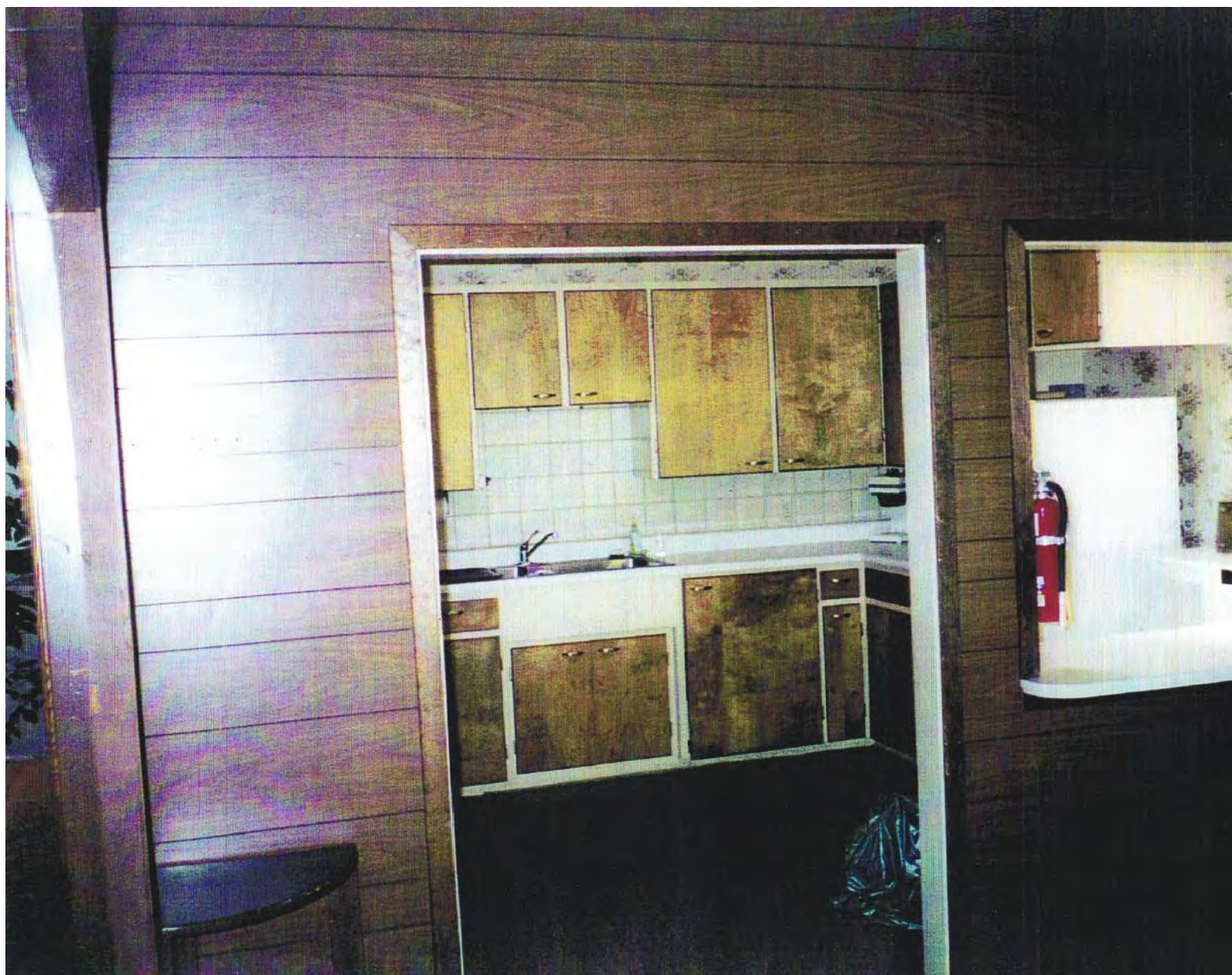
















10/09/2007



From: Bill.Feeney@mhinvestors.com
To: [Wolf, Sarah](#); -- City Clerk
Subject: FW: Impact of Vacancy Control (Example of letter sent to Petaluma City Council)
Date: Tuesday, May 30, 2023 5:06:28 PM
Attachments: [Cottage Sales.pdf](#)
[CPI and MH Sales.pdf](#)
[SandalwoodCottages Before After Photos \(Clubhouse Common Areas\).msg](#)
[SandalwoodCottages Old New Home Photos.msg](#)

---Warning: Use caution before clicking any attachments. THIS EMAIL IS FROM OUTSIDE OUR EMAIL SYSTEM.---

Sarah- Here is another email that I want to make sure is read. Thanks, Bill

From: Bill.Feeney@mhinvestors.com <bill.feeney@mhinvestors.com>
Sent: Friday, May 19, 2023 3:26 PM
To: kshimizu@cityofpetaluma.org; bbarnacle@cityofpetaluma.org; mhealy@cityofpetaluma.org; knau@cityofpetaluma.org; dpocekay@cityofpetaluma.org; jshribbs@cityofpetaluma.org; Jcaderthompson@cityofpetaluma.org; EDanly@cityofpetaluma.org; jgreen@cityofpetaluma.org; dbrady@cityofpetaluma.org; LRogers@cityofpetaluma.org; swolf@cityofpetaluma.org; mobilehomes@cityofpetaluma.org; Saulo Londono <saulo@wma.org>
Cc: Kathleen Fiebiger <info@cottagesofpetaluma.com>; Edna Cano <edna.cano@mhinvestors.com>; Bill.Feeney@mhinvestors.com
Subject: FW: Impact of Vacancy Control (Example of letter sent to Petaluma City Council)

Dear Council Members and Staff: In 1993 when the City Council enacted our present rent-control ordinance, they felt that vacancy control (assuring the buyers of mobile homes to have the exact same rent as the seller enjoyed) would protect tenants from “rent gouging” and ensure that affordable housing is available for future generations of residents. Although the goal was honorable, the unintended consequences have been disastrous and counterproductive to the purpose of that provision of the ordinance. GSMOL, the mobile homeowners’ advocacy organization, uses the formula that for every \$100 of rent, the mobile home’s sales price is reduced by \$10,000, which seems to be somewhat accurate. Per the attached data reflecting all the Petaluma mobile homes sales from January 1, 2022, through March of 2023, the homes sold in the rent-controlled communities averaged **\$75,000 higher** than the sales in the Petaluma community (the Cottages) that utilizes rent-control exempt long-term leases that provide that the buyer’s rent to be the same as the highest rent already being paid in the community. This provision protects the incoming buyers from rent gouging since others in the community are already voluntarily paying that level of rent. By forcing mobile home buyers to grossly overpay for their homes, vacancy control has totally undermined the Council’s original goal of “protecting affordable housing for future generations.”

The inescapable conclusion is that there is “no free lunch!” The lower the rents, the higher the sales price of the homes. The higher the rent, the lower the sales price of the homes. When an ordinance is overly aggressive in limiting rent increases, it will artificially inflate the sales prices of homes, which is the case in the vacancy control provision in the Petaluma ordinance. The Petaluma mobile home park owners are providing a moderate and very reasonable solution to this problem that has been successfully utilized at the Cottages for the last 20 years, as well as the California rent-controlled communities of Beaumont, Menifee, and Riverside County. (Keep in mind

that it took over 20 years for the Cottages to achieve today's present level; therefore, the average rent increase in the rent-controlled communities utilizing this suggested increase on turnover will be **very gradual!**) By allowing rents to be increased upon a change of ownership of a mobile home to the average of the then 3 highest rents in the community, home buyers are protected from rent gouging in that at least 3 other residents within the community are already voluntarily paying at that rent level. It also greatly reduces the purchase price of the homes that were previously artificially inflated by the vacancy control provision of the ordinance. This solution is a true win-win-win situation.

1. The tenant is protected from grossly overpaying for the home caused by vacancy control, which has been the case for the last 30 years. The tenants also benefit from the park owners' increased revenue which will be used to update and upgrade their community infrastructure and housing supply. This suggested provision provides an overall better quality of life for the residents, while saving them tens of thousands of dollars in the purchase price of their homes.
2. The mobile home park owners are able to increase revenue enabling them to properly maintain, update and upgrade the 60-year-old decaying infrastructure of their community. Please refer to attached "before" and "after" photos of 20-years of upgrading the Cottages' infrastructure that very graphically illustrates this point. It also allows for local mobile home dealers and/or park owners to update the outdated and substandard (built before HUD home building standards were enacted) housing supply by replacing the 1960's/70's trailers/mobile homes with modern state-of-the-art manufactured homes. Please refer to the "before" and "after" photos of older homes that were replaced by new manufactured homes in the Cottages. Over the last 20 years approximately 100 older trailers/mobile homes have been replaced with **sustainable** modern manufactured homes.
3. By allowing the increase of rent on turnover, the City of Petaluma avoids the predictable cost of the very adversarial and expensive "fair return" hearings because park owners will be able to increase revenue when homes within the community sell. The updating of the community infrastructure and upgrading of homes also ensures the **sustainability of affordable housing for future generations**. The present vacancy control element makes it financially prohibitive to upgrade the housing supply; therefore, these substandard and sometime dangerous trailers/mobile homes are recirculated forever. Obviously, this is not a sustainable business model!

Hopefully, you will agree that the elimination of vacancy control is long overdue, and our suggested solution is fair and reasonable!

Bill Feeney

Manufactured Home Investors, Inc.

bill.feeney@mhinvestors.com

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IN REPLY REFER TO:

10306

June 5, 2023

VIA ELECTRONIC MAIL

Peggy Flynn City Manager *pflynn@cityofpetaluma.org*
Mayor Kevin McDonnell *kmcdonnell@cityofpetaluma.org*
Council Member Brian Barnacle *bbarnacle@cityofpetaluma.org*
Vice Mayor Janice Cader Thompson *Jcaderthompson@cityofpetaluma.org*
Council Member Mike Healy *mhealy@cityofpetaluma.org*
Council Member Karen Nau *knau@cityofpetaluma.org*
Council Member Dennis Pocekay *dpocekay@cityofpetaluma.org*
Council Member John Shribbs *jshribbs@cityofpetaluma.org*

**RE: Response to Staff Report re:
Workshop to Receive Stakeholder Input and Public Comment, and for Council
Deliberation and Direction on Potential Amendments to Petaluma Municipal
Code Chapter 6.50 Entitled "Mobilehome Park Rent Stabilization Program"**

Dear Mayor and Honorable Councilmembers:

These offices represent mobilehome park owners and operators in the City of Petaluma and I write on their behalf. A staff report was issued June 1, 2023 respecting the above referenced Council deliberation, from Eric Danly, City Attorney, Dylan Brady, Assistant City Attorney and Karen Shimizu, Housing Director.

The park owners respectfully thank council and staff for consideration of these proposals for further study and exploration of facts. We seek common grounds of mutually acceptable terms and consensus between stakeholders and city. We invite a productive dialogue to maintain a quiescent status quo. Détente can be a "win-win."

This letter is purposed to identify factual errors and discrepancies precluding reliance or use as "*constitutional facts*" as required in order to support the rationale for amendments to a pre-existing rent control law as required by *Birkenfeld v. City of Berkeley* (1976) 130 Cal.Rptr.

City Council of the City of Petaluma

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465, and *Adamson Companies v. City of Malibu*, 854 F.Supp. 1476, 1487 (1994).¹ Comparing and contrasting the extent and form of regulation adopted by other local municipalities constitutes no justification whatsoever to find market dysfunction (rent-controlled justification) in Petaluma; this is not enough. The city is responsible to develop its own assessment of needs and exigencies. As the judge in *Adamson Companies* stated, “[T]he difficulty with the City’s position is that no matter what conditions exist elsewhere, this Court is not bound to find that those same conditions necessarily exist in Malibu.” *And no matter what conditions exist elsewhere, the Court is not bound to find that those same conditions necessarily exist in Petaluma*. We question the existence of any new “constitutional facts” to show the amendment of the ordinance would be valid.

Contrary to the content of the Staff Report, the Park owners have demonstrated the absence of any rational basis for the adoption of proposed rent control amendments. The sole reason postulated for the amendments is because *other cities are doing it*. “[A]lthough the existence of facts upon which the validity of an enactment depends is presumed, their non-existence can properly be established by proof. *United States v. Carolene Products Co.*, 304 U.S. 144, 152-54, 58 S.Ct. 778, 783-85, 82 L.Ed. 1234 (1938), *Birkenfeld v. City of Berkeley*, 130 Cal.Rptr. at 488, 550 P.2d at 1024.

The proof that has been brought to the attention of the Council includes absence of *any* evidence of gouging, irrefutable evidence of soaring mobile home values, and absence of widespread (or any) dislocations caused by excessive rents. Yet, the staff report is replete with

¹ “The difficulty with the City’s position is that no matter what conditions exist elsewhere, this Court is not bound to find that those same conditions necessarily exist in Malibu. Although the existence of facts upon which the validity of an enactment depends is presumed, their non-existence can properly be established by proof. *United States v. Carolene Products Co.*, 304 U.S. 144, 152-54, 58 S.Ct. 778, 783-85, 82 L.Ed. 1234 (1938); *Birkenfeld v. City of Berkeley*, 130 Cal.Rptr. at 488, 550 P.2d at 1024. Accordingly, if the park owners show that the alleged shortage-driven monopoly does not exist in Malibu, this rationale cannot justify the rent control ordinance. *Birkenfeld*, 130 Cal.Rptr. at 488, 550 P.2d at 1024 (“[T]he constitutionality of residential rent controls under the police power depends upon the actual existence of a housing shortage and its concomitant ill effects of sufficient seriousness to make rent control a rational curative measure.”); also see *Lockary v. Kayfetz*, 917 F.2d 1150, 1155 (9th Cir.1990) (“Although a water moratorium may be rationally related to a legitimate state interest in controlling a water shortage, [the plaintiffs] have raised triable issues of fact surrounding the very existence of a water shortage.”). The record made at the Court’s hearing on this issue leaves no doubt that the monopoly theory presented by the City is fundamentally flawed, and that any limited power disparity that might exist between the park owners and the tenants is not sufficient to justify a regulatory scheme as onerous as the one under review here.”

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false and untrue claims and representations. A representative summary for your review is as follows:

1. Staff Report, Page 2: The city interpretation is that the state law removes the long-term lease exemption.

“... City's mobilehome rent regulations accommodated section 798.17 of the State's Mobilehome Residence Law, which exempted mobilehome rental agreements with terms longer than 12 months. However, AB-2782, adopted
Page 1

August 31, 2020, amended the State Mobilehome Residence Law to eliminate the exception for longer-term leases for leases entered beginning on February 13, 2020. As a result of AB-2782, mobilehome rental agreements entered after February 13, 2020 that have terms longer than 12 months are not exempt from local rent control and are now protected. Also, AB-2782 provides that Section 798.17 of the State Mobilehome Resident Law is repealed effective January 1, 2025, and that any exemptions from local mobilehome rent control regulations will expire at that time. As a result, longer-term leases entered prior to February 13, 2020 will no longer be exempt from local mobilehome rent control as of January 1, 2025. Accordingly, with AB 2782 now even long-term leases above 12 months will be protected under the City's mobilehome rent stabilization ordinance.

This statement is incorrect. *Long-term leases that are exempt or otherwise permitted by local ordinance remain valid and enforceable.* Only leases that were exempt by reason of the state law which forbid local cities from interfering with the freedom of contract between landlord and tenant are invalidated. If the city or county allows for long-term leases, those exemptions continue without regard to the impact of state law treatment of leasing.

The experience at local level is that leasing is the longest lasting and most stable relationship between Park owners and tenants available. The detente between owners, residents, cities, and each other was astonishing and continues today. The legislative sunseting of state-exempt leasing has no effect on the power of the local city to secure long-term accords, model leasing, and memoranda of understanding to spare the taxpayer costs of enforcement of needless rent control. Even one of the original sponsors of long-term leasing, the GSMOL, recognized that mobilehome owners can benefit from a fair long-term lease. According to GSMOL, “[A] homeowner's biggest reason for signing a long-term lease is stability and continuity. The formula for rent increases cannot be changed until the lease expires.” In preventing unknown rent adjustments, “[A] long-term lease can solve these uncertainties.” GSMOL adds that “[T]he park

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owner can also be contractually bound in a lease to provide a certain level of services to the homeowner, and any deviation can result in a breach of contract." Long-term leasing remains permissible. Many municipalities promote leasing. As was the case before January 1, 1986, leasing is still available where people are positively incentivized to find solutions by themselves, without the interloping hand of government. Cities and counties can still encourage owners and residents to engage in collaborative dialogue every day, to discuss lasting solutions to stability and a harmonious future. Only leasing can provide for that.

2. Staff Report, Page 3: the city misrepresents that the Petaluma ordinance has "no cap" on vacancy control. The law specifically states in §6.50.240:

"In the absence of lawful vacancy, a park owner is prohibited from raising rent upon sale of a mobile home on sit to a tenant-to-be or a current tenant."

With regard to a true voluntary termination of tenancy (the truncation and severance of all legal interest in and to a mobile home space), there is no tenancy interest to protect in the space when the tenant forfeits all right and interest in and to the tenancy. Where a tenancy is transferred, assigned, or sold at market rates to a buyer, it is the restriction on rent adjustments which spikes housing costs and removes them from the realm of affordable housing. However, it appears city staff has taken the position on behalf of the city of Petaluma, officially, that vacancy decontrol is available whenever there is a transfer or assignment of any interest in a mobile home space without regard to the status of the outgoing resident.

The city also reports that there is no vacancy control provided in the rent control ordinance passed by the County of Sonoma ("none"). Firsthand ownership evidence proves that this is incorrect.

3. Staff Report, Page 3: the Park owners are provided the city with historical statistics for the Consumer Price Index ("CPI") for June (the month used for the ordinance). Unfathomably, the city has included the wrong index for the August CPI. August CPI does not apply to the ordinance, and therefore cannot constitute a fact to be relied upon in the promulgation of amendments to the existing rent control law.

4. Staff Report, Page 4: the city claims to have attached a copy of the "Youngstown" arbitration decision: however, there was no attachment to review and no facts from which any inference can be drawn. More troubling is that a single arbitral dispute, of the many parks in the city, would be called to the attention of the Council for reasons that are unspecified and unarticulated. Mobilehome park owners are entitled to a clearly articulated and constitutionally mandated rate of return upon their properties in order to assure a fair return on investment. This

constitutional standard is not subject to change by the city of Petaluma. Examples of implementation of constitutional standards is the domain of the agency administrator and not subject to political interference. No proposed amendments to the rent control law may lawfully amend, impinge, or attenuate the constitutional guarantees owing to property owners in the city of Petaluma.

5. Staff Report, Page 5: the city has failed to disclose the actual and empirically established annual percentage change in the Consumer Price Index for the past 21 years as presented by the Park owners. The city fails to specifically disclose that the average CPI for the last 21 years was only 2.6%. This irrefutable finding undercuts any attempted assertion or inference that the Park owners in the city of Petaluma have increased rents at an excessive rate, exploited a housing shortage, or introduced circumstances resulting in a market dysfunction justifying the application and enforcement of rent controls.

The city has also failed to address the ephemeral and short-lived nature of an isolated marked change that was experienced in the year 2002. Then, CPI was 6.6%, but, the during the succeeding 4 year period, the CPI never exceeded 1.6%. This economic and irrefutable fact demonstrates the absence of any justification for change in permissive adjustments under the rent law.

6. Staff Report, Page 5: the staff report appears to have completely misrepresented the offers of assistance of the Park owners, agreed to as a group, for the provision of rental assistance for demonstrably needy mobile home residents. In fact, the Park owners represented an opportunity which can never be required of a local government, to assist the demonstrably needy with a program of rental assistance that would have been far more favorable to residents in need than the suggested lowering of the CPI. Instead of a broad-based vague reduction in adjustments on an annual basis, immediate and direct financial relief directly to affected tenants would be provided. Such assistance appears to have been omitted completely from presentation to the city Council. This action deprives the city Council of all facts relevant to governance and the opportunities available to assist its local citizens. The motivations for omission of such important information to the Council, and the underlying objectives to be achieved by staff remain unknown.

7. Staff Report, Page 5: the city staff states that "the tenants and affordable housing advocates (without revealing the identities of the actual persons consulted, how they were chosen to be consulted, and why others were not consulted) recommend capping new base rents to keep spaced affordable for future residents." This approach divests the city of Petaluma of the diversity necessary for fair government for all. Limiting the scope of presented alternatives deprives the city Council of its job to protect the entire voting populace from efforts to offer a

single voice in unison without considering the vast diversity of opinions and beliefs applicable to municipal decision-making.

The city staff informs the Council that "vacancy control CAN inflated the sale price of the mobile homes." Rather, the Park owners have provided empirical evidence that Petaluma sales data irrefutably reflects highly-inflated the sales price of mobile homes in the city by at least \$75,000 and up to \$250,000. The reason homes are expensive is because departing tenants are selling the mobile home tenancies with the home. It is a black market made lawful by the ordinance. It is the "key money" made illegal because it victimizes and punishes new homebuyers, new tenants, new residents. It only protects departing sellers who make an exorbitant profit off of rent control and moved out of town. To be fair, like the city of Santa Cruz, this should be controls on home prices to protect new buyers if rent control is offered at all.

8. Staff Report, Page 5: city staff offers the representation that "some owners" increase rent for lawful vacant spaces. It does not identify which owners, how much, or the circumstances involving the change in the tenancy. Nor does it represent the frequency of such changes. It is believed that such representation is a misrepresentation of actual facts and experience. If it be the case that staff has a colorable belief making it an accurate representation that mobile homes are removed on a regular basis or that terminations of tenancy for cause are a frequent ongoing occurrence, examples and illustrations would be necessary to substantiate any such claims. Ambiguous and rhetorical hyperbole failed to convey any information upon which a legislative decision can be predicated.

9. Staff Report, Page 6: city staff has misrepresented the relative status of vacancy control and decontrol in Sonoma County by claiming that Petaluma has the "least restrictive" vacancy control cap with "none." The representation that the city of Petaluma permits unrestricted rental adjustments upon the sale of mobile homes should be documented before any further action is taken by the city in amending or further restricting the existing content of the ordinance.

Park owners now subsist each year pursuant to a rental adjustment program offering the minimum, basic, essential adjustment barely sufficient to avoid the need for administrative consideration of the discretionary rent adjustment for real park expense, maintenance, operations, government costs and of course inflation. The city has allowed the bare minimum necessary to provide an administrative "safety valve" to relieve the pressure of ever-increasing park costs of operation.

The city now considers direction to prepare amendments to destroy a long-standing and balanced equilibrium. Change to the ordinance may alter the formula, but it will not stop the

pressure for rent adjustments to account for real-world inflationary change. That "safety valve" contains 2 elements:

- (1) The administrative allowance of the bear is essential rental adjustment which has been successful for the city for decades; or
- (2) Petitions and applications for rental adjustments based upon real world presentation of evidence of operational burdens, general market conditions beginning from the very beginning of the ordinance, increased operating expenses during the time the ordinance has been in effect, inflation, and rate of return on the investment made in the mobile home park.

The costs of application, legal counsel, and experts become part of the application process due to the requirements of due process as determined in California judicial precedents. On the city side, it is the taxpayer who pays the enormous expenses for stringent rent control enforcement. Aggressive municipalities have budgets for rent control administration in virtually jaw-dropping sums. It is an economic certainty that rent control which forces owners and operators to apply for rent adjustments to merely seek fair treatment are far more expensive than the rent regulations that have been in effect in Petaluma for decades.

Partial indexing is a policy devoid of economic reality, because even 100% of the CPI does not begin to cover the real change in operating expense and cost of operation of a mobilehome park in Petaluma. An old adage holds that "50% indexing is, alone, 50% confiscation." No one believes that partial indexing of CPI can sustain a status quo. Not even real estate rent control experts and consultants. It is imposed to punish, to interfere with and thwart business operations. The more difficult to earn fair returns, the more the rent petitions and applications will result. Such a draconian change may presuppose that previously placid owners will capitulate. But no, mistaking quiescence for pacifism is myopic misjudgment. The efficient operator will exercise the rights allowed by law to protect the investment. This means more applications, hearings, staff time, enforcement, litigation and tax payer unrest.

Introducing a new adversarial environment between owners and operators will deteriorate positive relations and degraded quality of life. Notice and seek the largest sustainable rent adjustments to try to avoid waiver or estoppel of rights, and to seek adjustments to last more than one year (avoid applications every year). A city telegraphs, by such stringent measures, to require owners to seek increases, hire experts, upset residents with rent notices, force residents to organize, destroy the calm time in a peaceful retirement with the anxiety, inconvenience and distress of the fractious unknown. Residents now spend time upset with the distress of rent issues in cold evening sessions at city hall. *Every year.*

City Council of the City of Petaluma

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Mobile home park operations cannot survive on less than inflation and continue for a long-term to sustain revenues necessary for operation. A decreasing return at a velocity that accelerates spells eventual confiscation. As the matter of loss becomes more disparate from year to year, the number of increase hearings likewise grows. Even rent control advocates have addressed this issue, recommending 100 per cent indexing. Eventually, as is reported to the state legislature, parks close.

According to the Report Issued May 20, 2020, "Assembly Committee on Housing and Community Development," AB 2782 (Mark Stone),

Threats to Affordable Housing in Mobilehome Parks: Information collected by the California Department of Housing and Community Development (HCD) shows that at least 565 mobile home and recreational vehicle parks had been converted to another use or closed in California between 3/22/1998 and 3/22/2019, causing the loss of approximately 17,000 spaces and the homes that were on them. There are also nearly 400 parks whose permits have expired. Assuming some of them are closed, the actual number of lost spaces is likely larger. Though some parks have added spaces, only a handful of mobilehome parks were created in the past 20 years.

* * *

With the current COVID-19 crisis many Californians, and particularly low-income families, are struggling to afford rent and basic necessities due to job losses, reduced hours, and increased care-taking demands with schools and childcare facilities closed. Additionally, older populations make up a large share of mobilehome owners in the state and they are also particularly susceptible to COVID-19. These factors may mean that mobilehome parks will see higher rates of unpaid rent than other types of housing. **As such, it is possible that this will subsequently lead to increasing numbers of mobilehome parks being closed, converted, or sold off to investors in the coming months and years as smaller owners are unable to keep up with expenses.**

The Parkowners have offered rental assistance to avoid this precise you will from occurring. The delicate balance today should be evaluated before changing course. The ordinance represents stability and changes are opposed, for the record. The relative stasis results from a balancing of rights and duties that has meant little administrative cost, time or inconvenience to residents, the city or park owners.

The park owners have at all times acted as responsible, concerned and accountable property owners who have never given reason for government intervention in the form of price

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controls. Rental levels in all parks remain at levels well below general market levels, and there is no tangible basis on which to impose ceilings on rents. The Park owner's relationship with residents has and will always reflect good faith manifested by consistent fairness, equity, and reasonableness. In-place values of mobilehomes have soared to several multiples of book value based on park conditions, low rents, and the waning residential opportunities that have been provided to the City.

Very Truly Yours,

/s/

Terry R. Dowdall

For

DOWDALL LAW OFFICES, A.P.C.

cc: Western Manufactured Housing Communities Association, Inc.
Petaluma Park owners



*Legal Aid's mission is to promote social justice and
advance basic human rights for vulnerable people in our community.*

June 5, 2023

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City Manager Peggy Flynn
Housing Director Karen Shimizu
City Attorney Eric Danly
Assistant City Attorney Dylan Brady

Sent electronically to: cityclerk@cityofpetaluma.org

RE: Comment on Agenda Item #13 - Amendments to Petaluma's Mobilehome Park Rent Stabilization Program ("Ordinance")

To the Honorable Petaluma City Council and Staff,

Legal Aid of Sonoma County (LASC) thanks you for your dedicated work to improve housing stability in Petaluma, particularly for folks who are precariously housed. LASC represents low-income renters, mobilehome owners and unhoused folks in Petaluma and the surrounding County with numerous legal issues including eviction, tenant rights, rent increases and access to housing/benefits. LASC encourages City Council to take bold action to ensure the long-term affordability of mobilehome parks and stability for their residents. We are supportive of the amendments recommended in the Staff Report.

The same power imbalance between landlords and tenants, which has been exacerbated by the housing crisis, also affects mobilehome owners. Despite having the security of owning their home, their housing is tenuous as homeowners rent the very land underneath that home. The owners of that land are profit driven, and generally raise the rents to the maximum allowable amount regardless of the need for it. If there was a direct need for a higher rent amount, owners who claim they will do anything to stay in business, would be willing to release their profit and loss statements. So far, to our knowledge, no park owners in the

County have released that information, even in arbitration. If what the owners are saying about insolvency is true, as of their joint letter on June 5th, they should be willing to share information on their profit and loss with the City to prove it.

We are in a housing crisis and mobilehome parks are pretty much the last naturally occurring affordable housing left. Forward-thinking communities aim to preserve that affordability.

Legal Aid urges consideration of a cap which is consistent with historical trends in Petaluma, of no more than 3%, or 50% of the change in CPI (whichever is less). This will ensure that residents are able to afford to continue living in Petaluma's mobilehome parks. It is hard to imagine that the owners will not get a fair return, considering that over the last 21 years, the average annual allowable rent increase was 2.6 %. There was only one arbitration in that time frame that we are aware of, and the park owners lost.

We also urge the City to reject the demands and "concessions" being made by Park owners, as they do not appear supported by valid evidence. Legal Aid does not support loosening Petaluma's vacancy control, and would urge City Council to adopt Rohnert Park's approach and instill stronger vacancy control. This will ensure there are no loopholes that can be abused and prevent erosion of your naturally occurring affordable housing over time.

Please consider passing this Ordinance with urgency to take effect before rent increases go into effect for as many residents as possible. Windsor made the necessary findings for an urgency ordinance, and Petaluma could do the same.

If there are unintended consequences that financially harm park owners, you can always return to make amendments. But you cannot go back in time and restore community members, who are predominantly seniors, to their housing or their quality of life. Please stand with the many housing insecure community members that have bravely shared their stories and concerns with you, and with those who are afraid to come forward. Thank you for moving quickly to address this urgent need.

Legal Aid again thanks the City Council and Staff for their commitment to making needed changes to strengthen the Ordinance. We are available as always to provide support for Petaluma mobilehome residents.

Thank you!

Sincerely,

A handwritten signature in blue ink, appearing to read 'Margaret DeMatteo', with a stylized, flowing script.

Margaret DeMatteo, Housing Policy Attorney

May 10, 2023

JUN 05 2023

Dear Mayor and Members of the Petaluma City Council

CLERK

We the undersigned are residents of Leisure Lake Mobile Home Park, 300 Stony Point Rd., Petaluma, CA 94954.

We want to address the upcoming issue of changes to the Petaluma Ordinance that pertains to Mobile Home Park Space Rent. We feel that the current ordinance unfairly financially impacts each and every resident of the park. The specific section of the Petaluma Code is:

6.50.040 Residential rent increase limitations.

A. Except as provided in subsections B or C, or otherwise expressly authorized in this chapter, the space rent payable for use or occupancy of any mobilehome space shall not be increased within twelve months of the effective date of the preceding rent increase. Except as provided in subsection E or otherwise expressly authorized in this chapter, no initial rent increase shall be imposed sooner than twelve months after the last preceding rent increase regardless of whether the preceding rent increase was effective prior to the effective date of this ordinance. Said increase shall be the lesser of:

1. One hundred percent of the percent change in the CPI; or
2. Six percent.

We, the undersigned, call on the Mayor and the Petaluma City Council to fairly address the objectives of the ordinance, while acknowledge that the owners of the park should be able to receive a fair increase in rents, by specifically adopting the following, which we assert is equitable and appropriate for all concerned:

Said increase shall be the lesser of:

1. Twenty-five percent of the percent change in the CPI; or
2. Two percent.

PRINT NAME	SIGNATURE	ADDRESS
Cynthia Halvorson	Cynthia Halvorson	300 Stony Pt Rd # 301
Brigitte Dunn	Brigitte A. Dunn	300 Stony Pt. Rd. # 302
Hazel Coker	Hazel Coker	300 Stony Pt Rd # 303
Antonio Rosario	Antonio Rosario	300 Stony Point 303
Maggie Kelly	Maggie Kelly	300 Stony Pt. # 304
KENNETH BENSON	Kenneth Benson	300 STONY POINT # 307
David J. Ruyter	David Ruyter	300 Stony Pt. 310
Kent Wooker	Kent Wooker	300 Stony Pt 314
Delores Keller	Delores Keller	300 Stony Point # 109.
Gretchen Paradis	Gretchen Paradis	300 Stony Point 309
Vicki Martinelli	Vicki Martinelli	300 Stony Pt 306
E. Madrone Collier	E. Madrone Collier	300 Stony Pt 413
Jan Frost	Jan Frost	300 Stony Pt 117

May 10, 2023

RECEIVED

JUN 05 2023

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CITY CLERK

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PRINT NAME	SIGNATURE	ADDRESS
GRACE JOHNSON	<i>Grace Johnson</i>	514
RICHARD JOHNSON	<i>Rich Jon</i>	514
JENNIFER LAKE	<i>Jen Lake</i>	Space 519
MARTY LAKE	<i>Mandy Lake</i>	space 519
DAVID SELIER	<i>David Selier</i>	space 517
KATHI CARNEY	<i>Kathi Carney</i>	Space 523
PAT KOPEL	<i>Pat Kope</i>	space 527
Patrick H. Koho	<i>Pat Koho</i>	SPACE 510
Patricio Everland	<i>Pat Everland</i>	Space 506
Veronica Jacobsen	<i>Ver Jacobsen</i>	# 503
MYRNA PONCE DE LEON	<i>Myrna Ponce de Leon</i>	# 515
Ena Ponce de Leon	<i>Ena Ponce de Leon</i>	# 515
July M. Green	<i>July M. Green</i>	# 516

* ALL AT 300 STONY POINT RD, PETALUMA, CA 94952-1070

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JUN 05 2023

CITY CLERK

May 10, 2023

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PRINT NAME	SIGNATURE	ADDRESS
MARK JOHNSON		#517
DAVID SEILER		#517
CHRIS CARNEY	Chris Carney	#523
ALFRED GONSALVES	Alfred Gonsalves	#521
Brigitte A. Dunn	Brigitte A. Dunn	#302
HEATHER O'NEILL	Heather O'Neill	#511
LAURA BARRETT	Laura Barrett	#513
* All at 300 Stony Point Rd, Petaluma, CA 94952-1070		

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PRINT NAME	SIGNATURE	ADDRESS
Christine Hanley	<i>Christine Hanley</i>	300 Stony Point Rd. Spc 209 Petaluma, CA 94952
JOAN HOERNER	<i>Joan Hoerner</i>	300 Stony Point Rd # 216
STANLEY BACON	<i>Stanley Bacon</i>	300 Stony Point Rd # 217
JOE SCIALANO	<i>Joe Scialano</i>	211 LEISURE LAKE
DENIS HAZLEWOOD	<i>Denis Hazlewood</i>	300 STONY POINT RD SPC 207
PRASADA REID	<i>P. Reid</i>	300 STONY POINT RD # 230
KATE SILVEIRA	<i>Kate Silveira</i>	300 Stony Point Road # 225
Imma Katen	<i>Imma Katen</i>	300 STONY PT RD # 114
Donnie Morrow	<i>Donnie Morrow</i>	Sp 127
Verna Leyba	<i>Verna Leyba</i>	Sp 129

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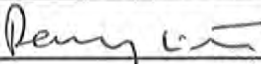
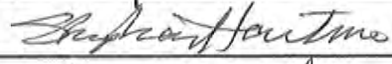

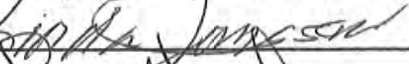
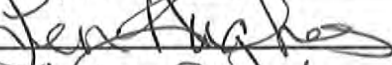
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PRINT NAME	SIGNATURE	ADDRESS
Darcy Lichter		300 Stony Point Road #119 Leisure Lake Village
STEPHANIE HARTMAN		300 Stony Pt Rd #121 Petaluma 94954
Greg Teeters		300 Stony Point Rd #115 Leisure Lake Village
Linda Janssen		300 Stony Pt Rd #115
Len Hughes		300 Stony Pt Rd #104
Ella Bush	ELLA BUSH	300 Stony Point Rd #107

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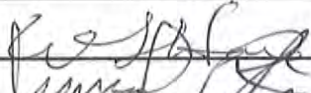
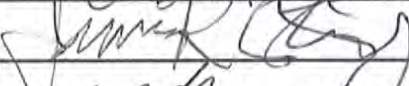

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PRINT NAME	SIGNATURE	ADDRESS
WAYNE HARE		421
James Stavelly		410
Joslin Hixson		205

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Handwritten initials

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PRINT NAME	SIGNATURE	ADDRESS
Larue Murdock	<i>[Signature]</i>	300 STONY PT. Rd #408
CHRISTINE CLAYWORTH	<i>[Signature]</i>	300 STONY PT. RD #431
Michelle Baynes	<i>[Signature]</i>	300 Stony Pt Rd #1428
DIANNE FREYETTE	<i>[Signature]</i>	300 STONY PT. #430
Mike Heutzel	<i>[Signature]</i>	300 Stony Pt Rd Spc 406
RICK JOHNSON	<i>[Signature]</i>	300 Stony Point Rd 411
Cheryl Wattle	<i>[Signature]</i>	300 Stony point spc 404
Pamela Keller Hare	<i>[Signature]</i>	300 Stony Pt, Spc 421
Betty Sluon	<i>[Signature]</i>	300 Stony Pt, Spc 419
Ray O	<i>[Signature]</i>	300 Stony Pt. Spc 416
Janda Hale	<i>[Signature]</i>	300 Stony Pt Rd. 434
Phyllis R. Long	<i>[Signature]</i>	# 417
KIM VEIK	<i>[Signature]</i>	300 Stony Pt Rd 402

Handwritten mark

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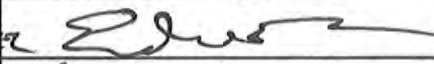

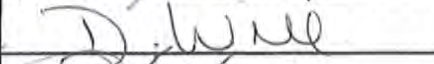
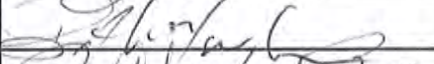
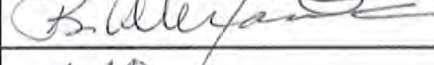
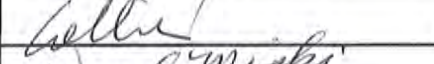
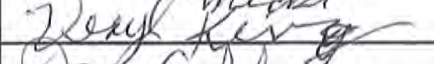
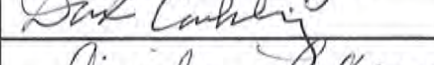
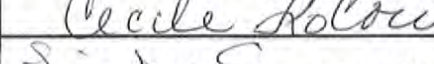
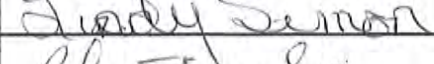
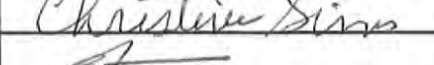
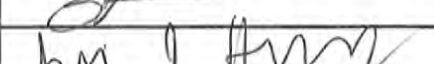
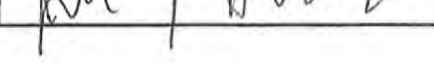
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EDWARD RADENBERG		300 STONY POINT RD. #401
Rodney Ernst		" " " #429
DRUSILLA WILL		" " " #407
Don & Bonnie		" " " 409
Bonnie Alexander		" " " 409
BOB (aka MICKY)		" " " 413
VERYL KIRK		" " " 418
DON CONKLING		" " " #438
Cecile Loloco		" " " 423
LINDY SIMON		" " " 427
CHRISTINE SIMS		426
RINARUS		435
John J Hanky		408

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Nancy Dondervo	Nancy Dondervo	300 Stony Pt. Rd. #116 Petaluma, CA
JACK BAKER	Jack Baker	300 Stony Pt. Rd. #101 Petaluma, CA
LORETTA KINDSCH	Loretta Kindsch	300 Stony Pt Rd #112 Petaluma CA
Cindi Pederson	Cindi Pederson	300 Stony Pt Rd #116
Lou Colla (Maan)	Lou Colla	300 Stony Pt Rd #111
Bonnie Hughes	Bonnie Hughes	300 Stony Pt Rd #104
Carol Pamas	CAROL PAMAS	300 Stony Pt Rd #113
Don Ashdown	DON ASHDOWN	300 Stony Pt Rd #108
Carol Pederson	CAROL PEDERSON	300 Stony Pt #106
Stuart Dietrich	Stuart Dietrich	300 Stony Pt. #109
Gina Dietrich	Gina Dietrich	300 Stony Pt #109
Arlene Borrell	Arlene Borrell	300 Stony Pt Rd #102
Tom Borrell	Tom Borrell	300 Stony Pt Rd #102

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PRINT NAME	SIGNATURE	ADDRESS
Janice Maderious	Janice Maderious	# 247
BRYAN D. HEALY SR	Bryan D. Healy Sr	# 205
DAN E Scheiner	Dan E Scheiner	# 201
DANA Scheiner	Dana Scheiner	# 201
BECKY BONKOWSKI	Becky Bonkowski	# 215
Jeanette Sample	Jeanette Sample	234
GREZONIA SAMILE	Grezenia Samile	234
BARBARA Anderson	Barbara Anderson	233
Cynthia Oliveira	Cynthia Oliveira	251
MAYA Johnson	Maya Johnson	232
Jan Brogan	Jan Brogan	312
Dan Brogan	Dan Brogan	312
SANDY Hixon	Sandy Hixon	205

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Tina A Eddy	Tina A Eddy	# 250
Robert Sherman	Robert Sherman	# 242
Beverley Blevins	Beverley Blevins	# 255
Michael R. Riggstad	Michael R. Riggstad	# 249
Steven Klammer	Steven Klammer	# 246
Nisa Ryan	Nisa Ryan	# 246
Adrian Kruse	Adrian Kruse	# 244
Helia Barron	HELIA BARRON	# 239
Aira Cabral	Aira Cabral	# 243
SEAN CUSICK	SEAN CUSICK	# 235
Colleen Graul	Colleen Graul	# 231
Markie Sanders	Markie Sanders	# 238
Meredith Vecchio	Meredith Vecchio	# 241

From: 
To: [-- City Clerk](#)
Subject: Public Comment
Date: Sunday, June 4, 2023 8:14:38 PM

---Warning: Use caution before clicking any attachments. THIS EMAIL IS FROM OUTSIDE OUR EMAIL SYSTEM.---

Re: Workshop - June 5, 2023

Good evening, honorable members of the City Council,

My name is Nickola Frye.

I am a resident of the Petaluma Estates Mobilehome Park, and past president of the Homeowners Association, as well as a member of the Board of Directors of Rebuilding Together Petaluma.

I am here today as a concerned resident of Petaluma to express my support for a change that can make a big difference in our community. It's about the amount of money people pay for a space in the mobilehome parks in Petaluma each year.

Mobilehome parks provide a location for the homes of many seniors and families in our city, and each is an important part of our community. However, the current yearly increase in rent for these spaces has become a burden for many residents. Seniors and families, who live on limited incomes, are struggling to keep up with rising costs, and it's putting a strain on all of their budgets.

That's why I believe it's time for a change.

By adjusting the yearly increase for the rent for mobilehome park spaces, you can help ease the financial pressure on our neighbors and friends.

A substantial change on the amount of yearly increase will allow each of them to have more stability and peace of mind, knowing that they can afford to stay in their homes without worrying about costs rising sharply.

Changing the amount of the yearly mobilehome park space rent increase is not just about money; NO, it's about compassion and fairness. It's about creating a community where everyone has the opportunity to thrive and succeed.

While I recognize the desire for the mobilehome park owners to increase their profits, I urge you, honorable members of the City Council, to consider instituting a change similar to that made in other local Sonoma County communities.

A similar change would be more than adequate and fair to all concerned. I would

hope that you stand up for the well-being of our low-income Petaluma residents. Let us work together to create a city where everyone can afford a safe and comfortable place to call home.

Thank you for your time, and for considering the needs of our many Petaluma mobilehome park seniors and families.

Nickola Frye

[REDACTED]

Petaluma, CA. 94954

[REDACTED]

From: [REDACTED]
To: [-- City Clerk](#)
Subject: Mobile Home Space Rent Stabilization ordinance update
Date: Monday, June 19, 2023 8:52:48 PM

---Warning: Use caution before clicking any attachments. THIS EMAIL IS FROM OUTSIDE OUR EMAIL SYSTEM.---

June 19, 2023

to: The City Clerk, Mayor and City Councilmembers
from: Lisa Davis, mobilehome owner
re: Mobilehome Park Space Rent Stabilization Program

As a Petaluma homeowner I fully support the adoption of “urgency” with regards to amending the Petaluma Municipal Code Section 6.50(A), part of Chapter 6.50.

Prior to your declaration of May as “affordable housing month,” I wrote to ask that councilmembers consider capping mobilehome ground rent increase at the lower of 2.5% or 40% of the percent change in the Bay Area Consumer Price Index. This is because currently my household’s monthly bill to the park already consumes almost 60% of household income. We do not want to lose this last semi-affordable housing option resulting in our becoming homeless. Since just before the Covid pandemic, our monthly total has risen 32%, including increases in ground rent (12%), mandatory fees (15%), and gas/electric. Mobilehome park owners and investment groups are not hurting, as we house owners struggle with ground rent increases; rather, mobilehome parks are currently famous nationally for high rates of return. Park maintenance costs to park owners are down, as our services and amenities are markedly reduced since 2019. The Petaluma City Council’s move to cap increases at 4% or 70% of CPI % increase, whichever is lower, is a modest help although in high-inflation times this update still gives large space rent increases to park owners, working against Petaluma senior citizens and affordability.

I deeply appreciate the discussion of several Councilmembers at the June 5 Council meeting to maintain the 'vacancy control' as stands currently. This is important for retention of senior housing.

Please do not cave into the “Vacancy Decontrol” campaign recommended by one of the June 5 meeting guest commentators Mr. Saulo Londoño who is the Regional Representative for the park owners’ trade/industry association WMA (Western Manufactured Housing Communities Association) in Sacramento. Already at some mobilehome parks in Petaluma, the monthly space rent alone is similar to market-rate apartment rental monthly costs, except that we homeowners also pay for upkeep of our homes including capital repairs and improvements, and water. Flipping homes is the major time preoccupation of the park management company and its on-site resident manager. Therefore, please retain the current restriction on raising ground rents when new residents join parks except in limited circumstances as currently defined. Please do not allow any increase more than once per year.

Also, please move to institute a “senior overlay” to prohibit the conversion of 55+ senior mobilehome parks to ‘all-ages parks’ in Petaluma. Currently many of us in our 60s and 70s fear becoming homeless if we lose the limited existing housing we have in Petaluma.

Thank you for your understanding and thoughtful consideration.

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IN REPLY REFER TO:

10306

July 6, 2023

VIA ELECTRONIC MAIL

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RE: Opposition of Petaluma Mobilehome Park Owners to Proposed Amendments to Chapter 6.50 of the City of Petaluma Municipal Code (entitled "Mobilehome Park Rent Stabilization Program")

Dear Ms. Flynn, Mayor and Honorable Councilmembers:

These offices represent mobilehome park owners and operators in the City of Petaluma and I write on their behalf.

EXECUTIVE SUMMARY

This letter raises several important points of opposition to the proposed and misconceived amendments to Chapter 6.50 of the Petaluma municipal code. First, a request to inform the Council of actual and truthful facts, so the People of Petaluma are not deceived.¹

¹ The problem of honest communications with elected officials has been investigated in considerable depth: Fiorina, *Legislative Choice of Regulatory Forms: Legal Process or Administrative Process?* 39 Pub. Choice 233, 247 (1982) (observing that by delegating "legislators not only avoid the time and trouble of making specific decisions, they avoid or at least disguise their responsibility for the consequences of the decisions ultimately made"). ". . . the administrative state represents a cynical ruse perpetrated on voters by elected officials. See, Stiglitz, *Delegating for Trust*, 166 U. Pa. L. Rev. 633, 644 (2018). Ely, *Democracy and Distrust: a Theory of Judicial Review at 132* (1980) (arguing that by delegating "our legislators are escaping the sort of accountability that is crucial to the intelligible functioning of a democratic republic").

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In summary:

1. Total failure to meet the “constitutional facts” test: In *Birkenfeld v. City of Berkeley*, the Court held that rent controls are special police power regulations, requiring a showing of actual “constitutional facts,” including the charging of exorbitant rents. Such facts are wholly absent here. Rents have risen an average of 2.6% per year since the ordinance was enacted. Nothing has changed to validate a tightening of the existing protections.

2. The amendment is economic hypoxia. Stultifying inflationary change, without regard to actual operational cost and market realities, causes a downward financial spiral culminating in confiscation of housing opportunity. Result? Administrative trials are new permanent features of daily life. Petaluma’s history should be a wake up call—but it has been kept from the Council until now: six different rent applications from just one park, with **city-approved increases of 60% (in 2003), \$400.00 (in 2012), and \$650.00 (in 2013)**. Empirical fair return is markedly higher when evidence is presented instead of just CPI references for administrative convenience.

3. Misinformation clouds the air. Staff has omitted critical facts including the history of City-ordered and approved increases of \$400.00 to \$650.00 rent increases.

4. Staff has inaccurately represented the shadow market: The sale of mobilehome tenancies has spiked to hundreds of thousands of dollars because of rent controls. This benefits no one, because buyers pay for market value of the tenancy, uncontrolled.

5. Mobiles are disproportionately White-owned in Petaluma due to debilitating financing exclusions. Perpetuating false value which cannot be financed, redlines the poor and more often, people of color. Since the secondary market for old mobiles is essentially cash only, Chapter 6.50 discriminates against the poor and people of color. The profiteers are wealthy white seniors. Disparate racial, national origin, and color impact are due to vacancy controls which limit purchase opportunity in violation of Federal Fair Housing Amendments Act (HR 1158).

6. Potential anti-trust violation: The City considers changes to Chapter 6.50 which mirror other cities based on *their* conditions, not Petaluma’s. This is price-fixing between non-immune cities with the implied intent to homogenize price changes, without regard to actual existence of local conditions that justify the tightening of rent regulations. Petaluma cannot exercise police powers to solve another municipality’s issues. The Sherman Anti-Trust Act does not exempt elected the municipal defendants from liability for price-fixing due to events outside the city and not connected to the health, safety and welfare of Petaluma tax payers.

7. De-coupling the city commitment to sustaining mobilehome parks as official Petaluma Policy: During the City Council's June 19 meeting, proposals were made for 8.5% increases for water and a 5.5% increases for sewer. Why? To address inflation and aging infrastructure. In the same meeting, the city proposed an annual increase for mobile home lot rents of just 70% of CPI. But the city has recognized that park’s expenses exceed CPI. Aging infrastructure also persists. These are votes juxtaposed to reflect the de-coupling of the city from sustaining mobiles as

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housing in Petaluma.

CONSTITUTIONAL FACTS?— THERE ARE NONE

First, as previously noted, precluding reliance or use as “*constitutional facts*” as required in order to support the rationale for amendments to a pre-existing rent control law as required by *Birkenfeld v. City of Berkeley* (1976) 130 Cal.Rptr. 465, and *Adamson Companies v. City of Malibu*, 854 F.Supp. 1476, 1487 (1994).² Second, the amendments “push” the owners to seek discretionary rent increases. The evidence in such hearings has always justified significant increases approved by the City of Petaluma to allow for fair return on property (the underlying constitutional standard legally mandated). The staff has not been candid in communicating the results of discretionary rent hearings. The Council should be aware that the right to a fair return will produce rents far in excess of the paltry partial-CPI adjustments now permitted. *Here are the facts:*

CITY-APPROVED RENT INCREASES. WHAT IS THE REAL HISTORY?
— AND THE FORESEEABLE RESULT OF “PUSHING” OWNERS TO NEW
APPLICATIONS FOR RENT ADJUSTMENTS.

The Ordinance formula shows a history Staff has secreted from view. **Owners “pushed” to discretionary increases have a history of being awarded City-approved rent increases of 60%, \$400.00 and \$650.00 from 2003. Consider Chapter 6.50's history.**

a. **City-Approved Increase of 60%:** A 60% increase in monthly rents was approved and granted by the City in 2003. Specifically, Sandalwood Estates, LLC had been denied their claim for a rent increase allowed by the ordinance for fair return at three (3) hearings between 2001 and 2011. In 2003, Sandalwood justified increases for economic changes based on evidence

² “The difficulty with the City's position is that no matter what conditions exist elsewhere, this Court is not bound to find that those same conditions necessarily exist in Malibu. Although the existence of facts upon which the validity of an enactment depends is presumed, their non-existence can properly be established by proof. *United States v. Carolene Products Co.*, 304 U.S. 144, 152-54, 58 S.Ct. 778, 783-85, 82 L.Ed. 1234 (1938); *Birkenfeld v. City of Berkeley*, 130 Cal.Rptr. at 488, 550 P.2d at 1024. Accordingly, if the park owners show that the alleged shortage-driven monopoly does not exist in Malibu, this rationale cannot justify the rent control ordinance. *Birkenfeld*, 130 Cal.Rptr. at 488, 550 P.2d at 1024 (“[T]he constitutionality of residential rent controls under the police power depends upon the actual existence of a housing shortage and its concomitant ill effects of sufficient seriousness to make rent control a rational curative measure.”); also see *Lockary v. Kayfetz*, 917 F.2d 1150, 1155 (9th Cir.1990) (“Although a water moratorium may be rationally related to a legitimate state interest in controlling a water shortage, [the plaintiffs] have raised triable issues of fact surrounding the very existence of a water shortage.”). The record made at the Court's hearing on this issue leaves no doubt that the monopoly theory presented by the City is fundamentally flawed, and that any limited power disparity that might exist between the park owners and the tenants is not sufficient to justify a regulatory scheme as onerous as the one under review here.”

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for a 60% rent increase.

b. **\$400.00. City-approved.** In 2012, Sandalwood justified increases for economic changes based on evidence for a \$400 per month rent increase. The City **was required to approve** a \$400 adjustment in order to provide a fair return.

c. **\$650.00. City-Approved.** In 2013, Sandalwood produced evidence to justify city approval of a \$650 per month rent increase

A fair return based on evidence produced in a trial-type atmosphere cannot be ignored or refused. A fair hearing requires application of the evidence to the allowed increase. That *increase is always greater than the partial CPI adjustment, because the CPI is only a small fraction of the economic picture which is scrutinized under the “all relevant evidence” standard.* Pushing the owners to rent hearings means increases larger than partial inflation.

Amending the ordinance will tip the equilibrium to require administrative hearings resulting in significantly increased rents consistent with a fair return. Defending and enforcing the rights under the trial-type procedures, if not invalidated, will become a permanent aspect of local government, with ever-increasing costs to the taxpayer and without any corresponding benefit except protection of higher resale prices of depreciating mobile housing for sellers leaving the city anyway. Given the limited scope of benefit and lack of changed conditions, the amendments are “dead on arrival” because there are no “constitutional facts” supporting them— only the effort to match other cities with different housing conditions not applicable to Petaluma.

THE FACTS: THERE IS NO WORSENING OF CONDITIONS CAUSED BY THE PARK OWNERS TO JUSTIFY THE INTENSIFYING PUNITIVE REGULATIONS.

There have been few hearings over the past 30 years under the terms of Chapter 6.50: none in the case of most owners. Meanwhile, the resale prices premiums—the black market key money authorized at present under Chapter 6.50— has soared to unprecedented heights.

The “safety valve” administrative relief system (rent arbitration) has not been used. When actually needed, the Cottages was awarded monthly rent increases of several hundreds of dollars per month! Such 3-digit increases in rent show, conclusively, that rent controls do not cause a halt to rent adjustments. Rather, rent controls facilitate awards of increases as required to provide a fair return. The difference? They bear the protection of a government indicia of propriety. A private system of leasing is less costly and without fiscal punishment of the taxpayer. Resort to the “safety valve” indicates failure to allow real change to reflect economic change. An uncomfortable reminder that public policy has failed. The changes under consideration will significantly increase the frequency of such hearings.

The point is that one owner has had city-approved increases, officially by the City of Petaluma, which have dramatically adjusted the comparable rent levels across the geographical

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market. One park has secured 3 very good/favorable rulings, as the Council is aware. The Council so much as asks the owners to obtain these necessary rent increases, and has approved them all by enforcing the public policies which favor a small special interest select group at the economic cost to the working homeowner. By pushing the owners into more fair rent applications, the comparable rates will continue to rise. The taxpayer may wish to know why consensual arrangements could not have been arranged between reasonable people.

Consider these facts:

The City has produced and distributed a grossly inaccurate report, and rendered several inaccurate observation and opinions council members requested guidance. Since the council is understandably dependent on the staff's research and advice to make their judgments, the law calls for the opportunity to be heard before taking significant adverse action against the ownership of property, particularly when the consequences affect the fiscal stability of the entire city.

Example: Enactment of a rent law, or the tightening of an existing law, requires constitutional facts. In this instance, there is no evidence of egregious rent increases. None. There is no reason for amendment of the rent law.

Example: When Councilperson Healy asked the very appropriate question about the possibility of extending the time to accurately research the obvious confusion and lack of understanding in respect to the ordinance, the City Manager's response was "absolutely not!" Is a hasty rush to judgment the new city policy or myopia of bad administration showing through?

Example: The black market values of lease transfers (sales of tenancies) to protect sellers at the cost of home-buyers are understated, when in fact, verifiable data was presented which was unrefuted. The rent control law has created a shadow market no one wants to talk about.

Example: 30 years of vacancy control (not allowing any rent increase on the sale of mobile homes) has already grossly inflated the sales prices of mobile homes in Petaluma making them unaffordable. The amendment of the law will directly affect the rate of return on property, and on transfer of the tenancy at sale. This action will revive the statutes of limitation allowing the ability to seek redress of grievances to set aside a tyrannical wealth transfer edict, that comforts wealthy home sellers and realtors, and forces buyers to pay gate money for mere access to garbage-homes.

Example: By sustaining artificially high resale prices that cannot be financed, the lack of available financing for these homes means buyers must pay "all cash" on an average sales price of approximately a quarter of a million dollars.

Example: Chapter 6.50 is shutting out minority buyers. Demographically, persons of color are shut out of the market. It would appear the existing population, largely Caucasian, wish to keep the disparate impact safe and secure. The disparate impact of requiring significant wealth to purchase a 20 year old mobilehome is resulting in the exclusion of persons of color. The racial

profiling resulting from vacancy controls is quite obvious and clear.


















Housing characteristics, Sonoma County and California

Housing Characteristics	Sonoma County %	California %
Owner occupied	62.4%	57.4%
White, non-Hispanic	83.6%	59.8%
Hispanic	10.7%	21.6%
Other races	4.8%	17.5%

<https://sonomacounty.ca.gov/health-and-human-services/health-services/about-us/demographics>

The extraordinarily high degree of homeownership in Sonoma County, for “White, Non-Hispanic” of 84%, when only 68% of the City is White (75% if White Hispanic included). 21.6% of city residents are Hispanic, but only 10.7% are homeowners.

Hispanic homeowners are but 10% (compared to 20% in California generally) and other races, 4.8% (nearly statistically insignificant), reflect a disparate impact to be kept safe and secure.

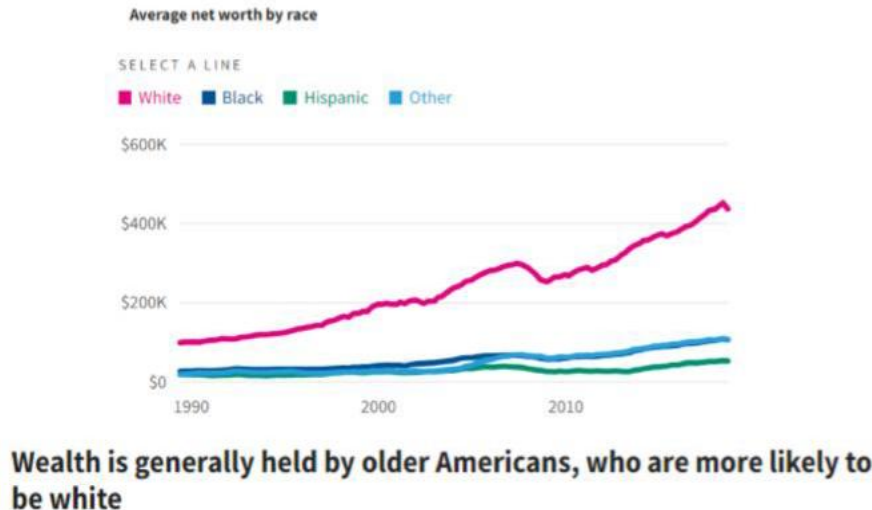
	
Race and Hispanic Origin	
 White alone, percent	 75.9%
 Black or African American alone, percent (a)	 1.3%
 American Indian and Alaska Native alone, percent (a)	 0.8%
 Asian alone, percent (a)	 4.2%
 Native Hawaiian and Other Pacific Islander alone, percent (a)	 0.1%
 Two or More Races, percent	 8.9%
 Hispanic or Latino, percent (b)	 21.6%
 White alone, not Hispanic or Latino, percent	 68.1%

<https://www.census.gov/quickfacts/petalumacitycalifornia>

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<https://usafacts.org/articles/homeownership-rates-by-race/>

By making it more difficult to buy mobilehomes and trailers, by pushing up the sales of the tenancy transfers, access to substandard, old and aging manufactured housing it also relegating the less wealthy to paying more for less housing. Once the tenancy is sold at market, the home ceases to be affordable by definition. Market rate housing is not affordable. It is less so when financing cannot be obtained. This finding will fit into the paradigm that holds true in most urbanized areas.

By directing home availability to the buyers with wealth to pay cash, the impact is to promote sales to older whites, and away from wage earners who are poorer, people of color and younger. These are the grounds to assert the ordinance violates the fair housing protections in the Federal and State Fair Housing Acts.

The inability to obtain financing means that the a large part of the local population is screened out. An analysis of the most recent Petaluma mobile home sales proves that vacancy control value—for pad access, is \$75,000 of added cost to the price of a mobilehome (the Cottages). The real cost of access is not limited by leases, but by the market. Actual values are considerably higher. By deducting the book value (NADA index) for the mobilehome “box” from total sales price, the approximate cost of the tenancy that is black marketed can be estimated.

Fact: Staff failed to disclose to the council the real market corrections produced by rental arbitrations. Petaluma taxpayers face risks of potentially hundreds of thousands of dollars per year for these administrative costs. All to protect windfall profits generated from a false economy.

Fact: Staff misrepresented that there had been a total of two (2) arbitrations in the 30-history of the ordinance, including the Youngstown unsuccessful arbitration last year. This is a

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false representation of fact and cannot sustain a finding for the passage of the proposed amendments.

False Character Assassination Cannot support findings. The above-stated issues are vital to everyone's understanding of the facts. Park owners are not predators. The rent adjustments over time of 20 years has been 2.6 % on average. This is not cause for amendment of a rent control law. Keeping pace with other cities is an example of price fixing which is not authorized by the state and hence not shielded by the state action immunity enjoyed by California.

THE LAW REQUIRES FACTS TO JUSTIFY INTENSIFICATION OF EXISTING PRICE-FIXING, TO SHOW THAT NEW AND DIFFERENT PERILS ACTUALLY EXIST. IN FACT, THE HOUSING MARKET IS NOT RELATIVELY MORE ADVERSE.

Comparing and contrasting the extent and form of regulation adopted by other local municipalities constitutes no justification whatsoever to find market dysfunction (rent-controlled justification) in Petaluma; this is not enough. The city is responsible to develop its own assessment of needs and exigencies. As the judge in *Adamson Companies* stated, “[T]he difficulty with the City's position is that no matter what conditions exist elsewhere, this Court is not bound to find that those same conditions necessarily exist in Malibu.” *And no matter what conditions exist elsewhere, the Court is not bound to find that those same conditions necessarily exist in Petaluma.* We question the existence of any new “constitutional facts” to show the amendment of the ordinance would be valid.

Introducing a new adversarial environment between owners and operators will deteriorate positive relations and degraded quality of life. Notice and seek the largest sustainable rent adjustments to try to avoid waiver or estoppel of rights, and to seek adjustments to last more than one year (avoid applications every year). A city telegraphs, by such stringent measures, to require owners to seek increases, hire experts, upset residents with rent notices, force residents to organize, destroy the calm time in a peaceful retirement with the anxiety, inconvenience and distress of the fractious unknown. Residents now spend time upset with the distress of rent issues in cold evening sessions at city hall. *Every year.*

As previously stated: according to the Report Issued May 20, 2020, “Assembly Committee on Housing and Community Development,” AB 2782 (Mark Stone),

Threats to Affordable Housing in Mobilehome Parks: Information collected by the California Department of Housing and Community Development (HCD) shows that at least 565 mobile home and recreational vehicle parks had been converted to another use or closed in California between 3/22/1998 and 3/22/2019, causing the loss of approximately 17,000 spaces and the homes that were on them. There are also nearly 400 parks whose permits have expired. Assuming some of them are closed, the actual number of lost spaces is likely larger. Though some parks have added spaces, only a handful of mobilehome parks were created in the past 20

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years.

. . . mobilehome parks will see higher rates of unpaid rent than other types of housing. **As such, it is possible that this will subsequently lead to increasing numbers of mobilehome parks being closed, converted, or sold off to investors in the coming months and years as smaller owners are unable to keep up with expenses.**

The Parkowners have offered rental assistance to avoid this precise event from occurring. The delicate balance today should be evaluated before changing course. The ordinance represents stability and changes are opposed, for the record. The relative stasis results from a balancing of rights and duties that has meant little administrative cost, time or inconvenience to residents, the city or park owners.

CONSTITUTIONAL FACTS ARE REQUIRED TO SUSTAIN THE PASSAGE OF THE AMENDMENTS AS PROPOSED. THERE ARE NO FACTS WHICH SHOW NEED FOR THE CHANGES IN THE LAW.

The seminal case in California **striking down local rent controls** is Birkenfeld v. City of Berkeley (1976) 17 Cal.3d 129. The California Supreme Court set forth essential factual requirements (constitutional facts) which must exist to establish a legitimate rational connection for rent control under the police powers' clause of the **California Constitution (Article XI, Section 7)**. Many cases have followed since to the same effect.³

Due to the extraordinary interference with property owners' rights, rent controls must pass muster with several constitutional requisites established by California precedent. The singular, critical presupposition for the passage of rent control is a vacancy shortage.

Essentially, rent control, including an amendment, is valid only if:

³ “Robinson v. Fairview Fellowship Home for Senior Citizens, Inc., 2016 OK 42, ¶ 10, 371 P.3d 477, 482 (Court noted a constitutional claim or application of a constitutional principle may hinge or be dependent upon an issue of fact); Time, Inc. v. Firestone, 424 U.S. 448, 463-64, 96 S.Ct. 958, 47 L.Ed.2d 154 (1976) (a question of fact may have constitutional significance and State court's finding of fact may receive deference in reviewing a constitutional claim); Fiske v. Kansas, 274 U.S. 380, 385--86, 47 S.Ct. 655, 656--657, 71 L.Ed. 1108 (1927) (Court reviews a finding of fact by a State court where a federal right has been denied as the result of a finding shown by the record to be without evidence to support it; or where a conclusion of law as to a federal right and a finding of fact are so intermingled as to make it necessary, in order to pass upon the federal question, to analyze the facts.); Martin H. Redish & William D. Gohl, The Wandering Doctrine of Constitutional Fact, 59 Ariz. L. Rev. 289 (2017) (discussing the scope of the constitutional fact doctrine); Henry P. Monaghan, Constitutional Fact Review, 85 Colum. L. Rev. 229 (1985) (constitutional fact doctrine and judicial review of the adjudicative facts which are decisive of a particular constitutional claim).” Beyrer v. The Mule, LLC, 2021 OK 45, ¶ 16, fn. 31 [496 P.3d 983, 990].

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(1) Constitutional facts exist to support the enactment of rent control, forming the basis or the demonstrable need for rent control. The constitutional facts which must be affirmatively proven include:

Tenant exploitation in the form of exorbitant rents.

The suffering of ill effects of sufficient seriousness to make rent controls a rational curative measure.

(2) the method of regulating rents not only furthers the purpose of rent control, but is also the least-intrusive method available; and

(3) the enforcement of the rent control ordinance must comply with all applicable law including State and Federal law, the ordinance itself, and, of course, the State and Federal Constitutions.

Therefore, the constitutionality of mandatory rent controls depends upon the existence and continuing existence of constitutional facts. These requirements are well understood. Actual facts must at all times be present which demonstrate a specific intent by landlords to charge exorbitant and excessively high rents to exploit tenants amid a housing shortage. The effects on the tenants must be sufficiently serious to make rent controls a rational measure.

“...[T]he constitutionality of residential rent controls under the police power depends upon the actual existence of a housing shortage and its concomitant ill effects of sufficient seriousness to make rent control a rational curative measure.”

Birkenfeld, 17 Cal.3d 129 at 160.

For an amendment, new facts must be found to exist. Changes in other cities is no more than price fixing and cannot sustain a finding of need for amendment.

The actual facts must continue to exist at all times for such controls to remain permissible. Further, any proposed rent controls must also be studied to determine whether the same would operate as a “curative measure,” rather than aimed at solving nation-wide inflation, preserving housing stock, providing a subsidy to tenants, insulating the tenants from normal market conditions, or changing the trends in general market conditions.

Park owners have demonstrated the absence of any rational basis for the adoption of proposed rent control amendments. The sole reason postulated for the amendments is because *other cities are doing it*. “[A]lthough the existence of facts upon which the validity of an enactment depends is presumed, their *non-existence can properly be established by proof*. *United States v. Carolene Products Co.*, 304 U.S. 144, 152-54, 58 S.Ct. 778, 783-85, 82 L.Ed. 1234 (1938), *Birkenfeld v. City of Berkeley*, 130 Cal.Rptr. at 488, 550 P.2d at 1024.

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The proof that has been brought to the attention of the Council includes absence of *any* evidence of gouging, irrefutable evidence of soaring mobile home values, and absence of widespread (or any) dislocations caused by excessive rents. Yet, the staff report is replete with false and untrue claims and representations.

According to one commentator,

It is perhaps all too easy to dismiss the constitutional fact doctrine as nothing more than a relic of another age long since forgotten, because the doctrine came to prominence during the heyday of the now categorically rejected doctrine of economic substantive due process. But as the two examples just described illustrate all too well, such a cavalier dismissal would be a most dangerous mistake. While the specific constitutional issues involved in the doctrine's seminal cases for the most part no longer matter, in its abstract form, the doctrine remains essential to assuring that the judiciary fulfills its vital role as interpreter and enforcer of constitutional limitations and protections.

The doctrine's current viability is visible in a number of recent lower federal court decisions. The almost total lack of understanding of the true constitutional source of the doctrine has likely led to the doctrine's grossly excessive extension into areas in which it has no business operating. In a classic vicious circle, this improper extension has further clouded the doctrine's proper constitutional source.

To be more specific, the confounding expansion of the constitutional fact doctrine to apply to decisions of lower state and federal courts, as well as to juries, has distracted from the doctrine's origins in the need to preserve the legitimacy of the constitutional system by imposing a baseline level of judicial control of the administrative state.

A city may not enact rent control simply to protect tenants from inflation, or the tenants' own particular economic circumstances, or to perpetuate a preferred lifestyle---this is the function of a subsidy. Rent controls may not subsidize tenants at the expense of the landlord. Furthermore, a municipality may not regulate rents to control general economic trends such as inflation, resale prices, real estate appreciation, or to protect a real estate investment.

Rent controls are intended to stop rent gouging amid a housing shortage in which tenants have no housing choice. Housing "choice" in this sense includes not only mobilehome, trailer, and recreational vehicle housing, but apartment housing, condominium housing, and other forms of residential rental housing within the city and its environs.

Moreover, the park owner may prove that one or more of the conditions stated to exist to justify rent controls ["constitutional facts"] do not in fact exist. Birkenfeld held that "findings" of the local governmental entity must be examined in order to determine whether a sufficient and accurate statement is present that rent controls are a:

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“...reasonable means of counter-acting harms and dangers to the public health and welfare emanating from a housing shortage.”

Birkenfeld, 17 Cal.3d 129 at 161.

Upon a challenge to a rent control law, a trial court's interpretation of municipal findings is scrutinized on appeal. Id. at 161. The Court extensively discussed those findings (as contained within the Berkeley Charter Amendment then at-issue) to ascertain whether the declaration of constitutional facts was sufficient and true. Id. at 161-163. These are the very same requirements that the City must meet prior to enacting any form of mandatory rent regulations, and must prove in any later court challenge.

Are rents of 2.6 percent on average, increased for exploitive purposes, or merely as a result of economic realities, change, or necessity? Are rent increases precipitating ill effects of such “sufficient” seriousness that mandatory rent regulations provide a rational curative measure to protect against the dislocation of tenants? None of these necessary propositions exist in fact or can ever be proven. The pursuit of such findings is a costly, time-consuming and futile effort. One of the basic constitutional facts which must be established for Birkenfeld therefore cannot be met in today's market.

THE ADAMSON TEST: RENT CONTROLS MUST CONSTITUTE THE LEAST INTRUSIVE ALTERNATIVES AVAILABLE TO REMEDY THE EXTENT OF ANY IDENTIFIABLE ILL REQUIRING LEGISLATIVE INTERVENTION

[“Accordingly, if the park owners show that the alleged shortage-driven monopoly does not exist in Malibu, this rationale cannot justify the rent control ordinance.”

Adamson Companies v. City of Malibu (C.D. Cal. 1994) 854 F.Supp. 1476]

A City may go no farther than **necessary** in enforcing rent controls. The City may not impose a more intrusive rent control regime without findings, truthful findings. In this instance, the facts needed for rent control do not exist at all. Adamson Companies v. City of Malibu (C.D. Cal. 1994) 854 F.Supp. 1476.

In Adamson Companies v. City of Malibu, the Court carefully considered the extent to which the City may go in imposing involuntary rent control. This a requirement of substantive due process. In the Adamson case, the plaintiffs challenged the Malibu rent control ordinance as a substantive violation of the Due Process Clause of the Fourteenth Amendment of the United States Constitution.

A substantive due process challenge to an economic regulation must satisfy a two-part test: **is the proposed amendment supported by actual facts that give cause for the specific changes?**

In this matter, the lack of need for an amendment has been identified by the City and actually demonstrated by the evidence the City itself has collected. There can be no need because based on the result of City findings, the City has no actual facts which reveal market dysfunction.

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Consequently, there is no rational basis for a rent control ordinance amendment. Additionally, there are no rent increases or rent levels calling for mandatory rent control at all. In other words, there is not a single constitutional fact upon which the City might rely in consideration of rent controls.

In order to determine whether the rent control ordinance in whole or in part violates the Due Process Clause, consideration must first be given to whether the ordinance promotes any legitimate government purpose, and then to whether the ordinance is rationally related to that purpose. In making this examination, the status of the Petaluma ordinance is similar to the ordinance in the Malibu case. The Malibu ordinance was adopted despite the lack of any need as demonstrated from the minimal evidence which had been reviewed.

The Court found that findings of the severity of the need were required to analyze the extent of the appropriate response to the societal issue. This step had not been taken (could not be taken because the facts did not exist in the City of Malibu, just as the facts needed for continued regulation do not exist in the City). The difficulty with the City's position is that no matter what conditions exist elsewhere, this Court is not bound to find that those same conditions necessarily exist in Petaluma.

In the Adamson case, the court said:

Accordingly, if the park owners show that the alleged shortage-driven monopoly does not exist in Malibu, this rationale cannot justify the rent control ordinance. Birkenfeld, 130 Cal.Rptr. at 488, 550 P.2d at 1024 (“[T]he constitutionality of residential rent controls under the police power depends upon the actual existence of a housing shortage and its concomitant ill effects of sufficient seriousness to make rent control a rational curative measure.”); . . . The record made at the Court's hearing on this issue leaves no doubt that the monopoly theory presented by the City is fundamentally flawed, and that any limited power disparity that might exist between the park owners and the tenants is not sufficient to justify a regulatory scheme as onerous as the one under review here.

In support of the contention that the shortage of mobile home spaces in Los Angeles County creates a situation in which the landlord has monopoly power to raise the tenants' rents in Malibu, the City pointed to a study of ocean-oriented mobilehome parks which was prepared for the owner of Paradise Cove Mobilehome Park, a co-plaintiff in the Adamson case. The study was dated 1985. The study shows that there were very few vacancies in ocean-oriented mobilehome parks in Los Angeles and Orange Counties during the period for which the study was performed.

The Court also held that mobilehome vacancies must be studied in the additional context of sale transactions, because mobilehomes may not often be moved out, but sold in place. The Court expressly held:

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However, this study does nothing to prove the City's contention. A low vacancy rate does not warrant the conclusion that a monopoly exists because most transfers of tenancy are made without a “vacancy” ever occurring. Coaches are seldom moved. They are sold to the next tenant. Thus, the vacancies shown have little or no evidentiary value in determining this factual issue.

[¶] If coach sales are used as the determinant of housing availability, the picture is markedly different. A report prepared for the Point Dume Club shows that from the years 1986 to 1991, the yearly turnover rate never dropped below seven percent, and during 1989 actually reached eighteen percent. [Plaintiffs' Exhibit 8, at 60]. **Thus, the actual data shows that in fact there was no housing shortage in the mobile home market. Furthermore, the studies relied upon by the City show that the rentals in both Malibu parks were priced below market.**

The City has itself demonstrated that there is no housing shortage in Petaluma. The Park owners need not go farther than the City study (admissions) of the stipulated facts. Thus, the City can sustain no further rent control regulations under the terms of its own ordinance, and under the evidence it has itself collected and analyzed.

Moreover, Malibu could not show that the park owners possess any more of a monopoly than any other property owner has over the particular property it owns. In order to show that a park owner has a monopoly, the relevant market had to be defined so narrowly as to “*reach the point of absurdity.*” It must be remembered that a mobilehome is only one of a large variety of housing options available in Southern California and a number of mobilehome parks exist throughout this region. Thus, whether the market is defined as housing or more narrowly as mobilehome housing, **the tenants have a number of options.**

In Malibu, there was no contention that the park owners (there were a total of 2) ever conspired to keep rents high. In Petaluma, there are many parks. There is no collusion asserted or in existence either. These many facts render a comparison of the two cases nearly identical.

Even if the Court limited the market to mobilehome parks in Malibu, there are two competing parks. The City has made no allegation that the park owners are in collusion with one another to raise the rents in the parks. Indeed, the evidence shows that the rental rates are substantially lower at Paradise Cove than they are at Point Dume. Such a disparity suggests that the owners of the two parks are operating independently. It is only if the relevant market were to be defined as an individual park that a monopoly would exist. Since such a market definition would render every piece of rental property a monopoly, the Court does not find it viable.

Nor is it proper for the City to punish a park owner because it exercised good faith rights

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in pursuit of proper rents.

FN10. To the extent that the City acted to penalize Kissel for alleged rent increases in violation of the Los Angeles County ordinance, it was acting in pursuit of an impermissible interest.

Simply, unnecessary restrictions are improper and unrelated to the police power. A rent control must be a response to a societal danger which is documented, real and actual. There can be no rent control in a vacuum of findings. In this instance, the findings of the City are clear that there can be no rent control because the factors deemed to be required therefore are no longer present.

New findings cannot be found because there are none that exist. Indeed, there is no finding --no possibility of a finding-- that even more serious problems, dangers and risks are present than the findings made at the inception of rent control. Yet, the existence of more serious problems is necessary to justify more onerous, continuing, and changed restrictions.

Indeed, the Court held:

Once again, the City had no evidence of arbitrary rent increases and **did no market study.** Furthermore, the freezes, like the rollback, do not advance the legitimate interests which the City claims it had for enacting the ordinance. Also, like the rollback, the rent freeze on long term leases was at least partially motivated by a desire to remedy increases made under Point Dume leases allegedly entered into by tenants as a result of coercion by Adamson. [Transcript, City Council Meeting, February 25, 1992, Legislative Record, at 331-405]. However, the City had no evidence that there was coercion or that the rents in the parks were actually excessive. Therefore, although it was permissible for it to regulate potential increases in order to prevent the rents from *1492 becoming excessive, the City had no justification to freeze rents at current levels for substantial periods without evidence that they were in fact excessive.

Adamson Companies v. City of Malibu (C.D. Cal. 1994) 854 F.Supp. 1476, 1491 - 1492.

In reviewing the Malibu ordinance as a whole, the Court was required to conclude that there was no basis sufficient for the legislation as passed by the City.

In considering whether this onerous regulatory scheme is rationally related to the interests it is intended to promote, **the Court cannot conclude that there is evidence of the kind of market failure that the City envisions.** If there were, perhaps all of the burdens placed on the park owners would be justified. On the contrary however, the evidence shows that prior to the adoption of the ordinance, the tenants were selling their coaches in place for substantial and escalating premiums, that throughout the period prior to the adoption of the rent control

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ordinance, numerous coaches were sold, and that the rents in the parks were actually below market rates for comparable ocean-side parks. Accordingly, although some of the interests advanced by the rent control ordinance may be legitimate, **the Court is hard pressed to find that a regulatory scheme that so severely interferes with the park owners' economic rights is rationally related to those interests.**

Because there was “. . . virtually no evidence that the park owners were abusing any power that they have over the tenants, it is difficult to conceive of any reason for the enactment of such an onerous ordinance other than a desire to please the current tenants of the parks, a large and very vocal voting constituency in the City.”

These current tenants, of course, stand to benefit from the ordinance in the form of higher sales prices for their coaches. This benefit is actually paid to the tenants by future tenants. Consequently, the ordinance, as enacted gives a one-time bonus to the tenants living in the park at the time it takes effect. The Court found that this “one-time benefit” also conflicts with the City's rationale regarding the protection of low income tenants because, after the end of the initial tenancy, “. . . it is unlikely that any low income tenant could ever become a resident of either park.”

. . . the problem with the rent control ordinance is that it is far more onerous than necessary to solve the problem that it set out to address.

It is conclusive that there is now no housing shortage which could result in unjustified rent increases. Rent pricing and adjustments are the product of fair competition in the marketplace, not exploitive pricing for limited supplies of housing. Now, vacancies abound. Housing choices are plentiful. Indeed, the high vacancy rate reveals, if anything, that natural market forces have created a strong buyer's market, resulted in bountiful vacancies and intensified market competition for new tenants. Rent controls can never be sustained without a housing shortage.

Any intention to apply the ordinance to my clients under the circumstances of this case violates the letter, spirit and intention of the ordinance and the United States and California Constitutions. Enforcement of rent control as of this date therefore violates the civil rights of each park operator in the City.

Specifically, the requirements of due process of law as enunciated by Birkenfeld v. City of Berkeley (1976) 17 Cal.3d 129 bar application of the ordinance in this instance. For these reasons as more explicitly stated below, I demand that the City declare the ordinance inoperative. The ordinance on its face requires no less.

Moreover, the vacancy rate demonstrates that as applied to the park owners in Petaluma, there is no constitutional basis upon which anyone could rationally conclude that rent controls advance any legitimate governmental interest. Petaluma may not enforce laws under the guise of the police powers which have no rational basis to any governmental objective. Indeed, there is no

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rough proportionality whatsoever between the rent control law and the activities burdened by it.

**“The due process and equal protection clauses of the federal and state
Constitutions are the chief limitations on the exercise of the police power.**

See Miller v. Board of Public Works (1925) 195 Cal. 477 [234 P. 381, 38 A.L.R. 1479];
Rathkopf, The Law of Zoning and Planning, “Police Power” (1980) Sec. 2.02[2]; 5 Witkin,
Summary of Cal. Law (8th ed. 1974) Constitutional Law, Sec. 442, p. 3741.)

Article I, section 7, subdivision (a) of the California Constitution, for example, provides that “[a] person may not be deprived of life, liberty, or property without due process of law or denied equal protection of the law;”

Accordingly,

“where the exercise of that power results in consequences which are oppressive and unreasonable, courts do not hesitate to protect the rights of the property owner against the unlawful interference with his property.”

Skalko v. City Sunnyvale (1939) 14 Cal.2d 213, 215-216 [93 P.2d 93].)

**PRICE-FIXING TO MATCH PRICE FORMULAS ADOPTED IN OTHER
CITIES IS BASED ON CONDITIONS FOREIGN TO PETALUMA, NOT
RELATED TO INTRA-MUNICIPAL POLICE POWER OBJECTIVES (UNDER
THE FISHER CASE). PRICE-FIXING ADDRESSING FOREIGN HOUSING
CONDITIONS IS ULTRA VIRES TO CITY ANTITRUST IMMUNITIES AND
A VIOLATION OF, INTER ALIA, THE SHERMAN ACT.**

The act of fixing prices, without demonstrable need, is only supported by the desire to maintain a political consistency with other municipalities. But conditions elsewhere are not the conditions which exist in Petaluma. This amendment is not driven by the action of the park owners. It is not driven by conditions in the city. It is a quest to maintain allegiance and alliance with other cities with different conditions. It is driven by the political hunger to regulate at the same feverish pitch and ferocity as a neighboring city. It is a tacit understanding and effort to match terms of regulations, without considering the need as set forth in the cases.

What is required for a combination in restraint of trade? “The essential combination or conspiracy in violation of the Sherman Act may be found *in a course of dealing* or other circumstances as well as in an exchange of words.” United States v. Schrader's Son, 252 U.S. 85; American Tobacco Co. v. United States (1946) 328 U.S. 781, 809-810 [66 S.Ct. 1125, 1139, 90 L.Ed. 1575, 1594].

A city is not immune from the Sherman Act, which prohibits price-fixing. Even the immunities that exist under the Parker doctrine cannot cover conditions of other jurisdictions—which are the reasons for *other ordinances*, not the *Petaluma ordinance*. The State has no policy about whether rent controls are favored or not. The city policy is not state-driven. And no state

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policy embraces using other foreign jurisdictions' conditions for legislative findings that simply do not apply. On this point Petaluma stands alone.

Section 1 of the Sherman Act prohibits every contract, combination in the form of trust or otherwise, or conspiracy, in restraint of trade or commerce. 15 U.S.C.S. § 1. Chief among such illegal arrangements are price-fixing agreements: Under the Sherman Act a combination formed for the purpose and with the effect of raising, depressing, fixing, pegging, or stabilizing the price of a commodity in interstate or foreign commerce is illegal per se. Price-fixing agreements between two or more competitors, otherwise known as horizontal price-fixing agreements, fall into the category of arrangements that are per se unlawful. Put simply, "collusion" among competitors is the supreme evil of antitrust.

Certainly, we know that rent control is not, per se, actionable violation of the Sherman Act (*Fisher v. Berkeley*). But when the action is not based on protecting the need to be free from excessive rent increases (*Fisher*), when instead the City looks to match prices with other cities in the same county, the march to that form of consistency is not rent protection, it is price fixing for ends which transcend need to deal with actual hardships.

In *Traweck v. San Francisco* (N.D.Cal. 1984) 659 F.Supp. 1012, for example, the plaintiffs allege that the defendant officials have violated the federal antitrust laws by engaging in a conspiracy to eliminate the plaintiffs' ability to compete in the market for sale of condominiums in San Francisco. The purpose and effect of the alleged conspiracy, the plaintiffs maintain, was to protect the current market from plaintiffs' threatened price competition in order to maintain the high price of condominiums for the benefit of plaintiffs' competitors. The alleged scheme was purportedly effected by governmental action: the enactment of an anticompetitive ordinance and the issuance of a precursive administrative directive.

In effect, the plaintiffs alleged that the government had wrongly enlisted their legislative authority to control the price of condominiums in San Francisco, to the detriment of the plaintiffs and for the benefit of plaintiffs' competitors. Their allegations were held to state a viable antitrust claim. The Sherman Act was intended to "[prevent] . . . restraints to free competition in business and commercial transactions which tend[] to restrict production, raise prices or otherwise control the market to the detriment of purchasers or consumers of goods and services. . . ." ⁴ The conduct was a conspiracy to control the condominium market. In this case, we have the City looking to have the same laws as neighboring cities, where the nature of the law requires specific findings applicable to Petaluma, not somewhere else. Rent control is no ordinary law. Birkenfeld.

A long list of authorities suggests that the motives of legislators in passing anti-competitive and price-fixing laws for ulterior purposes remain open to examination. The most

⁴Apex Hosiery v. Leader, 310 U.S. 469, 493, 84 L. Ed. 1311, 60 S. Ct. 982 (1940); see also In re Airport Antitrust Litigation, 521 F. Supp. at 573. Westborough Mall v. City of Cape Girardeau, Mo., 693 F.2d 733 (8th Cir. 1982).

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common claim involves an alleged conspiracy between municipal officials that is designed to favor a co-conspirators' business interests over those of the plaintiff:

Westborough Mall, Inc. v. City of Cape Girardeau, 693 F.2d 733, 743 (8th Cir. 1982) (private developer alleged city officials and competing developers conspired to revoke commercial zoning of his land and then to grant development rights to competing developers), cert. denied, 461 U.S. 945 (1983); Corey v. Look, 641 F.2d 32, 34 (1st Cir. 1981) (unsuccessful bidder claimed city awarded parking lot franchise to state-controlled Steamship Authority pursuant to a conspiracy to exclude plaintiff from the market);

City Communications, Inc. v. City of Detroit, 650 F. Supp. 1570, 1576 (E.D. Mich. 1987) (plaintiff alleged conspiracy "to continually change the rules of the [cable television] franchise application process so as to accommodate [plaintiff's competitor], and prevent plaintiff from competing fairly for a franchise");

DiVerniero v. Murphy, 635 F. Supp. 1531, 1536 (D. Conn. 1986) (plaintiff alleged city officials and exclusive vendor in city coliseum conspired to hire off-duty police officers to harass street vendors in vicinity of coliseum).

For other conspiracy allegations:

Montauk-Caribbean Airways, Inc. v. Hope, 784 F.2d 91, 93 (2d Cir. 1986), cert. denied, 101 S. Ct. 248 (1986);

Whitworth V. Perkins, 559 F.2d 378, 379 (5th Cir. 1977), vacated and remanded sub nom. City of Impact v. Whitworth, 435 U.S. 992, reinstated on remand, 516 F.2d 696 (5th Cir. 1978), cert. denied, 440 U.S. 911 (1979);

Kurek v. Pleasure Driveway & Park Dist., 557 F.2d 580, 585 (7th Cir. 1977), vacated and remanded, 435 U.S. 992, reinstated on remand, 583 F.2d 378 (7th Cir. 1978), cert. denied, 439 U.S. 1090 (1979);

Obemdorf v. City and County of Denver, 653 F. Supp. 304, 309-10 (D. Colo. 1986); Schiessle v. Stephens, 525 F. Supp. 763, 769 (N.D. Ill. 1981), aff'd on other grounds, 111 F.2d 417 (7th Cir. 1983);

Mason City Center Assocs. v. City of Mason City, 468 F. Supp. 737, 740-41 (N.D. Iowa 1979), aff'd on other grounds, 671 F.2d 1146 (8th Cir. 1982). In one case, the plaintiff alleged that a municipal official acted out of a bad faith desire to protect his own business interests.

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Fisichelli v. Town of Methuen, 653 F. Supp. 1494, 1501 (D. Mass. 1987) (town counselor allegedly prevented competition with his and other pharmacies in town).

Here, the City endeavors to mirror a price-fixing methodology to homogenize with other municipalities. But the conditions elsewhere are irrelevant to exercise of the police power in Petaluma, when actual facts for changes to existing regulation protections are already in place and successful.

CONCLUSION

The park owners have at all times acted as responsible, concerned and accountable property owners who have never given reason for government intervention in the form of price controls. Further, I include a previously-submitted attachment which describes the alternative means by which to address the several issues before the Council at this time.

The park owners further stand united in seeking an exemption for non-profit owned parks. But all parks should be treated the same, and no parks should be subject to rent ceilings if not exceeding the rent rates and terms charged by non-profit entities. Rental levels in all parks remain at levels well below general market levels, and there is no tangible basis on which to impose more restrictive ceilings on rents.

Please protect against the waning residential opportunities that have been provided to the City and reject the amendments as now proposed.

Very Truly Yours,

/s/

Terry R. Dowdall
For
DOWDALL LAW OFFICES, A.P.C.

cc: Western Manufactured Housing Communities Association, Inc.
Petaluma Park owners
Media

ENCL: Owner's Superior and Liability-Reducing Alternatives

Petaluma Mobile Home Park Owners' Proposal

1. Voluntary rental assistance, paid by the park owners, will assist park tenants who have demonstrated financial need.
 - See following pages for program details
2. Park owners will agree to keep all parks in Petaluma open for the next 5 years.
3. The city will allow limited vacancy decontrol, which will further the City's affordability goals (and help prospective homebuyers seeking affordable housing) by making homes in parks more affordable.
 - Every mobile home park resident will continue to get the benefit of rent control for the entire duration of their tenancy. When a park resident moves out of a park, we propose that the park should be able to set rent *for the new tenant* to the average of the 3 highest current rents in the park. This is economically fair, and prevents rent gouging (since at least 3 other residents are voluntarily paying that rent amount), and will allow Petaluma's parks to remain economically viable over the long term by allowing rents to "catch up" to the market, after protecting every tenant with below-market rents for the duration of their tenancy.
 - Examples: Beaumont, Menifee, Riverside County
4. We oppose any change that would reduce the automatic annual rent increase from the current formula: 100% of CPI with a cap at 6%. The average annual rent increase for Petaluma's parks over the past 20 years is 2.6%. Our park expenses rise at the rate of CPI (or much faster), and we cannot run a business with less than that. 2022 CPI was an anomaly (due to the highest inflation the country has seen in decades). We can address this anomaly with our voluntary rental assistance program.
5. Park owners will forfeit their right to litigate against the city's ordinance in state or federal court.



Mobile Home Rental Assistance Program (RAP)

What is the Rental Assistance Program (“MHET RAP”)?

The Rental Assistance Program provides monthly rent subsidies to qualified mobile home park residents. It has been serving low-income mobile home owners for over thirty years. The program was designed to provide temporary assistance for qualified mobile home owners who are on the waiting list for the Section 8 government rent subsidy program. This program has been a tremendous success as a completely privately funded and supported program.

Who administers the program?

The program is administered by the Manufactured Housing Educational Trust (MHET), a non-profit trade association. Applications are reviewed and approved based on established criteria with annual reviews to verify continued eligibility and need.

How does the program work?

Once an applicant is approved, a “rent credit” in the amount of the rent subsidy is given each month on the recipient’s monthly rent statement. Subsidies are 10% of the rent, however in some cases where the need exists, mobile home park owners approve higher subsidies.

How long does it take to be approved for the program?

Applications are generally processed within 4-6 weeks with the subsidy beginning within one to two months after receipt of the application.

Who pays the monthly rent subsidy?

The owner of the mobile home park community where the applicant lives pays the subsidy.

Does the rent subsidy have to be refunded or paid back?

No. The subsidy is a gift that does not have to be paid back.

Why was this program established?

MHET established this program because the waiting list for government rent subsidy programs (Section 8) was typically several years long. Since many mobile home park owners were already helping their residents on an informal basis while they waited for Section 8, MHET decided to formalize a park owner funded program and make rental assistance available to qualified mobile home owners.

Who do I contact for more information?

Call MHET RAP at (949) 380-3311.



Who qualifies for the Mobile Home Rental Assistance Program?

Mobile home owners who:

- own their mobile home and live in it as their primary place of residence
- have lived in the park where they are currently residing for the past three consecutive years
- meet the very low-income guidelines used by the local Housing Authority for the Section 8 rental assistance program (Gross annual income from all sources is 50% of the median income or less)
- must meet one or more of the following criteria: (1) be at least 62 years of age or older; (2) be a family of two or more; (3) or be disabled
- does not receive assistance from any other rental assistance program
- have housing costs equal to or greater than 40% of their income
- do not have real property with a value of \$25,000 or more
- do not have personal property with a value of \$40,000 or more (excluding mobile home)
- qualify for HUD Section 8 rental subsidy and are on the waiting list for assistance.
- live in a jurisdiction that is not regulated by rent control
- is in compliance with all park rules and regulations
- complete all of the appropriate application forms