

City of Yucaipa  
 Mobilehome Rent Review Commission Minutes  
 Regular Meeting of October 19, 2017

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A Regular meeting of the Mobilehome Rent Review Commission of the City of Yucaipa, California was called to order in the Council Chambers, 34272 Yucaipa Boulevard, Yucaipa, California, on October 19, 2017 at 10:37 AM.

**PRESENT:** Caecilia Johns, Chairperson  
 Jordan Mack, Vice-Chairperson  
 William Mecham, Commissioner  
 Thomas Powell, Commissioner  
 Amy Greyson, Commission Attorney  
 Jennifer Shankland, Deputy City Manager/Rent Administrator

**ABSENT:** None

**CONVENE MOBILEHOME RENT REVIEW COMMISSION**

The meeting was opened with the Pledge of Allegiance led by Vice-Chairperson Mack.

Commissioner Mecham announced that it was Chairperson Johns' birthday.

**CONSENT AGENDA**

The following Consent Agenda items are expected to be routine and non-controversial. The Commission will act upon them, at one time, without discussion. Any Commission Member or staff member may request removal of an item from the Consent Agenda for discussion.

1. **SUBJECT:** APPROVE COMMISSION MINUTES OF AUGUST 22, 2017.

**RECOMMENDATION:** That the Commission approve the Mobilehome Rent Review Commission Minutes of August 22, 2017.

**ACTION:** MOTION BY COMMISSIONER MECHAM, SECOND BY VICE-CHAIRPERSON MACK, CARRIED 4-0 TO APPROVE COMMISSION MINUTES OF AUGUST 22, 2017.

**PUBLIC COMMENT**

None

Deputy City Manager/Rent Administrator Shankland stated that the City notified various parties of the upcoming Biennial Review on August 17, 2017 and received comments from YMRA, MHET, WMA, Andrew Rottenbacher, GSMOL, Ian Dyer, Elizabeth Sonderman, Barbara Kutra, Dale Ramsdell, and Robin Minnear by the September 11, 2017 deadline.

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Ms. Shankland explained that these individuals will be considered “Stakeholders” for this meeting and that the comments received are summarized in and attached to the staff report.

Ms. Shankland stated that Ordinance No. 364 was introduced for first reading at the October 13, 2017 City Council meeting which, upon adoption, will impose a ninety (90) day moratorium on consideration of or action on applications for Special Rent Adjustments under YMC §15.20.100(A), (B) or (C). The City Council directed the Commission to provide any recommendations to the City Council at the Commission’s October 19, 2017 meeting in order to enable the City Council to complete the Biennial Review before expiration of the moratorium.

Ms. Shankland stated that based on City Council direction, staff notified the stakeholders to inform them that they would be granted ten minutes to summarize the various points outlined in their submittal and that all other individuals interested in speaking will be granted the standard three minutes.

**DISCUSSION AND ACTION**

**2. SUBJECT: BIENNIAL REVIEW OF MOBILEHOME RENT STABILIZATION ORDINANCE AND RESOLUTION**

**RECOMMENDATION:** That the City of Yucaipa Mobilehome Rent Review Commission conduct a review of the Mobilehome Rent Stabilization Ordinance (Yucaipa Municipal Code Chapter 15.20) and the Administrative Rules last amended by Resolution No. 2011-52, and direct staff as appropriate.

**DISCUSSION:** Deputy City Manager/Rent Administrator Shankland presented the staff report.

**PUBLIC COMMENT**

Tony Slaick, YMRA Chairperson, stated that the costs of capital improvements should be shared 50/50 between park owners and park residents and if YMRA could get agreement on this item, YMRA could: consider 100% of the CPI, support a 1% floor as long as the 5% cap is maintained, and support limited vacancy decontrol.

Mr. Slaick reiterated the comments submitted by YMRA and stated that the temporary rent adjustment for application and hearing costs should be based on the highest methodology, the informal staff CPI study should include 8 years preceding the recession, no changes should be made to the CPI calculation until the consideration of a worst-case scenario, and no changes should be made to rent adjustments upon vacancy. Mr. Slaick addressed YMRA concerns pertaining to emergency health and safety capital improvements.

Peter Hertzog, MHET, stated MHET’s support of staff recommendation regarding capital improvements. Mr. Hertzog stated that the focus today should be how to limit or prevent future MNOI increases from being necessary and to at least minimize any potential impact of what

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would be legally required. Mr. Hertzog cited the benefits of implementing 100% CPI increases and vacancy decontrol and reiterated how these changes could help decrease the potential for MNOI applications. Mr. Hertzog stated MHET's opposition to temporary rent adjustments for application and hearing costs.

Julie Paule, WMA, stated there is a noticeable theme with what the residents are requesting this year and believes the residents have taken concepts that they don't like and have redefined them, such as the Galland standard, redefining the fair rate of return, new standards on limits and timings of applications, and new requirements on documentation. Ms. Paule stated WMA's concerns that these changes could jeopardize the current Ordinance and stated WMA's support for staff recommendations to make no changes pertaining to these items. Ms. Paule stated the goal of the Commission should be to limit or reduce the capital improvement and special rent adjustment applications and stated WMA's support of implementing 100% CPI increases and vacancy decontrol. Ms. Paule reiterated the comments submitted by WMA pertaining to vacancy decontrol and listed cities that allow rent adjustments based on vacancies.

Dale Ramsdell, Hidden Valley Mobilehome Park resident, stated that "when you say rent control, the control should not be the park, it should be somewhere around 50/50". Mr. Ramsdell expressed his concerns pertaining to the vulnerabilities of the senior population and the financial hardships of living on a fixed income.

Lorraine Basset, Wishing Well Mobilehome Park resident, provided details of her living conditions, stated that she has been harassed by the park management, and emphasized that "we are the consumer".

Susan Taylor, Hillcrest Mobile Estates resident, stated that she is thankful for all that she has and spoke in support of the recommendations presented by YMRA.

Jennifer Marshall, Northview Mobilehome Park resident, spoke in opposition of rent adjustments upon vacancy and requested that the Commission consider the mobilehome owner when making a decision.

Ron Rush, El Dorado Palms Mobilehome Park resident, expressed his opinion that all of the "mumbo jumbo" by lawyers and experts confuses everyone and that we need a rent control ordinance that will be "bullet proof".

Colleen Kirkpatrick, Valley View Mobilehome Park resident, cited the current demographic data for the City of Yucaipa and noted that the City was marketed as a retirement community up until the 1980's-1990's. Ms. Kirkpatrick also cited the median household income statistics and stated that a local investor now owns over ten percent of the homes in the park.

Jerry Rubin, Hillcrest Mobile Estates Owner, stated that he built the park 45 years ago and expressed his concern that the costs for maintenance and repairs are "going out of site". Mr. Rubin cited examples of recent and future needs of the park and stated that the rents in the park

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are reasonable but he cannot maintain the Park at the current rents. Mr. Rubin stated his support for vacancy decontrol.

Ann Quiett, Hidden Valley Mobilehome Park resident, requested that the City Council consider hiring a new expert that is more up-to-date with the current laws. Ms. Quiett stated her opposition to large rent increases imposed all at one time and alleged that the “new breed of predator park owners” are making it impossible for the residents to sell their homes to outside parties and end up having to sell their homes to the park owner for pennies on the dollar.

Mick Terry, Hidden Valley Mobilehome Park resident, stated that he and his fiancé moved from a mobilehome park in Santa Clarita because the City approved an ordinance that “effectively bypassed mandated rent control” and they could no longer afford to live there. Mr. Terry stated his concerns with the possibility of losing rent control in Yucaipa.

Tina Eing, Hidden Valley Mobilehome Park resident, stated that she and her fiancé moved to Yucaipa because they thought it was affordable and they are appalled with knowing they have to fight another battle for rent control. Ms. Eing stated that she would like to fight for the seniors because they are on a limited income and questioned why it has to be such a struggle.

Joe Sutt, Wildwood Canyon Mobilehome Park resident, raised concerns and provided comment regarding the 11 items listed in the staff report.

Michael Pritchard, Carriage Trade Manor Mobilehome Park resident, reiterated his concerns pertaining to the Capital Improvement rent increase, the Fair Return rent increase, and the pass-through of legal fees to the residents of Carriage Trade Manor. Mr. Pritchard stated that the park owner’s claimed expenses need to be scrutinized.

Clay Hage, Las Casitas Mobilehome Park Operator, stated that he has had discussions and debates over rent control for over 31 years and that when the Commission has to decide on an NOI application, the rules are set by the courts and established by case law. Mr. Hage spoke in support of 100% of the CPI and vacancy decontrol as a way to help reduce the likelihood for an NOI and requested that the Commission remember that they are constrained by certain rules but also by public policy that will achieve the desired result.

The Commission recessed for ten minutes and reconvened.

The Commission opened Stakeholder rebuttals.

Tony Slaick, YMRA Chairperson, cautioned the Commission to make any changes to the Ordinance slowly and to base their decisions on “worst-case scenarios”.

The public comment was closed.

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**RECOMMENDATIONS FOR POLICY CHANGES AND IMPROVEMENTS IN THE ADMINISTRATION OF THE ORDINANCE.**

3. **SUBJECT:** SPECIAL RENT ADJUSTMENTS BASED ON VOLUNTARY MEET AND CONFER

Deputy City Manager/Rent Administrator Shankland and Commission Attorney Greyson addressed questions raised by Commissioners.

**ACTION:** MOTION BY VICE-CHAIRPERSON MACK, SECOND BY COMMISSIONER MECHAM, CARRIED 4-0, TO SUPPORT STAFF RECOMMENDATION TO AMEND ADMINISTRATIVE RULES §4.0006 AS DETAILED IN THE STAFF REPORT.

10. **SUBJECT:** DEFERMENT OF APPLICATION FEES

Deputy City Manager/Rent Administrator Shankland and Commission Attorney Greyson addressed questions raised by Commissioners.

After Mobilehome Rent Review Commission discussion, the following Motion was made:

**ACTION:** MOTION BY COMMISSIONER MECHAM, SECOND BY COMMISSIONER POWELL, CARRIED 4-0, TO SUPPORT STAFF RECOMMENDATION TO NOT MAKE ANY CHANGE TO THE ORDINANCE OR RULES PERTAINING TO THE DEFERMENT OF THE \$1,750 APPLICATION/APEAL FEE FOR RESIDENTS.

1. **SUBJECT:** TEMPORARY RENT ADJUSTMENT FOR APPLICATION AND HEARING COSTS

Deputy City Manager/Rent Administrator Shankland and Commission Attorney Greyson addressed questions raised by Commissioners.

After Mobilehome Rent Review Commission discussion, the following Motion was made:

**ACTION:** MOTION BY COMMISSIONER MECHAM, SECOND BY COMMISSIONER POWELL, CARRIED 4-0, TO RECOMMEND AMENDMENTS TO YMC §15.20.116(A) AND ADMINISTRATIVE RULE §6.0004(B) TO REFLECT THAT WHEN CONSIDERING ALL RELEVANT FACTORS TO EVALUATE A PROPOSED TEMPORARY RENT ADJUSTMENT INCLUDING WHETHER THE CLAIMED COSTS BEAR A REASONABLE RELATIONSHIP TO THE SPECIAL ADJUSTMENT AWARDED, THE COMMISSION HAS THE

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**DISCRETION TO EVALUATE AND CONSIDER WHETHER THE COSTS SHOULD BE REDUCED BASED ON THE PERCENTAGE OF THE AMOUNT AWARDED AS A SPECIAL RENT ADJUSTMENT.**

**2. SUBJECT: ANNUAL ADJUSTMENTS**

Deputy City Manager/Rent Administrator Shankland and Commission Attorney Greyson addressed questions raised by Commissioners.

After Mobilehome Rent Review Commission discussion, the following Motion was made:

**ACTION: MOTION BY COMMISSIONER POWELL, SECOND BY VICE-CHAIRPERSON MACK, CARRIED 3-1 (COMMISSIONER MECHAM VOTED NOE), TO MAINTAIN 80% OF THE CPI AND LOWER THE CAP FROM 5% TO 4%.**

**4. SUBJECT: RENT ADJUSTMENTS UPON VACANCY**

Deputy City Manager/Rent Administrator Shankland and Commission Attorney Greyson addressed questions raised by Commissioners.

After Mobilehome Rent Review Commission discussion, the following Motion was made:

**ACTION: MOTION BY COMMISSIONER POWELL, SECOND BY VICE-CHAIRPERSON MACK, TO SELECT OPTION #7 (TO RETAIN THE EXISTING LANGUAGE OF THE ORDINANCE AND RULES).**

**ACTION: COMMISSIONER POWELL RETRACTED HIS MOTION. VICE-CHAIRPERSON MACK RETRACTED HIS SECOND.**

**ACTION: MOTION BY COMMISSIONER POWELL, FAILED DUE TO A LACK OF A SECOND, TO SELECT OPTION #6 (UPON A VACANCY RESULTING IN A VACANT PAD (DEFINED AS SPACE WAS NEVER OCCUPIED OR MOBILEHOME IS COMPLETELY REMOVED), THE PARK OWNER MAY INCREASE THE LAST RENT BASED ON THE COMBINED AVERAGE OF RENT CONTROLLED SPACES IN THE PARK PLUS 5% OR \$50, WHICHEVER IS LESS AND LIMIT THE INCREASE TO ONCE EVERY THREE YEARS PER SPACE).**

**ACTION: MOTION BY COMMISSIONER MECHAM, FAILED DUE TO A LACK OF A SECOND, TO SELECT OPTION #1 (UPON A VACANCY RESULTING FROM AN IN-PLACE TRANSFER (AS DEFINED), ALLOW A PARK OWNER TO IMPOSE A ONE-TIME SPACE RENT INCREASE**

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**OF \$25. IF A SPACE BECOMES VACANT MORE THAN ONCE DURING A CALENDAR YEAR, THE PARK OWNER MAY INCREASE THE RENT ONCE MORE BY AN ADDITIONAL \$25 RENT INCREASE, BUT NO FURTHER VACANCY INCREASES WOULD BE ALLOWED REGARDLESS OF THE NUMBER OF ADDITIONAL VACANCIES DURING THAT CALENDAR YEAR).**

**ACTION: MOTION BY VICE-CHAIRPERSON MACK, SECOND BY COMMISSIONER POWELL, CARRIED 3-1 (COMMISSIONER MECHAM VOTED NOE), TO SELECT OPTION #7 (RETAIN THE EXISTING LANGUAGE OF THE ORDINANCE AND RULES).**

5. **SUBJECT: DEFINITION OF FAIR RETURN ON INVESTMENT**

After Mobilehome Rent Review Commission discussion, the following Motion was made:

**ACTION: MOTION BY COMMISSIONER MECHAM, SECOND BY VICE-CHAIRPERSON MACK, CARRIED 4-0, TO SUPPORT STAFF RECOMMENDATION TO NOT MAKE ANY CHANGE TO THE ORDINANCE OR RULES REGARDING THE DEFINITION OF FAIR RETURN.**

6. **SUBJECT: SPECIAL RENT ADJUSTMENT TIMING**

Deputy City Manager/Rent Administrator Shankland and Commission Attorney Greyson addressed questions raised by Commissioners.

After Mobilehome Rent Review Commission discussion, the following Motion was made:

**ACTION: MOTION BY COMMISSIONER MECHAM, SECOND BY VICE-CHAIRPERSON MACK, CARRIED 4-0, TO SUPPORT STAFF RECOMMENDATION TO NOT MAKE ANY CHANGE TO THE ORDINANCE OR RULES REGARDING PLACING ANY LIMITATIONS ON WHEN A PARK OWNER MAY SUBMIT AN APPLICATION FOR A SPECIAL RENT ADJUSTMENT UNDER YMC §15.20.100(A), (B) OR (C).**

7. **SUBJECT: SIMPLIFY MNOI AND CPI BASELINE YEAR CALCULATIONS**

Deputy City Manager/Rent Administrator Shankland and Commission Attorney Greyson addressed questions raised by Commissioners.

After Mobilehome Rent Review Commission discussion, the following Motion was made:

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**ACTION: MOTION BY COMMISSIONER MECHAM, SECOND BY VICE-CHAIRPERSON MACK, CARRIED 4-0, TO SUPPORT STAFF RECOMMENDATION TO NOT MAKE ANY CHANGE TO THE ORDINANCE OR RULES PERTAINING TO 1987 AS THE BASE YEAR FOR THE PURPOSES OF DETERMINING THE INITIAL MNOI ADJUSTMENT OR FAIR RETURN ADJUSTMENT FOR THOSE PARKS THAT HAVE NOT YET RECEIVED AN MNOI RENT ADJUSTMENT.**

8. **SUBJECT: SPECIAL RENT ADJUSTMENT APPLICATION REQUIREMENTS**

After Mobilehome Rent Review Commission discussion, the following Motion was made:

**ACTION: MOTION BY COMMISSIONER MECHAM, SECOND BY COMMISSIONER POWELL, CARRIED 4-0, TO SUPPORT STAFF RECOMMENDATION TO NOT MAKE ANY CHANGE TO THE ORDINANCE OR RULES REGARDING THE NUMBER OF PRIOR YEARS' INCOME AND EXPENSES THAT MUST BE SUBMITTED AS PART OF AN MNOI/FAIR RETURN RENT ADJUSTMENT APPLICATION, SINCE THE ORDINANCE AND RULES ALREADY REQUIRE THAT THE PARK OWNER SUBMIT DOCUMENTATION FOR EXPENSES FOR THE CURRENT YEAR AND THE PRECEDING FOUR YEARS.**

9. **SUBJECT: COSTS OF CAPITAL IMPROVEMENTS**

Deputy City Manager/Rent Administrator Shankland and Commission Attorney Greyson addressed questions raised by Commissioners.

After Mobilehome Rent Review Commission discussion, the following Motion was made:

**ACTION: MOTION BY COMMISSIONER POWELL, SECOND BY VICE-CHAIRPERSON MACK, TO AMEND THE ORDINANCE AND RULES TO REQUIRE APPROVED CAPITAL IMPROVEMENT COSTS TO BE SPLIT EVENLY BETWEEN THE PARK RESIDENTS AND PARK OWNER.**

**COMMISSIONER POWELL RETRACTED HIS MOTION. VICE-CHAIRPERSON MACK RETRACTED HIS SECOND.**

**ACTION: MOTION BY COMMISSIONER POWELL, SECOND BY COMMISSIONER MECHAM, CARRIED 3-1 (VICE-CHAIRPERSON MACK VOTED NOE) TO SUPPORT STAFF RECOMMENDATION TO**



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**NOT MAKE ANY CHANGE TO THE ORDINANCE OR RULES  
RELATING TO CAPITAL IMPROVEMENT RENT ADJUSTMENTS.**

11. **SUBJECT:** DISCLOSE THE DIFFERENCE BETWEEN MONTH TO MONTH RENTALS AND LONG TERM LEASING

Deputy City Manager/Rent Administrator Shankland and Commission Attorney Greyson addressed questions raised by Commissioners.

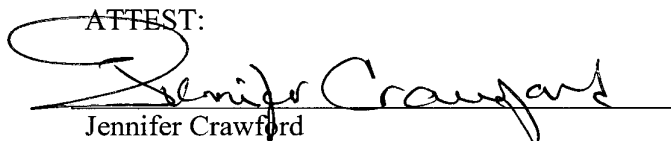
After Mobilehome Rent Review Commission discussion, the following Motion was made:

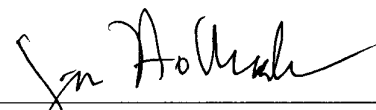
**ACTION: MOTION BY COMMISSIONER MECHAM, SECOND BY VICE-CHAIRPERSON MACK, CARRIED 4-0, TO SUPPORT STAFF RECOMMENDATION TO NOT MAKE ANY CHANGE TO THE ORDINANCE AND RULES WITH RESPECT TO THIS ISSUE.**

**ADJOURNMENT**

Commissioner Mecham concluded that it has been a “painful” day for all with deliberating issues that bring forth so many emotions. Commissioner Mecham stated that the Commission represents both the mobilehome park community and the rest of the community and that the recommendations will be brought to City Council for consideration.

The meeting adjourned.

ATTEST:  
  
Jennifer Crawford  
Deputy City Manager/City Clerk

  
\_\_\_\_\_  
Chairperson

APPROVED AT THE MEETING OF: February 21, 2019