

**ORDINANCE NO. 2018-019**

**AN ORDINANCE OF THE CITY COUNCIL  
OF THE CITY OF SAN BUENAVENTURA,  
CALIFORNIA, AMENDING DIVISION 6,  
“BUSINESS REGULATIONS,” OF THE SAN  
BUENAVENTURA MUNICIPAL CODE TO  
ADD CHAPTER 6.1000, “DISCLOSURE  
REQUIRED OF MOBILEHOME SELLERS IN  
CERTAIN MOBILEHOME PARKS,” TO  
REQUIRE SELLERS OF MOBILEHOMES IN  
MOBILEHOME PARKS SUBJECT TO THE  
CITY’S RENT STABILIZATION ORDINANCE  
TO PROVIDE A DISCLOSURE OF THE  
SAME TO ALL POTENTIAL PURCHASERS**

Whereas, Mobilehome ownership is unique and different than almost all other forms of home ownership in that the owner of the mobilehome is both an owner and a tenant; and,

Whereas, Many mobile home owners have a loan on their mobilehomes and are also tenants with monthly rental and other payments for the land that the mobilehome rests on in a mobilehome park; and,

Whereas, While it is possible to help obtain some economic certainty for the mobilehome owners by having a fixed rate loan; uncertainty remains as to the amount of rent and other costs associated with renting the land that the mobilehome rests on in a mobilehome park; and,

Whereas, One of the most important decisions purchasers of an existing mobilehome in a mobilehome park have to make is whether to have a long-term lease not subject to the City of San Buenaventura's Rent Stabilization Ordinance or to elect to have a month-to-month rental agreement/short-term lease subject to the City's Rent Stabilization Ordinance; and,

Whereas, The City's Rent Stabilization Ordinance requires that purchasers of an existing mobilehome in a mobilehome park subject to the City's Rent Stabilization Ordinance be provided with information about month-to-month rental agreements/short-term leases at the same time that the purchasers are provided with information about long-term leases, (see San Buenaventura Municipal Code Section 6.600.090.1.2(b)); and,

Whereas, The Mobilehome Residency Law provides that within two days of receiving an application for residency in a mobilehome park that the applicant be provided a document entitled 'Information for Prospective Homeowners' that delineates the dual role as both a homeowner and a tenant and that certain mobilehome parks are subject to rent control (see California Civil Code Section 798.74.5); and,

Whereas, The City Council believes it is important for potential and new mobilehome owners to have time to consider the benefits and the burdens of either a long-term lease or a month-to-month rental agreement/short-term lease to make the best decision in their economic and other personal interests; and,

Whereas, By having the seller and/or his/her/their real estate agent provide a disclosure to potential purchasers regarding month-to-month rental agreement/short-term and long-term lease options that potential purchasers will be better informed, can seek out information and resources, and will better prepare potential purchasers to have an informed discussion with the owners/management of the mobilehome park where the mobilehome they intend to purchase is located; and,

Whereas, The disclosure required by this Ordinance is in addition to and not in lieu of the legal obligations of the owners/management of the mobilehome parks subject to Chapter 6.600 of the San Buenaventura Municipal Code to provide information, to offer a month-to-month rental agreement/short-term lease, and to otherwise comply with the Mobilehome Residency Law, other state laws, and all provisions of the San Buenaventura Municipal Code.

The Council of the City of San Buenaventura does ordain as follows:

Section 1. ADDITION TO CODE. Division 6, "Business Regulations," of the San Buenaventura Municipal Code is hereby amended by the addition of Chapter 6.1000, "Disclosure Required of Mobilehome Sellers in Certain Mobilehome Parks," to the San Buenaventura Municipal Code to read as follows:

"Chapter 6.1000

Disclosure Required of Mobilehome Sellers in  
Certain Mobilehome Parks

**Sections:**

Sec. 6.1000.010. - Purpose and Intent.

Sec. 6.1000.020. - Definitions.

Sec. 6.1000.030. - Disclosure Required by  
Sellers and/or Real Estate  
Agents.

Sec. 6.1000.040. - Reserved.

Sec. 6.1000.050. – Sign Posting at  
Mobilehome Park  
Entrance.

**Sec. 6.1000.010. - Purpose and Intent.**

It is the intent of the City Council in adopting this Chapter to assist the purchasers and potential purchasers of mobilehomes in mobilehome parks in the City that are subject to the City's Rent Stabilization Ordinance found in Chapter 6.600 of this Code to have as much information as possible about the types of rental or lease options available to them so

that they may make the best decision for their interests.

**Sec. 6.1000.020. - Definitions.**

For purposes of this Chapter, the following words and phrases in italics below shall have the meaning set forth below:

*Buyer* means those individuals who make an offer to purchase a mobilehome in a mobilehome park subject to Chapter 6.600 of this Code that has been accepted by the seller of the mobilehome.

*Long-term lease* means any lease between a mobilehome park subject to the City's Rent Stabilization Ordinance and a tenant that is for a period of time exceeding twelve months. Such leases are not subject to the City's Rent Stabilization Ordinance.

*Mobilehome park subject to Chapter 6.600* means the following mobilehome parks as of the date of the adoption of this Chapter:

1. Buena Trailer Villa @ 3975 Telegraph Road
2. Buenaventura Mobile Home Estates @ 11405 Darling Road
3. Country Estates @ 10685 Blackburn Road
4. Imperial Mobile Home Park @ 5065 Telephone Road
5. Imperial Mobile Home Park @ 5067 Telephone Road
6. La Posada Mobile Home Park @ 4499 Copland Drive
7. Lemon Wood Mobilehome Park @ 850 Johnson Drive
8. Patrician Mobilehome Park @ 4700 Aurora Drive
9. Sea Esta Village @ 3900 East Main Street
10. Stardust Mobilehome Park @ 11100 Telegraph Road
11. Ventura Marina @ 1215 Anchors Way Drive
12. Victorian Mobilehome Park @ 2040 Park Drive

*Month-to-month rental agreement* means any agreement between a mobilehome park subject to the City's Rent Stabilization Ordinance and a tenant that is for a period of twelve months or less, commonly referred to as a 'month-to-month rental agreement.' Such monthly rental agreements are subject to the City's Rent Stabilization Ordinance. The phrase 'month-to-month rental agreement' includes and has the same meaning as the phrase 'short-term lease.'

*Potential purchaser* means a person who has made an inquiry or offer to purchase a mobilehome in a mobilehome park subject to Chapter 6.600 and which offer has been accepted by the seller.

*Real estate agent* means a licensed real estate salesperson as defined in Business and Professions Code Section 10132, a licensed real estate broker as defined in Business and Professions Code Sections 10015 or 10131. For purposes of this Chapter, the phrase 'real estate agent' shall also mean a 'licensee' as the term is used in Health and Safety Code Section 18006 to include a mobilehome dealer, dealer branch, manufacturer, distributor, or sales person licensed pursuant to part 2 of Division 13 of the Health and Safety Code as well as anyone who is exempt from having a real estate license, but otherwise authorized to conduct real estate transactions.

*Seller* means a person who offers for sale a mobilehome in a mobilehome park subject to

Chapter 6.600 of this Code. Offering a mobilehome for sale can be through a 'For Sale by Owner,' listing through a licensed real estate agent, or any other method authorized by law.

*Short-term lease* means any lease between a mobilehome park subject to the City's Rent Stabilization Ordinance and a tenant that is for a period of twelve months or less. Such leases are subject to the City's Rent Stabilization Ordinance. The phrase 'short-term lease' includes and has the same meaning as the phrase 'month-to-month rental agreement.'

**Sec. 6.1000.030. - Disclosure Required by Sellers and/or Real Estate Agents.**

A written disclosure in substantially the form below shall be required to be made by every seller and/or real estate agent selling any mobilehome in a mobilehome park that is subject to Chapter 6.600 of this Code. The written disclosure shall be in at least 14 pt. type and provided to a potential purchaser within three business days of the seller's acceptance of the buyer's offer. The disclosure shall be in substantially the form below:

## DISCLOSURE STATEMENT

The mobilehome is located at Space No. \_\_\_ in \_\_\_\_\_ Mobilehome Park. \_\_\_\_\_ Mobilehome Park is subject to the City of San Buenaventura's ('Ventura') Rent Stabilization Ordinance ('Ventura's

Ordinance'). The Ventura Ordinance applies in the following Mobilehome Parks:

1. Buena Trailer Villa @ 3975 Telegraph Road
2. Buenaventura Mobile Home Estates @ 11405 Darling Road
3. Country Estates @ 10685 Blackburn Road
4. Imperial Mobile Home Park @ 5065 Telephone Road
5. Imperial Mobile Home Park @ 5067 Telephone Road
6. La Posada Mobile Home Park @ 4499 Copland Drive
7. Lemon Wood Mobilehome Park @ 850 Johnson Drive
8. Patrician Mobilehome Park @ 4700 Aurora Drive
9. Sea Esta Village @ 3900 East Main Street
10. Stardust Mobilehome Park @ 11100 Telegraph Road
11. Ventura Marina @ 1215 Anchors Way Drive
12. Victorian Mobilehome Park @ 2040 Park Drive

The Ventura Ordinance was adopted by the City Council to:

‘ . . . protect the mobile home owners' investment in their mobile homes, and to protect the owners and occupiers of mobile homes from unreasonable rent increases, while at the same time recognizing the need of park owners to receive a fair return on

their property and rental income sufficient to cover increases in the costs of repairs, maintenance, insurance, employee services, additional amenities, and other costs of operation.’ San Buenaventura Municipal Code Section 6.600.010

Under both state law and the Ventura Ordinance, you have a right to be offered a month-to-month rental agreement/short-term lease for the space where this mobilehome is located. Only month-to-month rental agreements/short-term leases are subject to Ventura’s Ordinance. A month-to-month rental agreement/short-term lease is any rental agreement/lease of 12 months or less.

The landlord or park management also has the right, but not the obligation, to offer you a long-term lease. **A long-term lease is not subject to the protections of Ventura’s Ordinance.** A long-term lease is any lease of more than 12 months.

The park owner/park management is required to provide you with both options—a month-to-month rental agreement/short-term lease or a long-term lease. The park owner/park management is prohibited from denying you the opportunity to rent/lease the space where the mobilehome is situated if you decline to sign a long-term lease. The choice is entirely yours.

You should consider both options to make the best decision for your circumstances.



The current rent for this space is \_\_\_\_\_ and the current maximum rent authorized is \_\_\_\_\_. Other fees and charges may also apply to the space where the mobilehome is located. The park owner/park management is required to provide you, within two days of your application for residency in the mobilehome park, a document called 'Information for Prospective Homeowners.' This document requires the park owner/park management to identify the maximum allowed rent for the space as well as any additional monthly fees and charges that may apply to the space.

Information about the maximum amount of rent authorized under the Ventura Ordinance can be obtained from the City's Rent Administrator at (805) \_\_\_\_ - \_\_\_\_ or can be located at the City's website at: <https://www.cityofventura.ca.gov/713/Mobile-Home-Rent-Review-Board>.

Each mobilehome park has a designated Resident's Representative. The Resident's Representative for this mobilehome park is \_\_\_\_\_, who can be contacted at \_\_\_\_\_.

Seller certifies that the information herein is true and correct to the best of the Seller's knowledge as of the date signed by the Seller.

\_\_\_\_\_  
Seller's Signature

\_\_\_\_\_  
Date

\_\_\_\_\_  
Seller's Printed Name

\_\_\_\_\_  
Seller's Signature

\_\_\_\_\_  
Date

\_\_\_\_\_  
Seller's Printed Name

**Sec. 6.1000.040. - Reserved.**

**Sec. 6.1000.050. – Sign Posting at  
Mobilehome Park  
Entrance.**

All owners of mobilehome parks listed in Section 6.100.020 hereof shall have a sign placed near the entrance of the mobilehome park that indicates a special disclosure is required of all sellers of any unit within the park for the informational benefit of potential purchasers pursuant to Chapter 6.1000 of the San Buenaventura Municipal Code. The sign shall be of an adequate size that visitors to the mobilehome park can readily see it upon entering the mobilehome park and may be included within a sign containing information for visitors.”


Section 2. SEVERABILITY.

If any section, subsection, sentence, clause, or phrase of this ordinance is for any reason held to be invalid or unconstitutional by a decision of any court of competent jurisdiction, such decision will not affect the validity of the remaining portions of this ordinance. The City Council declares that it would have passed this ordinance and each and every section, subsection, sentence, clause, or phrase not declared invalid or unconstitutional without regard to whether any portion of the ordinance would be subsequently declared invalid or unconstitutional.


Section 3. EFFECTIVE DATE.

This Ordinance shall be effective thirty days following its adoption. The Ordinance shall be operative and applicable to all new Mobilehome listings for sell which occur on or after January 1, 2019.

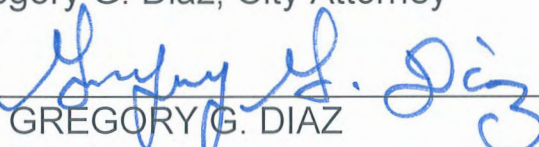
PASSED and ADOPTED this 3rd day of December 2018.

  
\_\_\_\_\_  
Neal Andrews, Mayor

ATTEST:

  
\_\_\_\_\_  
ANTOINETTE M. MANN, MMC, CRM  
CITY CLERK

APPROVED AS TO FORM  
Gregory G. Diaz, City Attorney

By:  11/19/2018  
GREGORY G. DIAZ Date  
City Attorney

**Exhibits: None**

CERTIFICATION

STATE OF CALIFORNIA            )  
COUNTY OF VENTURA         )  SS.  
CITY OF SAN BUENAVENTURA  )

I, ANTOINETTE M. MANN, City Clerk of the City of San Buenaventura, DO HEREBY CERTIFY that the foregoing is a full, true, and correct copy of Ordinance No. 2018-019 that was introduced by said City Council at a regular meeting held November 19, 2018, and adopted by said City Council at a regular meeting held December 3, 2018, by the following vote:

AYES:     Councilmembers Nasarenko, Weir, Tracy, Heitmann,  
          Monahan, Deputy Mayor LaVere and Mayor Andrews

NOES:     None

ABSENT:  None

I further certify that said Ordinance No. 2018-019 was published as required by law in the VENTURA COUNTY STAR, a newspaper of general circulation printed and published in said City.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the official seal of the City of San Buenaventura, California.

Antoinette M. Mann  
Antoinette M. Mann, MMC, CRM  
City Clerk  
City of San Buenaventura, California

December 5, 2018  
Date Attested

