



City Council
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Vice Mayor Laura Koval
Council Member Ronn Hall
Council Member Rob McNelis
Council Member Dustin Trotter

CITY OF SANTEE REGULAR MEETING AGENDA Manufactured Home Fair Practices Commission

March 16, 2023

Notice is hereby given by the City of Santee that a **REGULAR MEETING** will be held before the Manufactured Home Fair Practices Commission on **Thursday, March 16, 2022 at 6:30 PM** at the Santee City Hall Council Chambers, 10601 Magnolia Avenue, Santee, California, for the following purposes:

1. ROLL CALL
2. PLEDGE OF ALLEGIANCE
3. APPROVAL OF MINUTES
 - A. Draft Minutes of Regular Meeting of September 15, 2022
4. ACTION
 - A. Report on Role of Commission and Resources for Residents of Manufactured Home Parks
 - B. Election of Officers (Chair & Vice Chair)
5. COMMUNICATION FROM STAFF
6. COMMUNICATION FROM THE COMMISSION
7. COMMUNICATION FROM THE PUBLIC
8. ADJOURNMENT

The City of Santee complies with the Americans with Disabilities Act. Upon request, this agenda will be made available in appropriate alternative formats to persons with disabilities, as required by Section 202 of the American with Disabilities Act of 1990. Any person with a disability who requires a modification or accommodation in order to participate in a meeting should direct such request to the Development Services Department at (619)-258-4100, ext. 167 at least 48 hours before the meeting, if possible.



Public records, including writings related to an agenda item for an open session of a regular meeting of the Manufactured Home Fair Practices Commission that are distributed less than 72 hours before the meeting, are available for public inspection during normal business hours at the City Clerk's Office located at 10601 Magnolia Avenue, Santee, California.

DRAFT MINUTES

CITY OF SANTEE, CALIFORNIA
MANUFACTURED HOME FAIR PRACTICES COMMISSION
REGULAR MEETING
September 15, 2022

A Regular Meeting of the Manufactured Home Fair Practices Commission was called to order at 6:33 a.m. Staff members present: Bill Crane and James Jeffries.

AGENDA ITEM #1: ROLL CALL

Commissioners Dochterman, Granbois, Patch and Vandiver were present. A quorum was present.

AGENDA ITEM #2: PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Commissioner Granbois.

AGENDA ITEM #3: APPROVAL OF MINUTES

A. Draft Minutes of Regular Meeting of March 19, 2022

MOTION by Commissioner Vandiver to approve the minutes of the meeting on March 19, 2022 as presented, seconded by Commissioner Dochterman, approved by unanimous vote.

AGENDA ITEM #4: ACTION

A. Report on Commission Activity During FY 2021/2022

A report of commission activity during FY 2021/2022 was presented by Secretary Crane.

MOTION by Commissioner Dochterman to accept the report as presented, seconded by Commissioner Patch, approved by unanimous vote.

B. Review of Administrative Assessment Fund

A report on the status of the Administrative Assessment Fund was presented by Secretary Crane.

Commissioner Dochterman asked for clarification of process for following up on Assessment notices and the reported legal fees. Secretary Crane answered Commissioner Dochterman's questions.

MOTION by Commissioner Dochterman to accept the report as presented, seconded by Commissioner Vandiver, approved by unanimous vote.

AGENDA ITEM #5: COMMUNICATION FROM STAFF

A report outlining the annual permissive adjustment of gross space rental income was presented by Secretary Crane detailing the percentage of space rent increase to be implemented in January 2023.

AGENDA ITEM #6: COMMUNICATION FROM THE COMMISSION

Commissioner Dochterman and Vice Chair Granbois expressed how informative the bus tour on March 19, 2022 was to help them understand what the manufactured home parks are like in Santee.

AGENDA ITEM #7: COMMUNICATION FROM THE PUBLIC

Kelly Hairgrove a resident and president of the HOA of the Greenbrier Gardens Mobile Estates spoke about issues residents at Greenbriar Gardens are facing with regard to the long-term leases and other issues.

Monette Peralta a resident of the Greenbrier Gardens Mobile Estates also spoke about long-term leases encouraged vs. month-to-month and park management.

Terry Richard a resident of the Greenbrier Gardens Mobile Estates stated she felt forced into long-term lease that contained many errors.

Robert Farrimond a resident of the Highlands and the Vice President of the HOA wanted clarification if Highlands was required to increase the rent under the City's Santee Manufactured Home Fair Practices Ordinance.

Ever Garcia a resident of the Greenbrier Gardens Mobile Estates spoke about how Greenbrier Gardens made no mention of Rent Control only options were to assume a lease or start a new long-term lease.

Jeff McGreevy a resident of the Greenbrier Gardens Mobile Estates stated his understanding was that this meeting is not where dialog on a topic is conducted but that an item could be brought to next meeting.

Commissioner Vandiver asks for clarification from the speakers as to the identity of the "she" that the speakers referred to who is.

Joe Sorisito, a resident of Greenbrier Gardens Mobile Estates spoke to explain that the onsite management has a history of misleading the residents with regard to long-term leases and month-to-month as he dealt with a different person than the others but the same practices were in place when he moved in.

Commissioners requested Secretary Crane to follow-up on issues raised by speakers and to create an item to be added to the next meeting.

8. ADJOURNMENT

The meeting was adjourned at 7:07 p.m.



MEETING DATE

March 16, 2023

AGENDA ITEM NO.

4A

ITEM TITLE **REPORT ON ROLE OF COMMISSION AND RESOURCES FOR
MANUFACTURED HOME PARK RESIDENTS**

BACKGROUND

The Manufactured Home Fair Practices Commission (Commission) was established on January 25, 1995. The duties of the Commission are outlined in Ordinance 412 (Santee Municipal Code Chapter 2.44). The Commission's duties are listed in the Ordinance under Section 2.44.040 L (Duties), which is attached.

SUMMARY

At the September 15, 2022 regular meeting of the Santee Manufactured Home Fair Practices Commission, six residents of Greenbrier Gardens Mobile Estates addressed the Commission with various concerns about the park's management and allegations of violations of State Law and implementation of the City's Ordinance during the Communications from the Public portion of the meeting. At the conclusion this portion of the meeting, the Staff Secretary was asked to bring an item back to the Commission to regarding the issues brought forward by the speakers.

The purpose of this report is to reiterate the role of the Commission and its Commissioners and to provide a list of resources for manufactured home park residents to assist them with tenant\landlord concerns that generally are not the scope of the Commission or the Ordinance.

The main purpose of the Santee Manufactured Home Practices Ordinance is rent stabilization. Violations of California's Mobilehome Residency Law (MRL) or the City's Ordinance regarding rental agreements and leases are considered landlord-tenant issues and are to be enforced though the State or through the court system. Accordingly, it is not the role of the Commission to mediate disputes between tenants and landlords.

While it is not the role of the Commission or the City to mediate tenant\landlord disputes, there are several resources available to mobile home residents to address such concerns. Some of these resources include CSA San Diego County, (HUD Approved Housing Counseling Agency) which the City contracts with for tenant\landlord mediation services and the California Department of Housing and Community Development's Mobilehome Ombudsman, to name a few. Attachment 2 to this staff report provides a list of Resources for Santee Mobile Home Residents with contact information and websites.



CITY OF SANTEE

Manufactured Home Fair Practice Commission

Agenda Statement

Mobilehome owners in Santee's parks are encouraged to contact the City with questions or concerns about space rent increases, the role of the Commission, and the City's Ordinance but should utilize other resources to remedy landlord tenant disputes.

FINANCIAL STATEMENT

Total legal defense costs the City has incurred since the Ordinance's implementation is \$2,224,457.00.

RECOMMENDATION

Accept the report.

ATTACHMENTS (Listed Below)

1. Section 2.44.040 of the Ordinance 412
2. Resources for Manufactured Home Park Residents

Santee, California Municipal Code

Title 2 ADMINISTRATION AND PERSONNEL

Chapter 2.44 MANUFACTURED HOME FAIR PRACTICES COMMISSION

2.44.040 Manufactured Home Fair Practice Commission.

- A. Establishment. The Manufactured Home Fair Practices Commission of the City is established.
- B. Membership.
1. Qualifications. The Commission shall consist of a total of five regular members. All members shall be resident electors of the City. No member shall be:
 - a. A manufactured home owner or resident;
 - b. An owner, operator or manager of a manufactured home park;
 - c. Any person owning or possessing any interest in, or operating or managing, any other rental property totaling four or more dwelling units, whether such four units are located on one parcel or lot, or are spread among several parcels or lots. As used in this section, "dwelling unit" shall mean an apartment unit, a condominium unit, or a single-family residence;
 - d. A person with an identifiable economic or professional interest in the rights of park owners or residents.
 2. Attendance at Meetings. All members of the Commission shall be required to attend all Commission meetings and hearings unless such member has been disqualified from participation.
 3. Absences. When a regular member is absent from a meeting, the meeting shall be governed by rules adopted by the Commission.
- C. Nomination and Appointment. Council members may make recommendations to the Mayor for nominations to the Commission. The Mayor shall nominate persons for appointment to the Commission. Each such nomination shall be subject to the approval of the City Council by majority vote.
- D. Term.
1. Terms of Office. Each regular member of the Commission shall serve for a term of two years except as otherwise provided in this chapter. For the first Commission, the Mayor shall designate which three regular members shall serve two-year terms and two regular members for one-year terms. Thereafter, the successors of these members shall be appointed for terms of two years. Each regular member shall hold office until a new member has been duly appointed.

2. Vacancies on Commission. If a vacancy shall occur otherwise than by expiration of the term, it shall be filled by appointment for the unexpired portion of each member's term.
 3. Removal of Commissioners. The provisions of this subsection notwithstanding, a member may be removed, at any time, with or without cause, by a majority vote of the City Council.
 4. Unexcused Absences. Any member who is absent, without sufficient cause, from three successive meetings of the Commission which such member was required to attend shall be deemed to have vacated that office.
- E. Meetings. Except as expressly provided in this chapter, the Commission shall establish the time and place of its meetings. All meetings of the Commission shall be conducted in accordance with the provisions of the Brown Act ([Government Code](#) Section 54950 et seq.).
- F. City Council Guidelines Commission Rules and Regulations.
1. The City Council shall from time to time adopt by resolution such guidelines as it deems necessary to assist and direct the Commission in the accomplishment of its duties.
 - a. The City Council shall not delegate the responsibilities for legal defense of this chapter to the Commission.
 2. The Commission may make and adopt its own rules and regulations for conducting its business consistent with the laws of the State, this chapter, and any guidelines adopted by the City Council. Any such rules and regulations shall be reduced to writing and be on file with the secretary of the Commission at all times.
- G. Officers. The Commission may appoint such officers as it may deem necessary to carry out its duties hereunder.
- H. Records. The Commission shall keep a record of its proceedings, which shall be open for inspection by any member of the public.
- I. Appointment of Committees and Hearing Officers. The Commission may appoint committees or hearing officers, subject to the provisions of subsection (B)(1), to hear matters on which testimony must be taken, which committees and officers shall report to the Commission the findings and results of any such hearing on a matter referred to such committee or person.
- J. Compensation. Each member of the Commission shall be entitled to such compensation as may be set by the City Council. Such members shall be entitled to reimbursement for expenses incurred in the performance of their official duties. The Commission shall not have any authority to expend or authorize the expenditure of any public funds, except with the prior expressed approval of the City Council.
- K. Staff. The City Manager shall provide all administrative staff necessary to serve the Commission. The City Manager (or designee) shall serve as the secretary of the Commission and shall be responsible for the maintenance of all records of the Commission. The City Attorney or designee shall act as legal counsel to the Commission for the administration of this chapter.

L. Duties. The Commission shall undertake and have the following duties, responsibilities and functions, together with all powers reasonably incidental thereto:

1. a. To meet on a regular basis as may be specified by the rules and regulations of the Commission in order to carry out its duties;
 - b. To notify the designated representatives of the resident homeowner associations and other associations representing park residents of all such meetings;
 - c. To require such registration of manufactured home parks as the Commission may deem necessary to enable it to carry out its duties;
 - d. To make adjustments in space rent ceilings as provided for in this chapter;
 - e. To make such studies, surveys and investigations, including the establishment of a uniform system of reports, conduct such hearings necessary to carry out its powers and duties;
 - f. To adopt, promulgate, amend and rescind such administrative rules as may be necessary to effectuate the purposes and policies of this chapter and to enable the Commission to carry out its powers and duties thereunder;
 - g. To render at least semiannually a comprehensive written report to the City Council concerning the Commission's activities, decisions, actions, results of hearings, and all other matters pertinent to this chapter;
 - h. The Commission has the authority to ignore, for purposes of this chapter, a contractual rental agreement when in its opinion it is illegal, when it is procured by fraud, duress, coercion or other improper conduct or if it is not exempt under Section 798.17 of the [Civil Code](#). Prior to ignoring a contractual rental agreement, the Commission shall cause a hearing to be conducted by a neutral hearing officer, licensed by the State to practice law. The hearing official's decision shall be final unless the Commission finds, by a preponderance of the evidence, that the decision is in error;
 - i. To undertake such other related duties as may be assigned by the City Council.
2. The decisions of the Commission shall be final unless the City Council shall find by preponderance of the evidence that the decision is in error, the Commission violated the Brown Act ([Government Code](#) Section 54950 et seq.) or provisions of subsection (B)(1) of this section.
 3. The City Council shall conduct a hearing and issue a finding on any alleged error made by the Commission within a period of not more than 30 days after the Commission decision.
 4. The Commission shall cause a re-hearing to be conducted within 30 days of any findings of error or if a previous decision is in violation of any provision of this amended chapter. (Ord. 555 § 3, 2019)

Contact:

City Clerk: 619-258-4100 ext. 114

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RESOURCES FOR SANTEE MANUFACTURED HOME RESIDENTS

City of Santee – Manufactured homeowners in the City of Santee’s twelve mobilehome parks should contact the City if they have questions about space rent increases or if they have questions about the City’s Manufactured Home Fair Practices Ordinance or Commission. Additionally, there are resources on the City’s website for manufactured home residents under the Development Services Department webpages.

City Website: <https://www.cityofsanteeca.gov/>

City Website – Santee Manufactured Home Fair Practices Ordinance page:

<https://www.cityofsanteeca.gov/government/departments/development-services/housing-matters/manufactured-home-fair-practices-commission>

Email: bcrane@cityofsanteeca.gov

Phone: (619) 258-4100 ext. 221

California Department of Housing and Community Development (HCD) – HCD manages the titling and registration for mobilehomes, manufactured homes, commercial modulars, floating homes, and truck campers. HCD also protects families and individuals who live in mobilehomes by inspecting mobilehome parks for health and safety violations in areas, like Santee, where the local government has not assumed enforcement. HCD further protects consumers by enforcing regulations for those who build and sell manufactured homes.

Website: <https://www.hcd.ca.gov/manufactured-and-mobilehomes>

For in-person assistance with modifying your mobilehome/manufactured home, mobilehome park construction, permit requirements, or inspections, contact HCD’s Southern Area Office by phone at (800) 952-8356 or email at SAOstaff@hcd.ca.gov

CSA San Diego County - CSA San Diego County (CSA) is a 501(c)(3) nonprofit organization whose primary mission is the promotion of social justice and public welfare through programs, services, and advocacy against all forms of discrimination, including advocacy for the eradication of housing discrimination to assure equal housing opportunity for all individuals. Additionally, the City of Santee contracts with CSA to provide tenant/landlord mediation services.

Website: <https://www.c4sa.org/about>

Phone: (619) 444-5700

Elder Law & Advocacy - Elder Law & Advocacy is a group of experienced attorneys, staff, and volunteers who serve over 6,000 seniors annually in San Diego and Imperial counties. Elder Law & Advocacy provide free civil legal services and Medicare counseling to qualifying seniors and people with disabilities. Our team also provides community education, events, and advocacy to advance seniors' rights.

Website: <https://elaca.org/>

Phone: (858) 565-1392

The Mobilehome Ombudsman – This California Department of Housing and Community Development (HCD) office can assist you with complaints relating to mobilehome registration and titling, mobilehome and mobilehome park inspections (health and safety issues), mobilehome installations (foundation and earthquake bracing issues) and problems relating to mobilehome dealer sales.

Phone: (800) 952-5275 or (916) 323-9801

Email: ombudsman@hcd.ca.gov

Santee Mobilehome Owners Action Committee (SMOAC) – Santee based all-volunteer non-profit organization established in 1991 to support mobile home park residents, provide resources, engage in charitable activities and publish a newsletter (The SMOAC Connection) for general distribution.

Website: www.smoac.org

Email: SMOAC92071@gmail.com

Small Claims Court - A special court where individuals, representing themselves, resolve disputes quickly and inexpensively in an informal setting. The person who sues is the plaintiff; the person who is sued is the defendant. In small claims court, you may ask a lawyer for advice before you go to court, but you cannot have a lawyer in court. An individual, which includes a sole proprietorship, may file a claim in small claims court up to a maximum of \$10,000.

Website: <https://www.sdcourt.ca.gov/sdcourt/smallclaims2>