



# **Exhibit 9 – Discussion of Alleged Issues (Nos. 1-2 and 4-9) that Staff Determined Do Not Constitute a Reduction in Significant Housing Services**

## **Meeting of May 24, 2023**

**County of Ventura • Resource Management Agency**

800 S. Victoria Avenue, Ventura, CA 93009-1740 • (805) 654-2478 • [www.vcrma.org/divisions/planning](http://www.vcrma.org/divisions/planning)

### **I. DISCUSSION:**

The Petition alleges nine service reduction issues, which are summarized below.

- 1) Power outages, surges, and unsafe electrical connections;
- 2) Sewage backups occur both inside and outside homes;
- 3) Inoperable/insufficient laundry facilities and the homeowners are not allowed to have washing machines in their homes;
- 4) Lack of trimming or maintenance of trees, resulting in cracked and raised pavement;
- 5) Power meters are not being calibrated or replaced as needed;
- 6) The manager/owner does not post or distribute notices or information required by the Mobile Home Residency Law;
- 7) It is impossible to contact the owner of the park;
- 8) The park's owner failed to respond to two certified written requests for a meeting to discuss the park homeowners' concerns; and
- 9) The owner did not respond to two certified written requests for park ownership information.

To be considered for a rent reduction by the Rent Review Board, the issue must constitute a "housing service" as defined in the Rent Control Ordinance (Rent Control Ordinance, Section 81001). Pursuant to Section 81001 of the Rent Control Ordinance, "housing services" are:

"Services provided by the park owner related to the use of occupancy of a mobile dwelling unit space, including, but not limited to, water and sewer, natural gas, electricity, refuse, removal, management and administration (including employee salaries and fringe benefits), maintenance and repairs, supplies, advertising, recreation facilities, laundry facilities, parking, security services, insurance, property taxes, other governmental assessments, and other costs reasonably attributable to the operation of the park. The term 'housing services' shall not include legal fees or mortgage payments, whether for principal, interest, or both."

Based on staff's analysis of the alleged issues, staff recommends that the Rent Review Board find that one of the nine alleged issues (specifically, Issue No. 3 which relates to a lack of fully functioning and adequate laundry facilities at the park), amounted to a reduction in a specifically enumerated significant housing service for an unreasonable length of time without a corresponding reduction in the dollar amount of the space rent at the Casitas Springs Mobile Home Park, and to order a reduction of rent to affected tenants accordingly. Staff's analysis and recommendations as to this issue are set forth in Section III.A of the staff report.

County of Ventura  
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Staff does not recommend a reduction in rent for any of the eight remaining issues alleged in the Service Reduction Petition. Four of the remaining eight issues are unrelated to park amenities or to the use or occupancy of the mobile dwelling units at the park (Exhibit 3 to the staff report, Issue Nos. 6-9); thus, staff does not believe that they meet the definition of a housing service to be considered by your Board for a rent reduction. As for the four other remaining issues, staff has determined there is insufficient evidence to find that the alleged issues amount to a permanent or extended reduction of a specifically enumerated significant housing service as set forth in the Rent Control Ordinance and Resolution No. RRB16-001.

Each of the remaining issues alleged in the Service Reduction Petition (Exhibit 3 to the staff report) is addressed in more detail below along with staff's recommendation regarding the requested rent reduction.

#### **A. Issues That Do Not Meet the Definition of a "Housing Service"**

- 1) The manager/owner does not post or distribute notices or information required by the Mobile Home Residency Law (MRL). (Exhibit 3 to the staff report, Issue No. 6.)

Submitted Petition: The petitioners allege the following:

- The sign to the right of the park's front gate on Nye Road that in the past showed a full park map, in addition to providing other important information, has faded to a point that it hasn't been readable for years.
- The few notices posted in the park's laundry room are dirty, torn, and mostly unreadable. They are taped to the laundry room walls with blue painter's tape. When a date can be deciphered, these are 10 to 15 years old.
- The park has failed to distribute copies of the Mobile Home Residency Law as is required under the provisions of California Civil Code §798.15.
- The park has never posted a copy of the park's emergency preparedness plan or informed the residents of the park where a copy of the plan may be obtained as is required under the provisions of California Health and Safety Code §13603.
- The park has not posted a "MOBILE HOME ASSISTANCE CENTER" sign in accordance with the requirements of California Civil Code §18253.5.
- The park has failed to post or make available to the residents of the park specific current residential utility rates as published by the serving utility or provide the internet website address where those rates can be obtained, as required by California Civil Code §798.40.

Staff Analysis: This issue does not constitute a housing service eligible for a service reduction. In addition, on February 8, 2023, the property owner submitted photographs to Planning Division staff (Exhibit 7 to the staff report) indicating that an updated park map had been installed at the park entrance. The remaining

issues include alleged violations of the MRL and California Health and Safety Code by the park owner/manager which are outside the scope of the Rent Control Ordinance and beyond the County's enforcement authority. Pursuant to the Mobilehome Residency Law Protection Act, HCD is now available to help mobilehome homeowners resolve complaints related to the MRL through the Mobilehome Residency Law Protection Program (MRLPP). Participation in the MRLPP is voluntary and does not prevent mobilehome homeowners from seeking legal advice from a licensed attorney or legal aid provider, or from bringing a legal action in court to enforce the MRL, including enforcement of related notice requirements.

- 2) It is impossible to contact the owner of the park. (Exhibit 3 to the staff report, Issue No. 7.)

Submitted Petition: Petitioners allege that they have no means to directly contact the park owner and encounter difficulties when contacting the park manager.

Staff Analysis: This issue does not constitute a housing service eligible for a service reduction. However, it may constitute a violation of the MRL, specifically, Civil Code section 798.28, which requires the management of a mobilehome park to “disclose, in writing, within 10 business days, the name, business address, and business telephone number of the mobilehome park owner upon the receipt of a written request of a homeowner”. Listings of park owners/operators can also be found on the HCD's Mobilehome and RV Parks Listing website at: <https://casas.hcd.ca.gov/casas/cmipMp/onlineQuery/?f=VBJBEoEF1cEijriut2s5Oq8axNg%20GX3Lfk4Vo0DGpcs%3D>.

As mentioned above, violations of the MRL are outside the scope of the Rent Control Ordinance and beyond the County's enforcement authority. HCD, however, is now available through the MRLPP to help mobilehome homeowners resolve complaints related to the MRL. Participation in the MRLPP is voluntary and does not prevent mobilehome homeowners from seeking legal advice from a licensed attorney or legal aid provider, or from bringing a legal action in court to enforce the MRL, including enforcement of related notice requirements.

- 3) The park's owner failed to respond to two certified written requests for a meeting to discuss the park homeowners' concerns. (Exhibit 3 to the staff report, Issue No. 8.)

Submitted Petition: Petitioners allege that two certified letters were mailed to the park owner, Ben Garcia, on February 28, 2022, and on April 29, 2022, for a meeting to discuss the park homeowners' concerns. Copies of these letters were also provided to the park manager, James Garcia. Ben Garcia failed to respond to either of these letters.

Staff Analysis: This issue does not constitute a housing service eligible for a service reduction. However, it may constitute a violation of the MRL by the park owner/manager. For example, Civil Code section 798.53, subdivision (a)(1) of the MRL provides as follows:

(a)(1) The management shall meet and consult with the homeowners, upon written request, within 30 days of the request, either individually, collectively, or with representatives of a group of homeowners who have signed a request to be so represented on the following matters:

- (A) Resident concerns regarding interpretation, or enforcement or lack thereof, of existing park rules that are not subject to Section 798.25.
- (B) Standards for maintenance of trees, driveways, or physical improvements in the park.
- (C) Addition, alteration, or deletion of service, equipment, or physical improvements in the park.
- (D) Rental agreements offered to existing residents pursuant to Civil Code §798.17 or 798.18.
- (E) Resident concerns regarding utility billing or utility charges.
- (F) Common area facility hours and availability.

A collective meeting with a group of homeowners shall be conducted only after notice thereof has been given to all the requesting homeowners 10 days or more before the meeting. (Civil Code, § 798.53, subd. (b).)

As mentioned above, violations of the MRL are outside the scope of the Rent Control Ordinance and beyond the County's enforcement authority. HCD, however, is now available through the MRLPP to help mobilehome homeowners resolve complaints related to the MRL. Participation in the MRLPP is voluntary and does not prevent mobilehome homeowners from seeking legal advice from a licensed attorney or legal aid provider, or from bringing a legal action in court to enforce the MRL, including enforcement of related meeting requirements.

- 4) The owner did not respond to two certified written requests for park ownership information. (Exhibit 3 to the staff report, Issue No. 9.)

Submitted Petition: Petitioners allege that two certified letters were mailed to the park owner, Ben Garcia, on June 19, 2022, and July 26, 2022, requesting park ownership information. Copies of these letters were also provided to the park manager, James Garcia. Ben Garcia failed to respond to either of these letters.

Staff Analysis: This issue does not constitute a housing service eligible for a service reduction. However, it may constitute a violation of the MRL by the park owner/manager. Pursuant to Civil Code section 798.28, “[t]he management of a mobilehome park shall disclose, in writing, within 10 business days, the name, business address, and business telephone number of the mobilehome park owner upon the receipt of a written request of a homeowner.” Listings of park owners/operators can also be found on HCD’s Mobilehome and RV Parks Listing website at:

<https://casas.hcd.ca.gov/casas/cmipMp/onlineQuery/?f=VBJBEoEF1cEijriut2s5Oq8axNg%20GX3Lfk4Vo0DGpcs%3D>.

As mentioned above, violations of the MRL are outside the scope of the Rent Control Ordinance and beyond the County’s enforcement authority. HCD, however, is now available through the MRLPP to help mobilehome homeowners resolve complaints related to the MRL. Participation in the MRLPP is voluntary and does not prevent mobilehome homeowners from seeking legal advice from a licensed attorney or legal aid provider, or from bringing a legal action in court to enforce the MRL, including enforcement of related meeting requirements.

## **B. Remaining Issues That Do Not Amount to a Significant Reduction in Housing Services**

- 1) Power outages, surges, and unsafe electrical connections. (Exhibit 3 to the staff report, Issue No. 1.)

Submitted Petition: Petitioners allege that the park’s electrical infrastructure is inadequate, unsecured, and unsafe due to multiple factors, including power lines being tangled in tree limbs and power poles being termite ridden, with many poles not being properly secured into the ground. Some termite-ridden and poorly secured power poles are propped up with lumber. In addition, petitioners at times experience dimming or flickering light, low, and uneven lighting within their mobile homes. There are also reported power surges and brownouts in some units and variations in the electricity bills received by residents.

Staff Analysis: At the time of the park inspection in December 2022, Planning Division staff witnessed work on new concrete bases for power poles in progress. According to the park owner, approximately nine power poles were planned to be improved, including the installation of three metal poles and the improvement of five to seven poles with concrete bases due to termite damage. In addition, according to the park owner and manager, a number of trees had been trimmed or removed in the weeks prior to Planning Division staff’s inspection and additional trees were planned to be trimmed in conjunction with the planned power pole improvements. On February 8, 2023, the property owner submitted photographs

to Planning Division staff indicating that the three new metal poles had been installed (Exhibit 8 to the staff report).

The alleged insufficient electrical output is not documented in a way that can be easily confirmed or quantified for your Board. It covers an undefined time period to unidentified units and is based on anecdotal evidence. The park owner and manager contend that for petitioners experiencing power surges or brownouts, trailers with generators may have issues based on their design and power loads and the constraints of the pre-existing electrical system at the park. It's worth noting that the park owner has provided evidence of some repairs and planned repairs to the electrical system of the park.

Enforcement of mobilehome park health and safety issues such as unsafe electrical, sewer or septic, gas, and water systems is governed by HCD. Planning Division staff believes this complaint was submitted to HCD for investigation and appropriate follow-up. However, according to HCD staff,<sup>1</sup> park owners are not required to upgrade electrical systems or increase capacity from the time that residents first move into a park.

Based on this information and the fact that it is nearly impossible to quantify where or for what length of time these intermittent power surges and brownouts occurred or why they may have occurred, staff is of the opinion that there is not sufficient evidence to indicate that a specific enumerated significant housing service was permanently reduced or disrupted for an unreasonable length of time as a result of these alleged issues. (Resolution No. RRB16-001 [“specific enumerated” means “[a] detailed, written description of the alleged service reductions in the mobile home park which has been prepared in advance for consideration by the Rent Review Board”].)

Staff Recommendation: Staff does not believe there is sufficient information provided regarding reported outages, power surges, brownouts, and unsafe electrical connections at the park for your Board to make the finding that a specifically enumerated significant housing service has been permanently reduced or disrupted for an unreasonable length of time. Therefore, staff does not recommend a rent reduction for this issue.

- 2) Sewage backups occur both inside and outside homes. (Exhibit 3 to the staff report, Issue No. 2.)

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<sup>1</sup> Mark Yarber, Codes and Standards District Representative II, California Department of Housing and Community Development, phone conversation with Ventura County Planning Division staff, November 22, 2022.

Submitted Petition: According to the Petition, all of the park's mobile homes use a septic tank system which include cesspools and leach lines. While many mobile homes throughout this park have experienced sewage backups, mobile homes in spaces 1 through 15 experience the most frequent and severe problems. According to the Petition, this may be caused by the manager using spaces 3 and 4 to store old cars, boats, and large vehicles (e.g., one five-ton industrial forklift, one 32-foot motorhome, and a Chevrolet Tahoe Suburban SUV, all owned by the park's manager). These two spaces contain septic tank cesspools for the homes located on spaces 1 through 15. The Petition states that nothing heavy should be parked on the septic tank cesspools. Allegedly, the septic tank for these homes had to be dug up and repaired because the waste in it had hardened and the tank couldn't be pumped. The park management attributes the septic tank problem in some areas to park residents flushing baby wipes down their toilets. Another possible reason for the sewage backup problem is that the park may not pump their septic tanks as often as is recommended or required, which, according to the Petition, is typically every 6 to 12 months. According to the Petition, this park's septic tanks are pumped about once every 20 to 24 months. This has allegedly caused sewage to harden in the tanks, which makes it very hard to pump out and requires special cleaning.

Staff Analysis: As described above, at the time of the park inspection in December 2022, Planning Division staff viewed multiple septic system manholes and infrastructure locations. Planning Division staff did not witness evidence of any sewage backups or receive any quantifiable evidence detailing facts such as how frequent or often the alleged issue has occurred or for what length of time at specific park spaces. Park management disagreed that vehicle parking affected septic system performance. In addition, according to information received by Planning Division staff from HCD staff,<sup>2</sup> the allegation that vehicle parking has damaged underground septic system infrastructure has not been cited or confirmed by that agency.

The park manager indicated that the septic systems are pumped/emptied when they smell due for maintenance; park management does not have a regular maintenance schedule and septic tanks are different capacities. According to the United States Environmental Protection Agency,<sup>3</sup> a typical septic system should be inspected at least every 3 years by a professional and tanks pumped as recommended by the inspector (generally every 3 to 5 years); Ventura County Environmental Health Division staff also point to this guidance.<sup>4</sup> Alternative systems with electrical float switches, pumps, or mechanical components need to

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<sup>2</sup> Ibid.

<sup>3</sup> United States Environmental Protection Agency, "A Homeowner's Guide to Septic Systems", [https://www3.epa.gov/npdes/pubs/homeowner\\_guide\\_long.pdf](https://www3.epa.gov/npdes/pubs/homeowner_guide_long.pdf), accessed January 3, 2023.

<sup>4</sup> Ernest Dragan, Technical Services, Ventura County Environmental Health Division, electronic mail to Ventura County Planning Division staff, April 6, 2023.

be inspected more often, generally once a year. A number of major factors influence the frequency of pumping, such as the number of people in the households served by a particular septic system, the amount of wastewater generated (based on the number of people in the households and the amount of water used), the volume of solids in the wastewater (for example, using a garbage disposal increases the amount of solids), and septic tank size.

In addition, according to HCD staff,<sup>5</sup> a good septic system can generally operate an average of 3 to 5 years without the need for pumping; however, if the system is failing, then it becomes prudent to conduct system inspections/maintenance and/or replace the system. In most cases, telltale signs of failure would include chronic back-ups in the system, lush green patches of grass growing randomly, the constant smell of sewer, toilets not flushing, random ponding of grey water, etc. Planning Division staff observed no evidence of septic system failure at the site visit in December 2022.

Staff Recommendation: Staff does not believe there is sufficient evidence to demonstrate that alleged septic system backups at the park constitute a specifically enumerated significant housing service that has been permanently reduced or disrupted for an unreasonable length of time. Therefore, staff does not recommend a rent reduction for this issue.

3) Lack of trimming or maintenance of trees, resulting in cracked and raised pavement. (Exhibit 3 to the staff report, Issue No. 4.)

Submitted Petition: Petitioners allege that the park owner has not trimmed or maintained trees within the park, resulting in cracked and raised pavement. The Petition alleges that some power lines are tangled in tree limbs and some tree limbs are pressing against the roofs and awnings of some homes. Tree roots also are pushing up patios and retaining walls by as much as one foot. While this problem affects several homes, the spaces that have the largest problem with this are spaces 1 and 36. Space 1 recently filed a complaint with HCD regarding this issue, but no action had been taken by HCD regarding this complaint as of the Petition submittal. According to petitioners, a power pole fell onto a home a few years ago and now it appears that there is a good chance of a tree falling onto a home in the very near future. When homeowners complain to the park's owner/manager about tree problems, they are told that no action needs to be taken unless it is affecting the power lines. The manager has allegedly also responded to residents by telling them that the trees are their responsibility to trim or cut down when necessary.

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<sup>5</sup> Sal Poidomani, Plans Examiner, California Department of Housing and Community Development, electronic mail to Ventura County Planning Division staff, January 26, 2023.



Staff Analysis: Trees were trimmed at some units a few weeks prior to Planning Division staff's inspection. According to the park manager, one tree was removed entirely from an area of the park adjacent to Highway 33 approximately 2-3 weeks prior to the inspection (near space 1). The Casitas Springs Mobilehome Park is located directly adjacent to Highway 33, a State highway. According to the park owner, other trees requiring trimming are located within the California Department of Transportation (Caltrans) right of way and removal or maintenance is within their purview. The park owner reportedly requested Caltrans to trim these trees, but the park owner has no control over their timeline. According to the park owner, the affected resident of one large, overgrown tree located on space 36 has refused to allow removal or trimming of the tree due to the resident's preference for the shade and privacy it provides. Trees located near spaces 7 and 8 are planned to be trimmed in conjunction with the planned power pole improvements.

Civil Code section 798.37.5, subdivision (a) of the Mobile Home Residency Law provides that, "[w]ith respect to trees on rental spaces in a mobilehome park, park management shall be solely responsible for the trimming, pruning, or removal of any tree, and the costs thereof, upon written notice by the homeowner or a determination by park management that the tree poses a specific hazard or health and safety violation." If there is a dispute over whether a tree on a rental space poses a specific hazard or health and safety violation, either the park management or a homeowner may request an inspection by HCD to determine whether a violation exists. (Civil Code, § 798.37.5, subd. (a).) With respect to trees in common areas, park management shall be solely responsible for the trimming, pruning, or removal of any tree, and costs thereof, that are located in the common areas of a mobilehome park. (Civil Code, § 798.37.5, subd. (b).) In addition, park management shall be solely responsible for the maintenance, repair, replacement, paving, sealing, and the expenses related to the maintenance of all driveways installed by park management including, but not limited to, repair of root damage to driveways and foundation systems and removal. (Civil Code, § 798.37.5, subd. (c).) Whereas, homeowners shall be responsible for the maintenance, repair, replacement, paving, sealing, and the expenses related to the maintenance of a homeowner installed driveway. (Id.)

In evaluating whether the park owner unduly delayed maintenance of the trees that affected the pavement at the mobilehome park, Planning Division staff conducted a site inspection in December 2022. At that site inspection, staff did not notice any raised or torn pavement or issues with the roads. Petitioners did not submit photographs or evidence related to the pavement at the park, except a photograph taken at space 36, where the homeowner allegedly refuses to allow an overgrown tree to be removed or trimmed, though it is compromising his patio area. Per staff's conversation with the resident of space 36, the park owner allegation is consistent

with the resident's preferences.<sup>6</sup> Based on the observed conditions at the park, staff does not believe there is sufficient evidence to indicate that this issue resulted in a reduction of a specifically enumerated significant housing service.

Staff Recommendation: Staff does not believe that the alleged delay in tree trimming and related allegation of cracked and raised pavement constitute a specifically enumerated significant housing service that was permanently reduced or disrupted for an unreasonable length of time. Therefore, staff does not recommend a rent reduction for this issue.

- 4) Power meters are not being calibrated or replaced as needed. (Exhibit 3 to the staff report, Issue No. 5.)

Submitted Petition: The petitioners allege that over half of the park's power meter protective boxes are made of wood and are very old, with open bottoms. Because these power boxes are outside and are not completely enclosed, they are very dirty and full of spiders and spider webs. Some were also observed to have rat droppings. Some meters are not securely fastened inside their wooden boxes. In addition, when the manager replaces meters, the park residents have noticed that the manager sometimes uses meters taken out of service from other homes that were removed because they did not function properly. According to petitioner's, the manager then hand writes dates on the meter's weights and measures tags, which is probably illegal. The few meters which appear to still have original weights and measures tags (i.e., tags that have not been altered by the manager), typically have inspection dates over 20 years old. Some weights and measures tags are so worn and torn that they can't be read. This may be why park residents have reported utility bills varying from month to month, sometimes by as much as \$200.

Staff Analysis: At the time of inspection, Planning Division staff observed electrical meters that had not been calibrated within the last 10 years (some dating back to 2001), as recommended by the Ventura County Weights and Measures Division. Park management acknowledged they were behind on having electrical meters inspected by the Weights and Measures Division due to COVID-19, but planned to have meters inspected beginning in 2023. As noted above, the Weights and Measures Division typically recommends that all electrical meters are inspected over a continual 10-year basis, with approximately 10% of meters at a property inspected annually. Anthony McNally, Supervising Inspector with the Weights and Measures Division, inspected Casitas Springs Mobile Home Park on April 3, 2023. At that time, Weights and Measures staff found violations related to electrical meters that had not been calibrated within the last 10 years.<sup>7</sup> The Weights and

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<sup>6</sup> Peter Marshall, phone conversation with Ventura County Planning Division staff, April 12, 2023.

<sup>7</sup> Anthony McNally, Weights & Measures Supervising Inspector, Agricultural Commissioner's Office, phone conversation with Ventura County Planning Division staff, April 4, 2023.

Measures Division has its own enforcement process to ensure compliance with necessary meter inspections and calibrations.

Although staff agrees that the park management should expedite the inspection of electrical meters by Weights and Measures staff to verify proper calibration where overdue, there is no requirement for the park owner to upgrade electrical meters. If bad weather has damaged the meter base, then it may be time for a replacement, but this would fall under the purview of HCD if a potential health and safety issue exists. During the site visit in December, Planning staff recommended that concerned residents contact the Ventura County Weights and Measures Division directly regarding the meter inspection issue. In addition, as shown in Exhibit 8, the park owner indicated that they plan to upgrade and replace the electrical box for space 36 in March 2023.

Staff Recommendation: Staff does not believe that the subpar condition or quality of the meter boxes holding the power meters rises to the level of a reduction of specifically enumerated significant housing services. Of note, this condition cannot be directly correlated to the alleged variations in monthly electric bills.<sup>8</sup> Nor does falling behind on inspections of electrical meters at the park constitute the loss of or reduction in the provision of a significant housing service. Staff, therefore, does not recommend a rent reduction for this issue.

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<sup>8</sup> Anthony McNally, Weights & Measures Supervising Inspector, Agricultural Commissioner's Office, phone conversation with Ventura County Planning Division staff, April 4, 2023.