

BILL NO. _____

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY OF FRESNO, CALIFORNIA,
AMENDING SECTIONS 12-2003, 12-2013, AND 12-2014 OF
THE FRESNO MUNICIPAL CODE

THE COUNCIL OF THE CITY OF FRESNO DOES ORDAIN AS FOLLOWS:

SECTION 1. Section 12-2003 of the Fresno Municipal Code is amended to read:

SECTION 12-2003. – DEFINITIONS.

For purposes of this article, the following words and phrases shall have the following meanings:

(a) "Annual Government Cost" means an amount or equivalent paid or charged to a park owner by a local, state or federal government for municipal utilities, general property taxes, governmental fees, special property assessments, or taxes, fees or charges levied in accordance with XIIC or XIID of the California Constitution, within a twelve month period commencing [12]~~46~~ months prior to the date of the submission of the rent increase application.

(b) "Commission" means the City of Fresno Mobilehome Park Rent Review and Stabilization Commission established by this article.

(c) "Capital improvement" means an addition or betterment made to a mobilehome park which consists of more than repair, replacement, or rehabilitation of an existing facility or improvement, which is required to be amortized over its useful life by the income tax laws of the United States, and which has a useful life of five years or more.

(d) "Chair" means the Residents' Committee chairperson as elected under Section 12-1905 of this ordinance.

(e) "Day," when used in the context of time limitation, means working day, excluding Saturdays, Sundays and holidays.

(f) "Director" means the Director of the City of Fresno department charged with enforcing the provisions of this article, or his/her designee(s)~~Housing and Neighborhood Revitalization Department of the City of Fresno.~~

(g) "General Property Tax" means a tax levied by a city or county government on the value of the real property the taxpayer owns on a specific date.

(h) "Governmental Fee" means a charge fixed and levied by a local, state or federal government or governmental agency for the services rendered or for use of a privilege under the control of a government or governmental agency, such as a permit or license fee.

(i) "Mobilehome" means a structure as defined by Section 798.3 of the California Civil Code and any recreational vehicle as defined in Section 799.24 of the California Civil Code that has been in place in any park for a period of nine months or more.

(j) "Mobilehome park" means any area of land in the city where mobilehome spaces or recreational vehicle spaces occupied by a recreational vehicle(s) for a period of nine months or more are rented or held out for rent.

(k) "Mobilehome space" means a site within a mobilehome park intended or used for location or accommodation of a mobilehome or recreational vehicle,

the latter for a period of nine months or more, and any accessory structures, appurtenances or equipment attached thereto or used in conjunction therewith.

(l) "Municipal Utility" means any utility (water, sewer, trash/recycling collection, power) service provided to park residents by a municipality. This definition excludes gas and electric services provided by a public utility subject to Public Utilities Code Section 739.5 and utilities supplied privately by park owners.

(m) "Owner" means the owner, lessee or operator of a mobilehome park, or an agent, manager or representative authorized to act on behalf of such owner, lessee or operator in connection with operation or maintenance of the mobilehome park.

(n) "Rehabilitation" means any repair or renovation work performed in a mobilehome park in order to comply with an order or direction of a public agency having jurisdiction, or to repair any damage resulting from earthquake, fire, flooding or other casualty.

(o) "Rent" means the consideration, including without limitation money, benefits, gratuities and security deposits, demanded or received for occupancy or use of a mobilehome space and any services or amenities in connection with such use or occupancy, or for the subletting of a mobilehome space or transfer of a lease of a mobilehome space. "Rent" does not include any amount paid for use of the mobilehome itself or any amounts paid for water, gas, electricity or other utility services that are separately metered and billed directly to the individual mobilehome.

(p) "Resident" means a person entitled to occupy a mobilehome pursuant to ownership thereof, or pursuant to a rental, lease or license arrangement with the owner thereof, and who has a tenancy in the mobilehome park in which the mobilehome is located.

(q) "Special Property Assessment" means an assessment in the nature of a tax levied upon a property according to benefits conferred on that property, such as sewer, water, streets, sidewalks or other public improvements. It differs from a general tax in that it is levied for a specific purpose and in an amount proportional to the direct benefit to that property assessed.

(r) "Tenancy" means the right of a resident to use or occupy a mobilehome space pursuant to a rental, lease or license arrangement.

SECTION 2. Section 12-2013 of the Fresno Municipal Code is amended to read:

SECTION 12-2013. – AUTOMATIC PASS-THROUGH OF ANNUAL GOVERNMENT COSTS.

(a) Under this section, in addition to any other rent increase allowed by this ordinance, a property owner may increase mobilehome space rent once annually for the following annual government costs incurred by the park owner in the operation and maintenance of the park:

(1) Municipal Utilities.

(2) General Property Taxes.

(3) Other governmental fees including regulatory fees, processing fees, licenses and permits.

(4) Special Property Assessments.

(5) Any taxes, assessments, fees or charges levied in accordance with article XIIC and article XIID of the California Constitution.

Owners shall limit rent increases under this section to those increased costs which exceed 5 percent of the previous 12 months annual government costs. The previous 12 months government costs shall be calculated commencing ~~[12]~~16 months prior to the date of the [submission of the rent increase application]~~projected rent increase date~~. When calculating this increase, each Annual Government Cost specified above shall be addressed separately and not collectively when determining whether there has been a 5% or greater increase. This rent increase shall reflect changes no more than once annually. No owner may pass-through capital improvement costs, whether or not government mandated. The time for requesting and allocating such an increase under this section shall be at the same time an application for rent increase is submitted pursuant to Section 12-2009. At the time of submitting a rent increase application, the park owner shall provide all documentation supporting the annual government cost increase provided for in this section.

(b) Except as expressly provided in this section, this rent increase is not subject to the rent increase provisions of this ordinance. Neither the Resident Committee, nor residents may vote on or otherwise reject a rent

increase requested pursuant to this section. Except as expressly provided in this section, neither the Residents Committee, nor the residents may request review by the Commission of this increase. The Residents Committee may object to the increase only on the following grounds:

(1) The rent increase is not an annual government cost as defined and limited in this ordinance; or,

(2) The owner has not provided documentation supporting this rent increase; or

(3) The amount of the increase is not properly calculated. Said objection must be made in writing, to the owner, with copy to the Director, within five (5) days of receipt of the rent increase application. The Residents Committee and Property owner shall then attempt to resolve the objection if the objection cannot be resolved, either party may submit the objection to the Director within twenty-five (25) days of submission by the owner of the application for rent increase to the Residents' Committee. The Director shall have ten (10) days of receipt of the objection to rule on the objection if either party is not satisfied with the decision of the Director, the objection may be submitted to the Commission within twenty-five (25) days of the decision of the Director, for final determination. Request for proceedings before the Commission shall be made pursuant to subsection (c) of this Section.

(c) The party requesting Commission review shall notify the Director, in writing, of the request. At the time of requesting review, the requesting party shall submit a fee in the amount specified in the Master Fee Resolution. The fee shall be used to pay all the costs of the city and the Commission incurred in conducting proceedings on the rent increase objection pursuant to this section. If the amount of the fee exceeds such costs, the balance shall be refunded to the requesting party within thirty (30) days after completion of the Commission review. If the Commission finds in favor of the requesting party, the non-requesting party shall reimburse the requesting party the fee paid pursuant to this section, less any amount refunded by the city. Except as provided in this section, each Party shall bear their own costs incurred in the proceedings, including but not limited to attorney's fees. Upon receipt of the request for hearing, the Commission shall proceed according to the schedule established pursuant to Section 12-2011(c),(d),(e) and (f). The Commission shall limit its review of the annual government cost rent increase to the validity of the objection stated by the Residents Committee and, if applicable, shall state an effective date of the annual government cost rent increase. The rent increase shall be subject to the owners compliance with Civil Code Section 798.30. The Commission shall not determine the validity of the objection based on whether the annual government cost rent increase requested pursuant to this section is just, fair or reasonable. If the owner has requested a Commission hearing on any other rent increase, the hearings shall be coordinated in an effort to reduce

the consumption of time and resources. In such case, the cost of the hearing shall be proportioned accordingly.

(d) The notice and review periods provided in this section shall be in addition to the ninety (90) day notice the owner is required to give pursuant to Civil Code Section 798.30 or any other notice period required by law.

SECTION 3. Section 12-2014 of the Fresno Municipal Code is amended to read:

SECTION 12-2014. – ANNUAL AUTOMATIC RENT INCREASE TIED IN TO THE CONSUMER PRICE INDEX FOR PREVIOUS YEAR.

In addition to any other rent increase allowed by this ordinance, an owner may increase mobilehome space rents once annually by a factor not to exceed seventy-five (75) percent of the previous year's Consumer Price Index for the period between November 1 and October 31. Said Consumer Price Index shall be as defined by Section 12-2012(a) of this Ordinance. Said Consumer Price Index shall be computed on a Base Rent. The Base Rent shall be established on the average rent of spaces affected by this Ordinance as of December of each year prior to the [date of the submission of the rent increase application]~~rent increase date~~. Owners shall provide documentation for average rent increase and Base Rents to support any rent increase under this provision of the Ordinance.

SECTION 4. This ordinance shall become effective and in full force and effect at 12:01 a.m. on the thirty-first day after its final passage.

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STATE OF CALIFORNIA)
COUNTY OF FRESNO) ss.
CITY OF FRESNO)

I, AMY ALLER, City Clerk of the City of Fresno, certify that the foregoing ordinance was adopted by the Council of the City of Fresno, at a regular meeting held on the _____ day of _____ 2026.

AYES :
NOES :
ABSENT :
ABSTAIN :

Mayor Approval: _____, 2026
Mayor Approval/No Return: _____, 2026
Mayor Veto: _____, 2026
Council Override Vote: _____, 2026

AMY ALLER
Interim City Clerk

BY: _____
Deputy Date

APPROVED AS TO FORM:
ANDREW JANZ,
City Attorney

BY: _____
Christina Roberson Date
Assistant City Attorney