

ORDINANCE NO. \_\_\_\_\_

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF OCEANSIDE AMENDING CHAPTER 16B OF THE OCEANSIDE CITY CODE BY THE REPEAL OF SUBSECTION 16B.16(e) REGARDING NOTICE REQUIREMENTS FOR PROPOSED LONG-TERM RENTAL AGREEMENTS IN MOBILEHOME PARKS

WHEREAS, California Civil Code section 798.17 provides, in part, that certain long-term (longer than 12 months) space rental agreements for the personal and actual residence of a mobilehome owner in a mobilehome park are exempt from rent control provisions imposed by local ordinance, rule, regulation or initiative measure;

WHEREAS, California Civil Code subsection 798.17(f) requires that at the time such a long-term rental agreement is first offered to a mobilehome owner, the park management must provide written notice to the homeowner of the homeowner's right (1) to have at least 30 days to inspect the rental agreement, and (2) to void the rental agreement by notifying management in writing within 72 hours of the acceptance of a rental agreement;

WHEREAS, the California Court of Appeal has held, in *Mobilepark West Homeowners Ass'n v. Escondido Mobilepark West* (1995) 35 Cal.App.4<sup>th</sup> 32, that the provisions of the California Civil Code noted above "occupy the field" of the rules applicable to the execution of rent-control-exempt leases, such that local ordinances dealing with the same subject are preempted by Civil Code section 798.17; and

WHEREAS, Oceanside City Code subsection 16B.16(e) contains notice requirements regarding proposed rent-control-exempt leases, which requirements are in addition to those specified in California Civil Code section 798.17, and although the requirements of subsection 16B.16(e) are not being specifically enforced, the City Council of the City of Oceanside desires to repeal subsection 16B.16(e) in order to acknowledge and clarify its compliance with current statutory and case law.

NOW, THEREFORE, the City Council of the City of Oceanside does ordain as follows:

SECTION 1. Subsection 16B.16(e) of the Oceanside City Code is hereby repealed.

SECTION 2 . The City Clerk of the City of Oceanside is hereby directed to publish this

1 ordinance, or the title hereof as a summary, pursuant to state statute, once within fifteen (15)  
2 days after its passage in the North County Times, a newspaper of general circulation published  
3 in the City of Oceanside.

4 SECTION 3. This ordinance shall take effect and be in force on the thirtieth (30<sup>th</sup>) day  
5 from and after its final passage.

6 INTRODUCED at a regular meeting of the City Council of the City of Oceanside,  
7 California, held on the \_\_\_ day of \_\_\_\_\_, 2006, and, thereafter,

8 PASSED AND ADOPTED at a regular meeting of the City Council of the City of  
9 Oceanside California, held on the \_\_\_ day of \_\_\_\_\_, 2006, by the following vote:

10 AYES:

11 NAYS:

12 ABSENT:

13 ABSTAIN:

14 MAYOR OF THE CITY OF OCEANSIDE

15  
16 ATTEST:

APPROVED AS TO FORM:

17  
18 \_\_\_\_\_  
19 CITY CLERK

20  
21 *Antonia J. Hamilton, ASST.*  
22 \_\_\_\_\_  
23 CITY ATTORNEY