

GOLDEN STATE MANUFACTURED – HOME OWNERS  
LEAGUE



GSMOL Region Manager Region 1 Zone A-1

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November 9, 2025

TO: HCDC Members

FROM: Martha O’Connell, GSMOL Regional Manager  
Region 1 Zone A-1

RE: Proposals on Changes to the Mobilehome RSO

I urge the HCDC to postpone any decision on the proposed amendments to the Mobilehome Rent Ordinance until a full outreach and education program has been made to the Mobilehome Park residents who right now are unaware of these drastic changes.

There are two exceptions: Updating Provisions to Reflect Current State Law and Modifying Park Registration Requirements. These can and should be voted on tonight.

GSMOL stands firmly opposed to Changes to Decontrol Process for Mobilehome Transfers. The Park owners have tried for decades to remove this critical component of MH rent control. This has been rejected by previous City Councils and Commissions.

In a 2-21-17 letter to Mayor and Council, GSMOL Corporate Council wrote, **“Prohibiting rent increases at resale, known as ‘vacancy control’, is a main bulwark of the Rent Ordinance.”** That Council rejected the Vacancy Decontrol that is now being put forward again. The GSMOL rent stabilization ordinance handbook states – “When vacancy decontrol exists, rents skyrocket at the time of sale. Consequently, the price of mobilehomes plummets. For every \$100.00 that rent increases, equity decreases by \$10,000.00. For many fixed income individuals, such as seniors, the mobilehome is their only asset, in which they have a substantial investment. Consequently, a drastic increase in rents diminishes their investment and they are forced to move out or forfeit their investment.”

For every dollar rent is raised, a perspective buyer must have three dollars or more to be approved to move into a Park. Raising the rent by 10% at resale hurts low-income buyers.

I urge the HCDC to also reject the Specified Capital Improvement Petition for Landlords. Park owners can, and have, gone through the Petition for Fair Return process to obtain rent increase and capital improvement costs. To allow them to short-circuit that process to pass on costs of up to 3% of the monthly rent is still another blow to the residents and affordable housing. This “stand alone” capital improvement pass through was rejected in 2007 and 2017. It must be rejected now.

**From:** [Martha O'Connell](#)  
**To:** [Nguyen, Mindy](#); [Foley, Pam](#); [The Office of Mayor Matt Mahan](#); [RUBEN NAVARRO](#); [Doan, Bien](#); [Victoria Partida](#); [Daniel Finn](#); [martha O'Connell](#)  
**Subject:** Fwd: REJECT CHANGING VACANCY CONTROL IN SAN JOSE  
**Date:** Thursday, November 13, 2025 11:32:32 AM

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Mindy,

HCDC Commissioner's email accounts disabled.

I sent this on 11-1-25 and you told Dan the HCDC email accounts are disabled

Matt, Pam and Bien - help us.

If you are neutral in situations of injustice, you have chosen the side of the oppressor. If an elephant has its foot on the tail of a mouse and you say that you are neutral, the mouse will not appreciate your neutrality. – Desmond Tutu

----- Forwarded message -----

**From:** **Martha O'Connell** <[REDACTED]@[REDACTED].com>  
**Date:** Mon, Nov 10, 2025 at 6:05 PM  
**Subject:** REJECT CHANGING VACANCY CONTROL IN SAN JOSE  
**To:** martha O'Connell <[REDACTED]>, Housing and Community Development Commission MR <[hcdemr@sanjoseca.gov](mailto:hcdemr@sanjoseca.gov)>, Housing and Community Development Commission 1 <[HCDC1@sanjoseca.gov](mailto:HCDC1@sanjoseca.gov)>, Housing and Community Development Commission 2 <[hcdc2@sanjoseca.gov](mailto:hcdc2@sanjoseca.gov)>, Housing and Community Development Commission 3 <[hcdc3@sanjoseca.gov](mailto:hcdc3@sanjoseca.gov)>, Housing and Community Development Commission 4 <[hcdc4@sanjoseca.gov](mailto:hcdc4@sanjoseca.gov)>, Housing and Community Development Commission 5 <[hcdc5@sanjoseca.gov](mailto:hcdc5@sanjoseca.gov)>, Housing and Community Development Commission 6 <[hcdc6@sanjoseca.gov](mailto:hcdc6@sanjoseca.gov)>, Housing and Community Development Commission 7 <[hcdc7@sanjoseca.gov](mailto:hcdc7@sanjoseca.gov)>, Housing and Community Development Commission 8 <[hcdc8@sanjoseca.gov](mailto:hcdc8@sanjoseca.gov)>, Housing and Community Development Commission 9 <[hcdc9@sanjoseca.gov](mailto:hcdc9@sanjoseca.gov)>, Housing and Community Development Commission 10 <[hcdc10@sanjoseca.gov](mailto:hcdc10@sanjoseca.gov)>, RUBEN NAVARRO <[REDACTED]>, Glenna Howcroft <[REDACTED]>, GARY SMITH <[REDACTED]>

At your 11-13-25 meeting, I expect you will hear from the Park owner representative that the Park owners must have a 10% increase in rent when someone moves out to keep the Parks open.

This is bogus

If they can't make money, which they are clearly doing, they can sell the Park to a non-profit, to the residents, or even to the City of San Jose. Some years ago, the City was trying to buy Sunshadow to maintain it as affordable housing. The City was outbid.

Why? Because Mobilehome Parks are gold mines. Sources: Warren Buffett and Sam Zell.

72 cities in California have Mobilehome Park rent control. This is critical in areas like San Jose, where rents are sky high. Source  
<https://mhphoa.com/ca/rso/>

Of those 72 cities, even where rents are low compared to San Jose, 34.72% have total vacancy control. No raise in rent to new owners

25% have vacancy decontrol of less than the 10% suggested by Housing.

San Jose residents find affordable housing a serious challenge now. To allow Park owners to raise the rent by 10% for new owners is to add to that challenge.

Mobilehomes have been called the "last bastion of affordable housing in California." **Vote no on changing vacancy control and keep them affordable.**

Martha O'Connell  
GSMOL Regional Manager  
Golden State Manufactured Homeowners League  
A non profit serving residents since 1962

If you are neutral in situations of injustice, you have chosen the side of the oppressor. If an elephant has its foot on the tail of a mouse and you say that you are neutral, the mouse will not appreciate your neutrality. – Desmond Tutu

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**From:** [Donna Sanchez](#)  
**To:** [Nguyen, Mindy](#)  
**Subject:** Proposed Amendments to the Mobile Home Ordinance  
**Date:** Wednesday, November 12, 2025 9:47:33 PM

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My name is Donna Sanchez and I own a Mobile Home at [REDACTED]  
[REDACTED]

I am writing this email to ask you to please do not modify or change the Mobile Home Ordinance.

When you sell your home. Right now the new owner pays the same rent that you are paying. The new proposal is allowing a park owner to raise the rent for the new residence owner up to 10%. Please do not do this because. This is going to make it more difficult for the person to sell their Mobile Home because no one is going to want to by a Mobile Home with an outrageous rent.

Most people that are living in the Parks are on a Low income or fixed income and this is their only means of being able to afford a home. If the rent keeps going higher and higher each year the residence will be ending up on the street and it is of my understanding that the Mayer of San Jose is trying to get people off of the streets.

So I recommend you Do not pass these proposal.

I fully support Dan Fin our representative and any other person who speaks on this issue.

Thanks  
Donna Sanchez

Sent from Donna's iPhone

Do something every day to glorify the Lord no matter how small it is this will make you happy.

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**From:** [Tom Davis](#)  
**To:** [Nguyen, Mindy](#)  
**Subject:** Proposed Amendments to the Mobilehome Rent Ordinance (SJMC 17.22)  
**Date:** Thursday, November 13, 2025 10:24:19 AM

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I am Thomas Davis, [REDACTED]  
[REDACTED]

### ***Save vacancy control!***

Outreach and engagement must be given to each mobile home park and to each residence within each park. It is an outrage that anyone should believe we, the residents, do not deserve a voice on this.

I'm a senior with a full time job. I and many of my neighbors request the return of Zoom now so I can participate in these important topics.

Thank you,  
Thomas Davis

This message is from outside the City email system. Do not open links or attachments from untrusted sources.

**From:** [Michael Patterson](#)  
**To:** [Nguyen, Mindy](#)  
**Subject:** Re: Proposed Amendments to the Mobilehome Rent Ordinance (SJMC 17.22)  
**Date:** Thursday, November 13, 2025 9:04:53 AM

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I'm Michael Patterson, a resident in [REDACTED]  
[REDACTED]

### ***Save vacancy control!***

For this topic, outreach and engagement must be given to each mobile home park and to each residence within each park.

I'm a disabled senior, as many of my neighbors are, and request the return of Zoom now so I can participate in these important topics.

Thank you,  
Michael Patterson

This message is from outside the City email system. Do not open links or attachments from untrusted sources.

**From:** [Glenna Howcroft](#)  
**To:** [Nguyen, Mindy](#)  
**Cc:** [Glenna Howcroft](#); [Martha O'Connell](#)  
**Subject:** Save Vacancy Control  
**Date:** Thursday, November 13, 2025 5:34:52 AM

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I stand in total support of Commissioner Finn's position on this issue.

Do Not Modify Vacancy Control  
and,  
No on Stand Alone Passthroughs

If the park owners think they are not making enough money there remains options to sell their parks to the Residents, Non-Profits or to the city of San Jose.

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**From:** [Daniel Seniff](#)  
**To:** [Nguyen, Mindy](#)  
**Subject:** SAVE VACANCY CONTROL  
**Date:** Thursday, November 13, 2025 11:49:06 AM

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SAVE VACANCY CONTROL:

I am Daniel Andrew Seniff, a resident in [REDACTED]  
[REDACTED]

I am a disabled Senior and request the return of Zoom now so I can participate in these important topics"

**For this topic:**

outreach and engagement must be given to each mobile home park and to each residence within each park.

Thank You.

Daniel Seniff

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**From:** [James Canova](#)  
**To:** [The Office of Mayor Matt Mahan](#); [District4](#); [Nguyen, Mindy](#)  
**Cc:** [Housing and Community Development Commission 1](#); [Housing and Community Development Commission 2](#); [Housing and Community Development Commission 3](#); [Housing and Community Development Commission 4](#); [Housing and Community Development Commission 5](#); [Housing and Community Development Commission 6](#); [Housing and Community Development Commission 7](#); [Housing and Community Development Commission 8](#); [Housing and Community Development Commission 9](#); [Housing and Community Development Commission 10](#); [Housing and Community Development Commission CW](#); [Housing and Community Development Commission MR](#); [Kate & Patrick Grimes](#); [REDACTED]  
**Subject:** Strong Opposition to Amendments – Full Support for GSMOL and Community Concerns – Agenda Item VII.A  
**Date:** Thursday, November 13, 2025 11:56:24 AM

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To:  
City of San José Housing & Community Development Commission  
District 1 — Roma Dawson (Vice Chair)  
District 3 — Vacant  
District 5 — Ruben Navarro (Chair)  
District 7 — Christopher Escher  
District 9 — H.B. Mok  
District 10 — Roberta Moore  
District 2 — Alain Mowad  
District 4 — Vacant  
District 6 — Vacant  
District 8 — Vacant  
Mayor — Ali Sapidman  
Lived Experience (Mayor) — Sketch Salazar  
Lived Experience Alternate (Mayor) — Gabriela Gabrian  
Daniel Finn — CAAC MR  
Ryan Jasinsky (Chair) — CAAC ML

CC:  
City Council Member David Cohen  
Mayor Matt Mahan

### **Strong Opposition to Amendments – Full Support for GSMOL and Community Concerns – Agenda Item VII.A**

Dear Members of the Housing & Community Development Commission,

I am writing regarding Agenda Item VII.A on tonight's Regular Meeting Agenda (November 13, 2025): Proposed Amendments to the Mobilehome Rent Ordinance (SJMC 17.22).

**Please note that these comments reflect my personal views only, not those of the**



**Santa Clara Unified School District or of MetroEd | Silicon Valley Career Technical Education.**

School districts across Silicon Valley are experiencing declining student enrollment, driven primarily by families being priced out of our region due to unstable and rising rent costs. Mobile Home communities are one of the last bastions of affordable housing, stability, and opportunity for working families with children. When these protections are weakened, families are forced out, children lose consistency in their education, and our broader community suffers.

**I am in complete support of the concerns and recommendations raised by GSMOL (Golden State Manufactured-Home Owners League), the main organization representing mobilehome residents throughout California, and by the dedicated advocacy of Martha O'Connell, a leading voice for resident protections in San José.** Their early alert and leadership have helped educate and mobilize our community around the urgent threat posed by these proposed amendments.

**Any amendment reducing rent control and vacancy protections must be firmly rejected. This ordinance must remain unchanged to keep families in place and ensure a stable future for our schools and our city.**

For transparency, this message is being copied to City Council Member David Cohen and Mayor Matt Mahan.

Thank you for your attention to this issue and for your steadfast service to our community.

Respectfully,

Jim Canova

Vice President - Santa Clara Unified School District Governing Board and Governing Board

Member - MetroEd | SVCTE

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**From:** [DIANE HAUCK-WHITFIELD](#)  
**To:** [Nguyen, Mindy](#)  
**Cc:** [Dexter Goody](#)  
**Subject:** The meeting tonight at 5:00pm on removing rent control for Mobile home Parks  
**Date:** Thursday, November 13, 2025 11:03:00 AM

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Dear Mindy,

I believe this is another way for the owners of a Park to freeze people out of their homes. No one will want to buy a home under to new rules over time and the value of  
of the homes will keep going down in price until it will be much cheaper to buy out the people living in the park.  
Please don't vote for this.  
Dianne Hauck Whitfield

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**From:** [Martha O'Connell](#)  
**To:** [martha O'Connell](#); [The Office of Mayor Matt Mahan](#); [Solivan, Erik](#); [Kamei, Rosemary](#); [Campos, Pamela](#); [Tordillos, Anthony](#); [Cohen, David](#); [Ortiz, Peter](#); [Mulcahy, Michael](#); [Doan, Bien](#); [Candelas, Domingo](#); [Foley, Pam](#); [Casey, George](#); [Nguyen, Mindy](#)  
**Subject:** Dictate not dialogue - MH RSO Community "engagement"  
**Date:** Thursday, December 4, 2025 2:34:02 PM  
**Attachments:** [MOC to Solivan 12-4-25.docx](#)

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see attached

Mindy, please forward to HCDC Commissioners  
I hope their emails are not still disabled

If you are neutral in situations of injustice, you have chosen the side of the oppressor. If an elephant has its foot on the tail of a mouse and you say that you are neutral, the mouse will not appreciate your neutrality. – Desmond Tutu

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GOLDEN STATE MANUFACTURED-HOME OWNERS  
LEAGUE



GSMOL Region Manager Region 1 Zone A-1

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December 4, 2025

TO: Erik Solivan  
Director, San Jose Housing Department

FROM: Martha O'Connell, GSMOL Regional Manager  
Region 1 Zone A-1

RE: MH RSO – community “engagement”

I am very concerned about the lack of true engagement with Mobilehome Residents about what is probably the most significant change to our RSO in the history of San Jose.

I attended your 11-20-25 Community Meeting. This was not “engagement.” This was a presentation by Ms Hislop and yourself that was basically “this is it.”

No true engagement.

No dialogue but dictate.

We were not allowed to ask questions or make comments in real time in zoom boxes. Chat was not enabled. I know for a fact that, contrary to what Mr. Scott announced at the end of the webinar, not all the questions, which we were not allowed to see, were answered.

Two of the most well-known Mobilehome Resident advocates (and I was not one of them) had their pointed questions ignored.

Items were presented as facts about which there is clear room for debate, but we were not allowed to rebut. Assertions were presented by Housing as facts without sufficient documentation.

I have been involved in mobilehome issues since 2004. I have never witnessed such a non-transparent and controlled “community engagement.”

Councilperson Bien Doan asked me on 11-19-25 to have a closed meeting with Ryan Jasinsky (Park owner representative) and you on the RSO changes.

I refuse.

What I have to say I will say in public. I won't engage in closed door understandings /negotiations from which the Mobilehome Residents are excluded.

The residents want true, transparent engagement, not a webinar controlled by Housing.

Cc: Mayor, Council, HCDC Commissioners

GOLDEN STATE MANUFACTURED-HOME OWNERS  
LEAGUE



GSMOL Region Manager Region 1 Zone A-1

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December 8, 2025

TO: Mayor and Council  
HCDC Commissioners

FROM: Martha O'Connell, GSMOL Regional Manager  
Region 1 Zone A-1

RE: **Data Correction to Previous Letter**

In a letter dated 11-11-25 titled "Proposed Amendments to the Mobilehome Rent Ordinance - Council meeting 12-2-25" I wrote in pertinent part:

72 cities in California have Mobilehome Park rent control. This is critical in areas like San Jose, where rents are sky high. Source

<https://mhphoa.com/ca/rso/>

Of those 72 cities, **even where rents are low compared to San Jose**, 34.72% have total vacancy control. No raise in rent to new owners  
25% have vacancy decontrol of less than the 10% suggested by Housing."

**CORRECTION TO THIS DATA – many thanks to HCDC Commissioner Dan Finn and a former City of San Jose Housing Department Employee who worked with me to get this data correct**

**The correct data is**

**73 cities** in California have Mobilehome Park **vacancy control**. This is critical in areas like San Jose, where rents are sky high. Source

<https://mhphoa.com/ca/rso/>



Of those 73 cities, **even where rents are low compared to San Jose**, 36.9% have total vacancy control. No raise in rent to new owners.

30.1% have vacancy decontrol of less than the 10% suggested by Housing.

The data provided by Housing Director Eric Solivan does not highlight these important figures. Thanks again to HCDC Commissioner Dan Finn and a former City of San Jose Housing Department employee who worked with me to get this data correct

**From:** [Solivan, Erik](#)  
**To:** [Nguyen, Mindy](#); [RUBEN NAVARRO](#); [Housing and Community Development Commission 5](#)  
**Subject:** Re: New Questions before this weeks meeting  
**Date:** Tuesday, December 9, 2025 5:54:05 PM  
**Attachments:** [image001.png](#)  
[img-58e927fb-1938-4d8c-85fd-68f692cc5fa3](#)  
[Manufactured-Housing-Monthly-Insight-May-2025.pdf](#)

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Ruben

See my responses [below](#).

**Director**

Housing Department | City of San José  
200 East Santa Clara Street | 12<sup>th</sup> Floor  
San José, CA | 95113  
Office: (408) 535-3855  
FirstNET: (669) 317-8346

[www.sanjoseca.gov/housing](http://www.sanjoseca.gov/housing)



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**From:** Nguyen, Mindy <mindy.nguyen@sanjoseca.gov>  
**Date:** Tuesday, December 9, 2025 at 5:03 PM  
**To:** RUBEN NAVARRO [REDACTED] Housing and Community Development Commission 5 <HCDC5@sanjoseca.gov>  
**Cc:** Solivan, Erik <Erik.Solivan@sanjoseca.gov>  
**Subject:** RE: New Questions before this weeks meeting

Hi Ruben,

I've included Erik in this email who will respond.

Best,

**Mindy Nguyen**

Interim Senior Development Officer | Housing Department  
City of San José  
200 East Santa Clara Street, 12<sup>th</sup> Floor  
San José, CA 95113

Office: 408-534-2961

[Website](#) | [LinkedIn](#) | [Facebook](#) | [Instagram](#) | [X](#)



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**From:** RUBEN NAVARRO [REDACTED]  
**Sent:** Monday, December 8, 2025 4:12 PM  
**To:** Nguyen, Mindy <mindy.nguyen@sanjoseca.gov>; Housing and Community Development Commission 5 <HCDC5@sanjoseca.gov>  
**Cc:** RUBEN NAVARRO [REDACTED]  
**Subject:** Re: New Questions before this weeks meeting

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Good afternoon,

I get many questions about housing issues because of all the community work I do. This is why, as Chair of the Housing & Community Development Commission, I am requesting additional documentation, data, and policy justification to complete my review of the proposed MRO amendments. Please forward this email to all commissioners upon receiving it so they can see the questions I asked and request any additional questions before our meeting. I'm hoping this will speed up our meeting, as many speakers are expected. Please let me know once this has been done.

Also, ok to say you currently don't have information on any of these questions, so you can get them back to the commissioners as quickly as possible so we have time to review before Thursday's meeting.

#### 1. Regional Comparison Data – Request for Confirmation and Details

The Department referenced reviewing “neighboring municipalities” with vacancy increases ranging from 6% to 12% and stated that 10% is consistent with regional practices and LIHTC rent growth benchmarks Analysis:

\* No explanation was given for why San José—one of the most rent-burdened cities in the U.S.—should adopt the same vacancy percentage used in jurisdictions with far lower housing costs.

The analysis of comparable municipalities related to the practice, as detailed in the staff memorandum, of decontrol procedures and rates. The comparable municipalities included those in the immediate surrounding area, 32 in total, to the City of San Jose. The analysis of decontrol comparable is not an analysis of broader rent-burdens. By way of comparison to other Rent Stabilization Programs, the current MRO year-over-year permissible rent increases of 3% is below that of the Apartment Rent Ordinance (5%), and a similar program, Low Income Housing Tax Credit Program is 5%. The 3% annual increase will remain in the MRO.

\* Staff's response does not clarify whether these jurisdictions are comparable demographically,

economically, or in terms of rent burden.

Information Requested:

Please provide:

1. A list of all cities staff reviewed, including:
  - \* their resale/vacancy increase percentages, ([not available public information](#))
  - \* their annual cap formulas, and ([not available public information](#))
  - \* their justifications for those percentages. ([See the Staff Memorandum.](#))
2. A summary explaining why a 10% vacancy increase is appropriate for San José specifically, given our affordability pressures.

([See the Staff memoradnum](#))

3. Any modeling the Department used to determine whether a 10% increase aligns with the City's rent-burden profile and General Plan anti-displacement goals.

[Given the lack of rent registry and according compliance, which is included in the proposed amendment, the analysis of decontrol is not based modeling it is based on comparable jurisdictions as stated in the Staff Memorandum.](#)

## 2. Fair Return – Need for Methodology & Measurement Standards

Fair return is determined through a petition process by owners; the ordinance outlines how staff conducts analysis when petitions are filed.

Analysis:

- \* Staff did not identify the objective standards used to determine “fair return.”

[There are no changes propped to the Fair Return process.](#)

- \* No formula, model, precedent, or criteria were provided.

[There are no changes propped to the Fair Return process.](#)

- \* Without clear standards, it is difficult to understand how vacancy increases interact with or duplicate the fair-return process.

Information Requested:

Please provide:

1. The actual methodology, criteria, or formulas staff uses when evaluating fair-return petitions.

[There are no changes propped to the Fair Return process.](#)

2. Examples (anonymized) of past fair-return determinations.

[There are no changes propped to the Fair Return process.](#)

3. Explanation of how a 10% vacancy increase interacts with the fair-return process—i.e., under what circumstances would an owner still qualify for a fair-return increase after receiving the 10% vacancy adjustment?

[There are no changes propped to the Fair Return process.](#)

## 3. Financial Justification – Request for Park Owner Revenue/Cost Validation

[It is unclear what is being stated or requested.](#)

Staff stated park owners have rising costs and capital needs, but offered no financial data.

Analysis:

- \* No profit-and-loss data has been shared.

[Due the lack of a rent registry and according lack of data no data can be collected or provided.](#)

- \* No demonstration of need or hardship has been shown.

[Due the lack of a rent registry and according lack of data no data can be collected or provided.](#)

- \* No transparency exists around NOI, capital reserves, or maintenance backlogs.

Due the lack of a rent registry and according lack of data no data can be collected or provided.

\* A revenue-enhancing policy (10% vacancy increase) is being proposed without providing evidence of financial necessity.

The analysis of comparable municipalities related to the practice, as detailed in the staff memorandum, of decontrol procedures and rates it was not an analysis of financial necessity.

Information Requested:

Please provide (aggregated and anonymized if necessary):

1. Net Operating Income (NOI) data trends for mobilehome parks in San José.

Due the lack of a rent registry and according lack of data no data can be collected or provided.

2. Capital improvement backlogs, verified maintenance obligations, and infrastructure needs cited as justification.

Due the lack of a rent registry and according lack of data no data can be collected or provided.

3. Operating cost trends (utilities, insurance, labor, etc.) for the past 5–10 years.

Due the lack of a rent registry and according lack of data no data can be collected or provided.

4. Any financial distress indicators among park owners that staff evaluated before recommending a 10% increase.

Due the lack of a rent registry and according lack of data no data can be collected or provided.

5. Confirmation whether this recommendation is based on verified owner financial data or solely on owner representations.

Due the lack of a rent registry and according lack of data no data can be collected or provided.

#### 4. Outreach and Engagement – Need for Documentation & Comparison to Past Processes

Staff stated the ordinance furthers outreach goals, and one online meeting was held on Nov. 20 with chat disabled and curated Q&A.

Analysis:

\* Residents and advocates have documented concerns about the lack of transparency and the inability to speak, and I'm still waiting for answers to my previous questions regarding the 11/20 community meeting.

The Housing Department setup an ongoing Community Meeting series in early 2025 with the intention to provide updates and hear feedback from the community on various programs, initiatives, policies the Department is working on. The link to the Housing Department's Community Meetings is [here](#) along with all the recordings, questions, answers and comments received and the transcripts.

The Community Meeting series is open to all members of the public, they are promoted through all social media mediums, as these meetings are hosted by the Housing Department and the format, process for submitting questions, how the department will answers questions, and how all questions are captured and replied too is shared at the beginning of every meeting with all attending members of the public.

The Community Meeting series covers broad range of topics the majority are outside the areas and programs covered by HCDC.

\* The packet includes no outreach ledger, no attendance information, and no comparison to outreach in 2017 or 2019–20.

By way of context, the [HCDC Work Plan](#), as approved by the vote of HCDC in September of 2025 (and subsequently City Council in October), followed the July 2024 Council adoption of the [Strategic Plan for the Rent Stabilization Program](#) (RSP). As the draft language was created Housing Department Staff began convening small group meetings, one-on-one meetings, community meetings and more community meetings, group meetings, and one-on-one meetings are schedule, planned and will continue as well as mailers to all mobilehome park residents and owners regarding the series of community meetings be convened.

\* This contrasts sharply with past processes involving multiple focus groups, in-person meetings, and public workshops.

Information Requested:

Please provide:

1. A complete outreach ledger including:

- \* dates of all outreach events, [See Housing Department website](#)
- \* whether notices were provided to each park, [See Housing Department website](#)
- \* languages offered, [See Housing Department website](#)
- \* number of residents in attendance, and
- \* all questions received (not just those answered). [See Housing Department website](#)

2. Outreach conducted with park owners.

[Conversations were had with HCDC Commission member Ryan Jansiky](#)

3. Comparison against industry-standard mobilehome outreach practices used in past cycles (2017; 2019–2020).

[There is no industry standard for outreach practices as the industry of Mobilehome Parks does not state any outreach practices.](#)

4. Explanation of why chat and verbal participation were disabled during the Nov. 20 meeting.

[See response to question 4 above.](#)

5. Equity & Affordability Impact Analysis – Request for Modeling

Staff did not provide impact modeling. They stated the proposed change “has no impact on current tenants.”

Analysis:

[It is unclear what is being stated or requested.](#)

\* This omits the documented and direct link between space-rent increases and home equity loss at resale.



It is unclear what is being stated or requested.

\* It also omits impacts on buyer eligibility (DTI ratios), seniors on fixed incomes, and lower-income households.

\* Any vacancy increase affects both sellers and future buyers—key components of affordability.

Information Requested:

Please provide:

1. Modeling of how a 10% vacancy increase affects mobilehome sale prices (equity erosion).

The analysis of comparable municipalities related to the practice, as detailed in the staff memorandum, of decontrol procedures and rates it was not an analysis of mobilehome prices. By way of context, mobilehome for sale prices have reached record highs in recent years see attached assessment.

2. Analysis of impacts on qualifying buyers (DTI requirements, minimum income thresholds).

The analysis of comparable municipalities related to the practice, as detailed in the staff memorandum, of decontrol procedures and rates it was not an analysis of qualifying users nor would such an analysis provide applicable insights.

3. Senior and fixed-income affordability modeling.

The analysis of comparable municipalities related to the practice, as detailed in the staff memorandum, of decontrol procedures and rates

4. Anti-displacement analysis required under the General Plan.

The analysis of comparable municipalities related to the practice, as detailed in the staff memorandum, of decontrol procedures and rates. Anti-displacement analysis is not applicable to voluntary actions of an owner to sell a unit.

5. Whether staff reviewed academic literature or case law linking rent increases to equity loss.

The analysis of comparable municipalities related to the practice, as detailed in the staff memorandum, of decontrol procedures and rates, it was not a legal review nor is a legal review necessary.

6. Capital Improvement Pass-Throughs – Need for the Actual “Objective Factor Test”

An “objective factor test” will determine whether improvements benefit residents.

The existing capital pass through is not included in the proposed changes. The capital improvements process referenced in the proposed is for special circumstances as requested by Owners that will be subject to the Department’s review.

Analysis:

\* No description of this test was provided.

The existing capital pass through is not included in the proposed changes. The capital improvements process referenced in the proposed is for special circumstances as requested by Owners that will be subject to the Department’s review.

\* Without transparency, residents cannot understand or appeal determinations.

The existing capital pass through is not included in the proposed changes. The capital improvements process referenced in the proposed is for special circumstances as requested by Owners that will be subject to the Department’s review.

\* Pass-throughs have historically been areas of controversy statewide.

The existing capital pass through is not included in the proposed changes. The capital improvements

process referenced in the proposed is for special circumstances as requested by Owners that will be subject to the Department's review.

Information Requested:

Please provide:

1. The actual, written objective factor test.

The existing capital pass through is not included in the proposed changes. The capital improvements process referenced in the proposed is for special circumstances as requested by Owners that will be subject to the Department's review.

2. Criteria and thresholds for approval or denial.

The existing capital pass through is not included in the proposed changes. The capital improvements process referenced in the proposed is for special circumstances as requested by Owners that will be subject to the Department's review.

3. Resident appeal rights and process.

The existing capital pass through is not included in the proposed changes. The capital improvements process referenced in the proposed is for special circumstances as requested by Owners that will be subject to the Department's review.

4. Documentation requirements for owners seeking pass-through approval.

The existing capital pass through is not included in the proposed changes. The capital improvements process referenced in the proposed is for special circumstances as requested by Owners that will be subject to the Department's review.

#### 7. Rationale for Discouraging Speculation – Clarification Needed

Speculation undermines rent stability.

Analysis:

- \* The ordinance does not regulate investor purchases directly.

**The charge under the mobile home park ordinance is to maintain rent stability. The actions in the market place by some actors to manipulate the administration of the program provision through speculative investments brings into consideration the need for reasonable measures to mitigate the artificial impacts such actions have the rent stability. The Housing Department cannot restrict, limit or otherwise directly or indirectly impact actors in the market place nor are such actions charged to the Housing Department under the mobile home park ordinance. The actions the Housing Department is taking on this issue is to within the charge of the ordinance, which is to foster rent stability as described above.**

- \* It is unclear how a 10% vacancy increase mitigates speculation or whether it incentivizes it.

The Staff Memo does not claim the 10% vacancy if to mitigate speculation.

Information Requested:

Please provide:

1. The evidence or analysis linking increases in vacancy to speculation controls.

It is unclear what is being stated or requested.

2. Explanation of how speculative behavior was assessed or quantified in San José.

It is unclear what is being stated or requested.

Thank you so much for your assistance and I look forward for the information to review.

Regards,

Ruben N.

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GOLDEN STATE MANUFACTURED-HOME OWNERS  
LEAGUE



GSMOL Region Manager Region 1 Zone A-1

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December 9, 2025

TO: Mayor and Council  
HCDC Commissioners

FROM: Martha O'Connell, GSMOL Regional Manager  
Region 1 Zone A-1

RE: **MH – MRO – Mixing Apples and Oranges**

The Housing Director appears to be mixing apples and oranges in the part of his submission for Proposed Changes to the MH Rent Stabilization Ordinance regarding rent caps for “other affordable housing within the City of San Jose.”

**This mixture of apples and oranges is to the great detriment of the residents in Mobilehome Parks.**

On page 5 of his report Director Solivan writes, “The MRO limits annual rent increases based on the rate of inflation each year, with that calculation being 3% for most years over the past few decades. This is lower than the current annual rent increase limits for other affordable housing within the City of San José. Landlords of apartment units subject to the Apartment Rent Ordinance may increase rents annually up to 5%.”

Additionally, on pages 3/4 of an email exchange with HCDC Commissioner Escher, Solivan repeats, “I will note the following facts: in all other rent restricted housing, such as the federal and the state Low Income Housing Tax Credits (LIHTC) Programs, rents rise on an annual basis of 5%. Under the mobile home park ordinance rent rises on an annual basis are limited to 3%, therefore, there is inherent inconsistency across affordable housing program.”

Such an analysis is flawed and hurts Mobilehome Park residents.

**I repeat, a comparison of apartment and mobilehome rent rates is deeply, deeply flawed and must be rejected.**

Mobilehome residents bear the costs of

- All exterior repairs, maintenance, and upgrades to their homes including but not limited to painting, roof repair, window and siding repair, and all other costs normally borne by a single-family home owner.
- All interior repairs, maintenance, and upgrades to their homes including but not limited to plumbing, electrical, painting, appliances, carpeting, pest and rodent control, and all other costs normally borne by a single-family home owner.
- Property tax
- Home insurance
- Mortgage
- Trash pickup fees
- Storm drain fees
- Sewer fees
- Landscape maintenance on the lot for which they pay rent

I am confident I have left something off this list of the costs borne by Mobilehome owners. Apologies to my fellow MH owners.

I note that the timing of exterior repairs is frequently demanded by the Park owner through a compliance letter. Unlike single family homeowners, MH owners frequently don't have the luxury to save the money up for repairs. They are at the mercy of the Park owners.

**I have personally helped many low-income residents who got such a letter and had no money to make the repair in the time frame demanded by the Park owner.** I have had to get Rebuilding Together, Habitat for Humanity, or other agencies involved to save the resident and their home. On another occasion, an extremely low-income elderly Senior lady got a letter about the wiring to her wheelchair lift. Neighbors banded together to help her make the correction and save her from eviction.

Mobilehome rent cannot be compared to apartments or "other affordable housing within the City of San Jose."

**I repeat, a comparison of apartment and mobilehome rent rates is deeply, deeply flawed and must be rejected.**

**From:** [Solivan, Erik](#)  
**To:** [Daniel Finn](#)  
**Cc:** [Nguyen, Mindy](#)  
**Subject:** Re: Commissioner Escher's questions  
**Date:** Wednesday, December 10, 2025 11:06:35 AM  
**Attachments:** [img-58e927fb-1938-4d8c-85fd-68f692cc5fa3](#)

---

Daniel Finn

All questions and answers received and replied will be shared with everyone and posted accordingly, including this communication.

Regards,

**Director**

Housing Department | City of San José  
200 East Santa Clara Street | 12<sup>th</sup> Floor  
San José, CA | 95113  
Office: (408) 535-3855  
FirstNET: (669) 317-8346

[www.sanjoseca.gov/housing](http://www.sanjoseca.gov/housing)



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**From:** Daniel Finn [REDACTED]  
**Date:** Wednesday, December 10, 2025 at 10:49 AM  
**To:** Solivan, Erik <Erik.Solivan@sanjoseca.gov>  
**Subject:** Commissioner Escher's questions

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Hello Erik,

I wanted to ask if you will be providing copies of the other questions and documents that have been sent to the housing department regarding the proposals being



discussed at our upcoming commissioners meeting. I know that you have been sent requests for information and statements about the proposals from the HCDC Chair, the local GSMOL representative, GSMOL's lawyer and others. To be fair and equitable, since you shared Commissioner Escher's questions along with our meeting agenda it's only reasonable to request that you share copies of all the correspondence at tomorrow's meeting that you or anyone in the housing department have received regarding the proposals being presented to the commission at this month's meeting.

Regards,

Daniel Finn  
HCDCMR  
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14802 Beach Blvd. La Mirada CA 90638 TEL: (714) 826-4071 FAX: (714) 826-2401

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December 10, 2025

To: City of San Jose Housing and Community Development Commission

Re: December 11, 2025 Regular Meeting Agenda; Item VII (A)  
Proposed Amendments to the Mobilehome Rent Ordinance (SJMC 17.22, et. seq.)

From: Bruce Stanton, Corporate Counsel

Dear Commission Members:

The Golden State Manufactured – Home Owners League (GSMOL) is a state-wide non-profit corporation comprised of thousands of homeowners throughout California. During its 60 years of existence, GSMOL has offered resources, education and assistance to its members on many issues affecting mobilehome living. None is more important than keeping mobilehome space rents affordable. Mobilehome rent regulation is governed by local regulation; there is no state law for mobilehome rent stabilization. Local ordinances are thus critically important to maintain what courts and commentators alike have recognized as one of California's last bastions of affordable housing for "captive" mobilehome residents.

As corporate counsel for GSMOL, the undersigned has developed the representation of mobile homeowners as a specialty. I have had occasion over the last 40 years to review many of the over 100 local mobilehome rent ordinances which exist throughout the state. I practiced law in San Jose for many years, was present when the San Jose Ordinance was first adopted in 1986, and have represented homeowners in multiple administrative rent hearings over the years. I've thus become very familiar with its provisions, and how they favorably compare to ordinances in other jurisdictions. GSMOL has always held the San Jose Ordinance in high regard, and looked upon it as a template for a fair and effective rent regulation. San Jose contains the most mobilehome parks of any local California jurisdiction, and has always stood very strongly behind its Ordinance. Its provisions have provided valuable protections to the large San Jose mobilehome community.

I have reviewed the December 4, 2025 Memorandum authored by the Housing Director which addresses certain proposed amendments to the Ordinance. Among other things, it is stated that the amendments will provide "additional mechanisms to allow mobilehome park owners to maintain and enhance their parks". On behalf of our many San Jose GSMOL members, I would like to address two of these proposed revisions which are of great concern to homeowners. We would encourage the Commission to consider these issues very carefully before recommending any such changes to the City Council.

### **1. Proposed Allowance of Limited Vacancy Decontrol Upon Mobilehome Transfer**

From the time of its adoption, the Ordinance has not allowed any increase in rent when a mobilehome is sold "in place" in a park. This protection, known as "vacancy control" is a critical part of any mobilehome rent ordinance. For in addition to regulating annual rent adjustments, it is also vital that an ordinance protect homeowner equity.

There is a direct relationship between the amount of rent to be paid for a space, and the amount of equity which a selling homeowner can protect at the time the home is sold. A paired analysis study conducted by the City of Fremont in 1999 referenced that for every \$100.00 in increased rent, equity value decreases by \$10,000.00. It is thus critical that residents be protected from a sale/transfer increase which could destroy their equity. San Jose recognized this when it installed full vacancy control in the Ordinance in 1986.

The proposed amendment would install partial vacancy decontrol, and for the first time allow a “one-time rent increase of up to 10% upon the sale and complete vacancy of the unit at the time of transfer”. It is stated that this would be “inclusive” of the allowable annual rent adjustment.

GSMOL would urge that full vacancy control be maintained for the following reasons:

-Given the current rent averages in most San Jose parks, an additional transfer increase shall most likely equate to a substantial equity loss. An average space rent of \$1,200.00, multiplied by 7% or more, would yield a loss of equity of at least \$8,400.00 due to such a de-controlled transfer, assuming the annual allowable adjustment is 3%. For the average mobilehome owner, this represents a sizeable equity loss.

-The current system of full vacancy control has worked well for decades to allow a fair return to park owners. This is evidenced by the lack of administrative rent petitions filed by park owners; in fact the most recent such petition filed by the owners of Golden Wheel park represented the first time in many years that a petition was filed in San Jose. The Ordinance currently provides that a space is fully decontrolled in the event of an eviction, foreclosure or abandonment, which allows a park owner to raise rents for those spaces to market levels at those times. It is simply not necessary to give park owners an additional circumstance by which to raise rent.

-Opening the door to any decontrol shall likely lead to demands by park owners to increase decontrol percentages in the future.

-Enforcement shall be difficult to track. Each time a space sells and the “one-time” transfer increase is levied, a calculation shall need to be performed by someone which determines the amount of increase to be allowed in addition to the annual adjustment allowed for that space for that year. And each space that has received the one-time decontrol will need to be reported somewhere, so that local dealers, salespersons, brokers and agents know how to advise their clients, and how to spot an illegal transfer increase. Doing so will increase staff time, and require a burdensome reporting and tracking system which could become a nightmare to enforce. What will be the remedy if a park owner attempts a transfer rent increase more than once for a space? Where will the information be stored which tracks those transfer rent increases? And how would it be accessed? Would a seller need to contact the City each time a home is selling to confirm?

-Any statement that “the nexus between a 10% decontrol increase and affordability is difficult to prove”, is simply not true. As noted above, there is a direct “nexus” between the space rent amount and the marketability of the home which can negatively affect equity. And any increased space rent for a buyer must be budgeted along with mortgage, insurance, local property tax or state registration fees, landscaping costs and home maintenance expense, all of which must be paid by the prospective homeowner.

-Opening up any Ordinance provision shall arguably “revive” the 2-year statute of limitations within which the Ordinance is vulnerable to a “facial attack” for constitutionality. Even if there are long odds of losing such a lawsuit, the mere fact that it could be brought shall undeniably expose the City to some risk, and at minimum require significant cost to defend. Any challenge to a partial decontrol provision can really only be brought as a facial attack, and currently the vacancy control provision is protected by the 2-year statute which has long ago expired.

In sum, the prudent course would be to leave full vacancy control intact for these multiple reasons, at minimum.

## 2. Proposed Creation of a Capital Improvement Pass-Through Procedure

This change has been proposed before, and properly rejected by the City Council. It should be similarly rejected now for the same reasons.

Park owners argue that because of aged or failing infrastructure, such a procedure is needed if they are to properly maintain their parks. It must be remembered that park maintenance is not optional, but required by the California Health and Safety Code. It is a given part of any park owner's operating expenses.

GSMOL also opposes this proposed revision for the following reasons:

-The majority of local mobilehome ordinances do not provide for a capital improvement pass-through procedure separate and apart from a determination of "fair return" via a rent increase petition. That is because such a pass-through procedure only considers the capital expense itself, without any regard to the amount of net operating income that a park owner is otherwise earning based upon its overall income and expenses. A pass-through procedure does not look at the park's income at all, or at any of the other operating expenses. It only considers whether the park should receive a dollar-for-dollar reimbursement for the cost of the capital expense, regardless of whether it might otherwise be receiving a "fair return". There is no obligation for the park owner to "open its books"; rather it need only provide evidence of the claimed capital expense. This would allow a park owner to receive rent increases without a showing that it otherwise cannot afford to pay for the capital improvements. The present Maintenance of Net Operating Income (MNOI) formula contained in the Ordinance considers capital expenses as part of the overall net operating income analysis, and requires a park owner to prove actual need for a rent increase, rather than what would amount to a risk-free "guarantee" that park residents will cover the cost.

-Reported case law has held that a mobilehome park owner is not entitled to a fair return separate and apart from the return on property as a whole, and has upheld an ordinance which, like the current Ordinance version here, does not allow for such a separate procedure. In *Morgan v. City of Chino* 115 Cal. App. 4<sup>th</sup> 1192, 9 Cal. Rptr. 3d 784 (2004), the court noted the following:

*As should be apparent, the fair return standard is concerned with the financial integrity of the business as a whole, not the ability to obtain a return on a discrete portion of the business, such as a particular capital improvement. The California Supreme Court explicitly addressed this issue in 20th Century Ins. Co. v. Garamendi (1994) [32 Cal. Rptr. 2d 807, 878 P.2d 566], where it explained: " '[S]o long as rates as a whole afford [the regulated firm] just compensation for [its] over-all services to the public,' they are not confiscatory. [Citation.] That a particular rate may not cover the cost of a particular good or service does not work confiscation in and of [115 Cal.App.4th 1199] itself. [Citation.] In other words, confiscation is judged with an eye toward the regulated firm as an enterprise." (Id. at p. 293.) Thus, due process only requires a fair return on the mobilehome park as a whole, not a fair return on each discrete aspect of the park..."*

-Installing such a separate pass through process shall guarantee a flurry of new petitions, and an increased work load for staff. Hearings of some sort, even in connection with a "streamlined" petition, shall still be required to satisfy due process rights of the park residents.

In sum, rather than create an entirely new administrative process which could exponentially increase costs of administration, and require park residents to hire attorney's and experts which they can ill-afford to pay, the better course would be to leave capital expenses as part of the MNOI analysis, wherein the park owner's income, and all expenses of operation, are properly and reasonably considered.

Thank you for your consideration of the foregoing. I am pleased to answer any questions or discuss any of the above further with any or all members of the Commission. I can be directly reached at

Very Truly Yours,

Bruce E. Stanton  
Corporate Counsel

cc: Hon. Mayor Matt Mahan  
Members of the San Jose City Council  
Office of the San Jose City Attorney



December 10, 2025

Bruce Stanton and Housing and Community Development Commission

**Subject:** Response to GSMOL Assertions Regarding Proposed Amendments to the Mobilehome Rent Ordinance

Dear Bruce Stanton:

Thank you for your letter and the opportunity to provide clarification regarding the proposed amendments to the Mobilehome Rent Ordinance (MRO).

It is important that facts and information be communicated as to ensure conclusions drawn absent data and analysis do not cause unnecessary or unintended confusion when dissecting and debating these important amendments to the MRO. The Golden State Manufactured Homeowners League (GSMOL) has submitted correspondence expressing concerns about the potential impacts of two proposed changes: (1) the introduction of a limited vacancy rent adjustment and (2) creation of a Capital Improvement (CI) pass-through mechanism. The assertions in that letter warrant a clear factually based response for the public record so that Commission considerations are based on current, accurate, and San José-specific analysis.

This letter addresses GSMOL's claims point-by-point.

## **1. Limited Vacancy Rent Adjustment: Equity Impacts and Policy Rationale**

### **A. GSMOL asserts that any vacancy adjustment will significantly erode homeowner equity without any mathematical basis.**

The projected equity loss cited in the GSMOL letter relies on a 1999 Fremont paired-analysis study that does not reflect market conditions, regulatory structures, or resale dynamics in San José in 2025, and the core analysis lacks any form mathematical analysis applied to an understanding of a causal relationship between the rate of vacancy decontrol and equity value at the time of unit sale. The 25-year-old Fremont study commissioned as part of litigation matter cannot be generalized across markets, and its underlying assumptions do not align with San José's current housing cost structure, buyer demand patterns, or financing environment. Attached to this letter is summary of the 25-year-old report as information for the Commissioners.

Our staff analysis shows:

- 1. The 1999 City Fremont Report did not provide or include a clear and transparent mathematical basis establishing a "direct relationship" between the rate of vacancy**

**decontrol and equity value at time of sale.** A link to the full report is included in the attachments.

2. **San José manufactured home resale values have remained resilient despite wide variation in space rents across parks and continue and upward trend in sale values.** Sales price is driven primarily by condition, size, location, and overall market mobility, not solely by space rent differentials; therefore, to claim a *causal or direct* link between the rate of decontrol and equity is providing false information.
3. **The proposed vacancy decontrol adjustment is capped and predictable,** ensuring it remains modest compared to total housing cost and is significantly below the uncontrolled rent volatility seen in the south bay and statewide.
4. **The vacancy adjustment applies only once per tenancy,** limiting cumulative exposure while creating a targeted, reasonable revenue mechanism for long-term park sustainability.

These factors collectively rebut the claim that a one-time, up-to-10 percent adjustment will universally produce large equity losses due to a “direct relationship” between rate of decontrol and equity at the time of sale.

**B. GSMOL argues that vacancy control has worked “well for decades” and that owners already receive fair returns.**

While the City acknowledges the historical stability vacancy control has provided, the following trends require modernizing the ordinance:

1. **Deferred infrastructure investment** and increasing capital needs suggest that the current revenue structure is insufficient for many parks to maintain long-term habitability and safety.
2. **Fair return petitions represent a high administrative burden,** both for the City and for residents, and are often triggered by structural revenue gaps that earlier, more moderate mechanisms could have prevented. In the past 12 months, the Housing Department received two fair return petitions which consumed significant resources to administer a timely, fair and equitable process.
3. **San José’s ordinance is one of the strictest in the state,** and modest recalibrations are necessary to maintain public purpose objectives while preventing deterioration of aging park assets.

The proposed revision preserves the core protections of vacancy control while enabling park owners to reinvest without resorting to larger, more disruptive petitions.

**C. GSMOL suggests that the proposal will create significant enforcement challenges.**



The City's proposed amendments to the MRO will create a comprehensive data collection, including establishing a rent registry, and this data will allow for the creation of clear administrative mechanisms, including:

- Owner reporting
- Automated tracking of space-specific rent histories
- A standardized process for tracking sale units in support of the decontrol management
- An enforcement mechanism for residents to settle rent increase disputes

The data collection and tools for analysis, once aligned, will not meaningfully add administrative burden relative to other rent stabilization programs.

#### **D. GSMOL raises concerns about the potential for constitutional litigation risk.**

City Attorney's Office has reviewed the proposed **changes which are fully consistent with established case law** governing mobile home rent regulation. Minor amendments do not constitute a reopening of constitutional vulnerability in the manner suggested. The City routinely updates and amends rent ordinances and has done so without triggering viable facial challenges.

To claim otherwise is to foster the prevalence of inaccurate information and GSMOL is cautioned to understand the impact of sharing inaccurate information.

## **2. Capital Improvement (CI) Pass-Through Mechanism: Need, Structure, and Safeguards**

### **A. GSMOL asserts that a CI mechanism is unnecessary because park owners are already required to maintain infrastructure.**

This comment reflects a complete misunderstanding of the proposed updates for managing request for capital improvement updates.

1. **Recovery of costs related to regular capital improvements - e.g. maintenance and replacement of existing capital improvements – can only be achieved through the fair return petition process.** Nothing has been proposed to change this process.
2. **If a park owner wants to perform an improvement that provides added benefit to park residents – i.e. flood mitigation or climate resiliency projects, increased energy efficiency – they may petition to recover a pass-through of no more than 3% of resident's space rent for the amortization period.** The petition would go through an administrative process in the Housing Department *and residents may contest the petition and participate in the proceeding under the proposed resident rent dispute process.*

A Hearing Officer would determine if there is added safety or energy benefits, which mobilehome lots would benefit from the improvement, and confirm costs and calculations.



The proposed amendment is a narrowly tailored tool: **limited-duration, cost-based, and subject to rigorous Housing Department oversight.**

**B. GSMOL contends that a CI process will enable owners to receive rent increases without demonstrating need.**

The City's proposed framework requires:

- Verification of cost reasonableness
- Proof of useful life and benefit to residents
- Amortization schedules that cap monthly impacts
- Exclusion of routine maintenance
- Sunset of surcharges when the amortization period ends

This structure is fundamentally different from the “dollar-for-dollar” pass-through GSMOL describes. Moreover, numerous California jurisdictions use similar mechanisms successfully without undermining or replacing fair return standards.

**C. GSMOL predicts a “flurry of petitions” and an administratively burdensome process.**

Based on comparative program data:

- The proposed petitions tend to be **infrequent**, because capital projects (other than regular replacement) themselves are infrequent.
- Predictable rules reduce—not increase—administrative conflict, particularly compared to MNOI petitions that require full financial review.
- The City's design emphasizes efficiency, transparency, and clear resident participation procedures.

The alternative is continued reliance on MNOI petitions for infrastructure improvements, which is more complex, more adversarial, and more demanding for residents.

### **3. Preserving Long-Term Affordability and Park Quality**

The overarching goal of the proposed amendments is to **balance affordability protection with long-term park habitability and sustainability**. San José has more mobilehome households than any other jurisdiction in California; ensuring safe, well-maintained communities requires allowing park owners access to modest, predictable revenue tools that do not compromise affordability.

The proposed amendments:

1. Expand Resident Rights
2. Preserve vacancy control as the primary affordability safeguard



3. Maintain strict limits on rent increases
4. Provide structured, capped pathways for infrastructure investment
5. Reduce the likelihood of large, one-time increases under fair return petitions
6. Modernize ordinance administration for clarity and enforceability


These changes uphold the City's commitment to protecting mobilehome residents while ensuring that the infrastructure supporting their homes remains sound.

## **Conclusion**

GSMOL has played an important role in advocating for mobilehome residents, and the City appreciates their engagement. However, several of the claims in their recent correspondence do not reflect accurate or reliable accounts with San José-specific analysis, current conditions, or the detailed protections embedded in the proposed ordinance revisions.

Staff recommends that the Commission consider the full set of findings, fiscal analyses, and administrative safeguards developed for these proposals and evaluate them in light of the City's responsibility to maintain both resident protections and viable, safe mobilehome communities.

Respectfully submitted,



**Erik Louis Soliván**

Enclosed: Appendix A and Appendix B

## Appendix A

### California State Laws Regulating Mobilehome Parks

#### 1. Mobilehome Parks Act (MPA)

California Health and Safety Code (HSC) §§ 18200–18700

The MPA is the core statewide regulatory framework governing construction, maintenance, use, and occupancy of mobilehome parks.

Key provisions:

- Park construction and infrastructure standards
- Utility system safety (water, sewer, gas, electrical)
- Habitability and maintenance requirements
- Permit-to-operate requirements
- Enforcement authority for the Department of Housing and Community Development (HCD) or local enforcement agencies

Regulations implementing the MPA:

California Code of Regulations (CCR), Title 25, Division 1, Chapter 2

These include detailed requirements on:

- Lot size, spacing, and site design
- Roadway widths
- Utility connections
- Fire safety standards
- Inspection protocols

---

#### 2. Mobilehome Residency Law (MRL)

California Civil Code §§ 798–799.11

The MRL governs park management–resident relationships and is updated annually.

Key protections include:

- Rules for rent increases (notice requirements, not rent control)
- Limits on evictions and termination of tenancy
- Rules governing park rules and regulations
- Protections during park closure or conversion
- Rights regarding utility billing pass-throughs
- Sale and transfer rules for mobilehomes in-place
- Park management disclosure obligations





The MRL is the primary statutory protection for homeowners' rights within parks.

---

### 3. Mobilehome Parks Maintenance (MPM) Inspection Program

HSC §§ 18400–18420

Statewide inspection program administered by HCD.

Purpose:

- Ensures routine health and safety inspections
  - Requires correction of violations by park owners
  - Allows resident complaints to trigger inspections
  - Ensures habitability and code compliance
- 

### 4. Mobilehome Manufactured Housing Act

HSC §§ 18000–18153

Regulates:

- Titling and registration of mobilehomes
  - Dealer and salesperson licensing
  - Requirements for installation, alteration, and removal
  - Standards for manufactured home construction and safety (in coordination with federal HUD standards)
- 

### 5. Subdivision Map Act (select sections relevant to parks)

Government Code §§ 66410–66499.38

Relevant when parks are:

- Converted to resident-owned communities
  - Subdivided into individual lots
  - Evaluated for compliance with state-required conversion procedures
- 

### 6. Mobilehome Park Conversion Laws

Government Code §§ 65863.7 and 66427.4

These laws regulate:

- Park closure processes
  - Requirements for resident impact reports (RIRs)
  - Mitigation measures for displaced homeowners
  - Local authority to condition or deny conversions
- 

## 7. California Civil Rights and Anti-Discrimination Laws

Applicable statutes include:

- Fair Employment and Housing Act (FEHA)
  - Unruh Civil Rights Act
- These apply to:
- Park management conduct
  - Advertising
  - Lease terms
  - Resident treatment
- 

## 8. Local Rent Stabilization Authority

State law does not regulate mobilehome rents; local jurisdictions may adopt rent stabilization.

State acknowledges local authority through:

- MRL Civil Code § 798.17 (rents for long-term leases exempt from local control)
  - Case law upholding local rent regulation authority
- San José's Mobilehome Rent Ordinance (SJMC 17.22) operates within this state-authorized domain.
- 

## 9. Public Utilities Code (mobilehome utility systems)

Relevant sections regulate:

- Submetering
- Utility billing transparency
- Limits on service charges

Utility matters intersect with both state law and CPUC regulations.

---

## Additional Supporting Laws

While not mobilehome-specific, these statutes regularly affect park operations:

- Civil Code § 1940 et seq. (general landlord-tenant principles)
- Government Code § 53069.4 (administrative penalty authority)
- Business & Professions Code §§ 11010–11018 (mobilehome subdivision sales)
- Health and Safety Code provisions on fire prevention and emergency access



## Appendix B

A review of the City of Fremont Analysis cast substantial doubt on its general applicability.

### 1. The 1999 Fremont study was a commissioned and prescribed scope of analysis

- The City of Fremont hired an economic consultant (Seifel Associates) in 1999 to analyze the city's Mobile Home Rent Stabilization Ordinance and the relationship between space rents and in-place mobilehome sale prices. [sanjose.granicus.com](http://sanjose.granicus.com)
- The work was conducted between June 9, 1999 and August 18, 1999 and resulted in an "economic analysis" and an executive summary referenced in later staff and legal documents. [sanjose.granicus.com](http://sanjose.granicus.com)

### Policy context in the City of Fremont

- City of Fremont had adopted strong vacancy control in 1992 (Ordinance 2018) that did not allow any rent increase upon vacancy. [GovInfo](#)
- The City of Fremont had a very small mobilehome park universe (on the order of three parks and a few hundred spaces) as documented in an earlier 1991 study the City later incorporated into its findings. [Code Publishing](#)
- By the late 1990s Fremont wanted to understand whether strict vacancy control was:
  - Protecting affordability for future buyers, or
  - Increasing in-place home prices by capitalizing the rent benefit into equity for sellers.

The Seifel analysis was designed to answer that second question.

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### 2. Core finding: the \$100 / \$10,000 capitalization relationship

The single most-cited output of the 1999 Fremont study is this ratio:

Roughly, a \$100 change in monthly space rent corresponded to about a \$10,000 change in the sale price of a mobilehome.

This is repeatedly summarized in a later federal district court decision describing Fremont's rent control history:

- "The consultant concluded that in most cases, a \$100 decrease in rent would result in a \$10,000 increase in the price of a mobile home." [GovInfo](#)

Interpreted economically:

- A permanent \$100 monthly discount in space rent (through vacancy control) was being capitalized into roughly \$10,000 of added sales price.



- That is equivalent to buyers paying an upfront lump sum to acquire a long-term rent benefit.

In other words, the study's key finding was:

Vacancy control shifts the benefit of rent regulation into the sales price of the unit, benefiting exiting sellers while raising the cost of entry for new buyers.

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### 3. Likely methodology: paired-sales / capitalization analysis

The study method is consistently described in adjacent documents and is standard for this type of question. Based on those descriptions and subsequent academic work, the methodology appears to have had the following components (where I note inference vs confirmed):

1. Data set
  - Sales of mobilehomes in Fremont parks under vacancy control (confirmed from litigation summaries). [GovInfo](#)
  - Likely comparison to similar units in less regulated or differently regulated jurisdictions, or comparisons over time within Fremont.
2. Conceptual approach: complementary goods
  - Mobilehomes and spaces are "complementary goods" (if one gets cheaper, the other becomes more valuable), a point explicitly acknowledged in the court's discussion of the Fremont study and common in the literature on mobilehome rent control. [GovInfo+1](#)
3. Paired or hedonic analysis (inferred)
  - Compare sales of similar homes (size, age, condition) with different space rents, or
  - Use a regression (hedonic pricing model) to estimate and assume how much of the sale price difference is explained by the rent difference.
  - The \$100 to \$10,000 relationship is the kind of "capitalization factor" you derive from such a model though the study did not evidence the applicable mathematical analysis
4. Time horizon assumption (inferred)
  - To turn a monthly rent difference into a capitalized value, the analyst has to assume something about:
    - How long the lower rent persists (expected tenure / expected life of regulation)
    - Discount rate (how buyers value future savings)
  - Those assumptions are rarely neutral and the assumption drive the ratio.
5. Result aggregation
  - The consultant then summarized that "in most cases" the empirical pattern matched this approximate 100-to-10,000 relationship, meaning it's an average relationship across the sample, not a rule for every unit. [GovInfo](#)



So methodologically, one can accurately characterize the study as a late-1990s capitalization study of in-place mobilehome sales in a small number of City of Fremont parks under strict vacancy control, using paired or regression analysis and assumptions to estimate how a reduced space rent may be reflected in higher home prices.

---

#### 4. How Fremont used the study: justification for partial vacancy decontrol

The 1999 analysis directly informed Fremont's 2000 amendment to its rent control ordinance:

- After the study, Fremont adopted Ordinance No. 2390 (July 25, 2000). [GovInfo](#)
- The amendment allowed park owners to increase rent up to 15% upon sale of a mobilehome (i.e., limited vacancy decontrol) for sales between January 1, 2002 and December 31, 2019. [GovInfo](#)
- The City of Fremont left in place strong ongoing rent limits and only opened a narrow vacancy adjustment window.

From a policy standpoint, the logic was:

1. If a large share of the rent benefit is capitalized into sales prices, then:
  - Exiting homeowners enjoy a windfall in equity.
  - New buyers may face higher purchase prices; even though the “affordable” rent is nominally being protected.
2. Limited vacancy decontrol:
  - Allows some rent repositioning for park owners.
  - Reduces the size of the rent discount to be capitalized.
  - Should, in theory, reduce the sales price premium for in-place homes and rebalance who benefits.

Thus, the 1999 study's main practical use was to provide economic justification for introducing a capped vacancy increase, not to abolish rent control or vacancy protections entirely or be applied to be applied or used a baseline analysis for establishing a direct relationship between the rate of vacancy decontrol and equity value at the time of unit sale.

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#### 5. Critical assessment and limitations of the 1999 Fremont study

For San José purposes, the key question is not just “what did Fremont find?” but “how applicable is that 1999 Fremont result to our 2025 San José context?”

##### A. Extremely narrow geographic and market scope

- Fremont had a very small number of parks and spaces; an earlier city-funded analysis noted three parks and 732 spaces. [Code Publishing](#)

- San José, by contrast, has the largest mobilehome park inventory in California; market depth, diversity of parks, and resident profiles are very different.
- A capitalization factor derived from a small, fairly homogeneous market in 1999 should be treated as context-specific, not universal.

#### B. Time-bound and pre-2000 housing market

The Fremont analysis was done:

- Before the 2000s housing boom,
- Long before the Great Recession,
- Long before the current tech-driven Bay Area housing dynamics,
- Under a different interest rate, lending, and regulatory environment.

Capitalization of rent savings into prices is highly sensitive and subject to:

- Mortgage interest rates
- Credit access
- Expected length of tenure
- Expectations about future policy stability

None of those conditions match 2025 San José. Using the 1999 Fremont ratio as a “fixed law” risks substantial misapplication.

#### C. Single summary metric for a heterogeneous population

The study’s headline result (“in most cases, \$100 → \$10,000”) obscures:

- Variation across:
  - Age and condition of homes
  - Park quality and location
  - Buyer income and financing structure
- Some sellers likely captured much more; others less. Some buyers may not have fully understood the tradeoff.

From a policy perspective, the ratio is an average, not a guarantee, and it does not describe distributional impacts (e.g., outcomes for the lowest-income or most vulnerable buyers).

#### D. Normative framing: who “should” capture the benefit?

The Fremont study is often used to argue that vacancy control “gives” too much to outgoing homeowners. But that is a normative choice, not a purely technical conclusion:

- One legitimate policy view: it is appropriate that long-term residents who bore historic rent risk and invested in their homes capture some of the benefit when they sell.



- Another view: the City wants to prioritize affordability for new buyers and thus limit tenancy-to-tenancy capitalization.

The 1999 study provides a measurement of capitalization, not a value judgment about whether that outcome is desirable.

E. Missing dimensions: maintenance, reinvestment, and long-run park viability

The Fremont analysis focused on prices and rents, not:

- Infrastructure condition
- Park owner reinvestment behavior
- Long-run financial sustainability of parks under strict vacancy control

Subsequent policy debates in many jurisdictions have emphasized:

- Aging utilities and infrastructure
- Difficulty financing major capital upgrades under tightly capped revenues

The 1999 study does not answer those questions. It is silent on whether its recommended policy trajectory improved or worsened long-term maintenance and reinvestment in Fremont's parks.

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The 1999 Fremont analysis provides:

- Fremont's 1999 study is real and does show that, in that city at that time, strict vacancy control led to capitalization of rent savings into higher in-place home prices. [GovInfo](#)
- The oft-quoted "\$100 rent, \$10,000 equity" figure is a rough average estimate from a small set of Fremont parks in the late 1990s, not a general rule for all jurisdictions or all periods. [GovInfo+1](#)
- San José's conditions in 2025 are substantially different from Fremont's in 1999; any serious use of capitalization evidence here should be based on San José-specific, contemporary analysis, not a 25-year-old study from another city.
- Evidence that capitalization is impactful.
  - It supports the general economic proposition that vacancy control can be partially capitalized into sales prices through indirect considerations and factors.
  - That proposition is consistent with subsequent academic literature on mobilehome rent control. [ScienceDirect+1](#)
- Not a one-size-fits-all conversion factor.
  - The \$100 → \$10,000 ratio was a Fremont-specific, late-1990s empirical result under Fremont's ordinance and market conditions and the mathematics supporting the underlying claims are unclear.
  - It should not be mechanically applied to 2025 San José park rents, prices, or policy modeling.



- Caution against overreliance in advocacy.  
When stakeholder letters cite Fremont's 1999 result as if it were a universal "law" (e.g., any \$100 rent change in San José will always produce \$10,000 equity change), the claims are:
  - Overstating the precision and generality of the original study
  - Ignoring key differences in time, place, policy design, and market conditions, and use of applied mathematics.

December 10, 2025

Housing and Community Development Commission  
San José City Hall  
200 E. Santa Clara St.  
San José, CA 95113  
*Sent via electronic mail*

**Re: Concerns and Questions Related to Mobilehome Rent Ordinance Changes**

Dear HCDC Chair Navarro, Vice Chair Dawson, and Commissioners:

We are writing to strongly urge you to recommend **against** the proposed one-time vacancy increase to the Mobilehome Rent Ordinance (MRO) and the addition of a petition decision appeal process. While the ordinance is decades old, vacancy decontrol was thoroughly considered and declined as recently as 2017. The core questions and concerns that led to that decision remain unresolved today.

The memo asserts that the proposal “expands tenant protections,” “provides additional mechanisms to allow mobilehome park owners to maintain and enhance their parks,” and “balances the needs of mobilehome residents and park owners.” Yet the policy implications decrease affordability, harm residents, and primarily provide landowners a wider menu of options to increase rents. In 2024, the Council set clear priorities to “further the goals of housing stabilization, unit preservation, and outreach and engagement.” A sudden 10% vacancy increase runs counter to those goals and risks destabilizing the very communities the MRO is designed to protect.

Key questions also remain unanswered. What specific costs are park owners unable to address without this 10% increase? Why, specifically, do park owners need further pass throughs on top of existing fair return petitions? Without data showing financial need, the proposal relies on unsubstantiated claims rather than demonstrated evidence. The City cannot evaluate “fair return” or necessity without understanding park owners’ actual income and financial position. As

drafted, the change would create incentives for displacement and undermine the purpose of rent control by encouraging turnover rather than stability.

Mobilehomes remain one of the last pathways to entry-level homeownership in our region. Allowing a 10% rent increase upon each vacancy, as well as an additional opportunity for rent increases from specified capital improvement petitions, threatens their long-term affordability. Over time, these increases will compound, placing mobilehome living out of reach for many low- and moderate-income residents—including seniors and people with disabilities who rely on stable housing costs to remain in their homes.

The proposal also introduces a **Petition Decision Appeal Process** that assigns unprecedented authority to the Housing Director. The legal basis and policy rationale for concentrating this decisionmaking power are unclear and merit far more scrutiny before any recommendation moves forward.

The memorandum compares the current annual rent increase limits of mobilehomes to that of other affordable housing within the City of San José. Any comparison of apartment rents and mobilehome rents is misleading and harmful, as mobilehome residents bear the costs of regular leveling, all exterior and interior repairs and maintenance, mortgage, home insurance, property tax, fees, and landscape maintenance.

The equity implications are significant. Rent increases pose barriers to wealth-building, homeownership, and long-term stability. In San José, poverty rates among African Americans are more than twice those of white residents, and Black residents make up a disproportionately large share of the city's unsheltered population. Disparities in homeownership rooted in generations of discriminatory policies and redlining persist today. As the City continues to center "revenue capture" for mobilehome park owners without adequate safeguards, historic inequities will deepen, undermining the stability of some of the only affordable communities in San José.

Mobilehome parks are essential pillars of our affordable housing landscape. Increasing rents in ways that encourage turnover or displacement risks pushing

residents into homelessness at a time when stability is more critical than ever. We urge you to uphold the intent of the MRO, protect affordability, and recommend against the proposed vacancy increase and new appeal process.

In Community,

REAL Housing Justice Workgroup

About REAL:

The REAL community of Silicon Valley based nonprofit leaders and allies has been meeting since June 2020 to use our positional power to advocate for a more racially-just and equitable society; to establish a peer network of leaders committed to fighting white supremacy and systemic racism in ourselves and our institutions; and to hold each other accountable to the promises we made in the Nonprofit Racial Equity Pledge. The REAL coalition is broadly representative of the nonprofit community including human and community services, behavioral health and health, arts and culture, domestic violence, older adults, food security, education, environmental, farming, legal, disability rights, LGBTQ rights, ethnic, immigrant rights, housing and homelessness, criminal justice reform, urban planning, and intermediary organizations, and others. REAL has 50 core nonprofit members, numerous individual members, and hundreds of active participants in the nonprofit community.



**From:** [Nicolle Burnham](#)  
**To:** [Nguyen, Mindy](#)  
**Subject:** Public Comment 12/11 Housing and Community Development Commission  
**Date:** Thursday, December 11, 2025 9:51:36 AM

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Dear Ms. Nguyen -

Please accept these comments pertaining to Item VII.A on tonight's agenda.

I am providing these comments as a resident of a San Jose mobile home park community. My husband and I purchased a manufactured home in April of 2025 so my experience in purchasing this type of housing is very recent.

In general, the information provided with the agenda lacks the specificity required to make informed decisions. In particular, the lack of red line ordinance leaves me concerned that the final ordinance may not achieve the goals stated in the memo before the HCD. I would urge HCD to not support this item until they review a red line version of the ordinance.

In considering the limited information available for this item I offer the following comments:

1. Vacancy Decontrol. In making our purchase, land lease costs were a major factor my husband and I considered. The memo includes an example of \$1,000 per month existing lease. In our experience \$1,000 per month is at the very low end of San Jose's lease amounts. It is not unusual to see land rents as high as \$2,000 per month (at least in the parks where we looked). Land rent rates can be found in the real estate listings for mobile home units. In considering a mobile home purchase, changes to the land lease rates directly influenced how much we were able to pay for purchasing the home. I would also add that manufactured homes are not financed as homes and don't qualify for traditional mortgages. The interest rates on manufactured home loans were around 9% when we purchased last spring, making the monthly payments for these units higher than one might expect for a comparable single family home or condominium. All this is to say that a difference of \$100 or \$200 per month in lease amount is significant.

2. Capital Improvement Petitions. The information in the staff memo on this topic is too obtuse to comment on. From the information provided it is unclear when these improvements might be implemented, how the cost would be managed or controlled and how the 3% would be applied. Would this be a one time cost to owners? An additional 3% added to the lease payment in perpetuity? I hope the Commission is able to clarify this before supporting the ordinance change.

Thank you for accepting these comments. I look forward to listening to tonight's meeting and will plan to follow this issue as the Housing Department continues its work.

Nicolle Burnham



**From:** [Steve McHenry](#)  
**To:** [Nguyen, Mindy](#)  
**Cc:** [District7](#)  
**Subject:** Agenda item VII.A, mobilehome rent ordinance  
**Date:** Thursday, December 11, 2025 9:44:16 AM

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My name is Steve McHenry and I am the president of the Chateau La Salle Homeowner's Association, representing more than 1,000 residents in approximately 450 manufactured homes in our community.

Chateau La Salle is located in District 7, near the intersection of Monterey Road and Umbarger, near Oak Hill Cemetery and the county fairgrounds.

I have read the proposed amendments to the current San Jose mobilehome rent ordinance and wish to comment and have my email into the record before tonight's (Dec. 11) commission meeting.

Our association's main concern is that the city maintain its current 3% cap on annual rent increases. As the commission is well aware, mobile homes in San Jose are considered to be "affordable" housing. Many of our residents are elderly or disabled, and are on fixed incomes such as Social Security or other retirement benefits.

These residents cannot afford rent increases larger than this, so we do not want to see that aspect of the mobilehome rent ordinance to be changed. The proposal to allow a 10% space rent increase upon the sale of a home would not affect our existing residents but only future residents considering moving into our community.

Mr. Escher: District 7 has the largest number of mobile homes in San Jose. Please keep these residents in mind as you make decisions that can affect many thousands of people.

Mr. Doan: I realize that this matter is before the Housing Commission and not the full city council. If this matter eventually is presented before the council, we urge you also to keep in mind the economic concerns of your constituents in District 7, and not to allow greater annual rent increases than are currently allowed.

Thank you,

Steve McHenry  
Chateau La Salle Homeowner's Association

**From:** [Nguyen, Mindy](#)  
**To:** [Nguyen, Mindy](#)  
**Subject:** FW: GSMOL Attorney letter on MH Rent Ordinance  
**Date:** Thursday, December 11, 2025 11:34:21 AM  
**Attachments:** [img-58e927fb-1938-4d8c-85fd-68f692cc5fa3](#)  
[HCDC Edition Claim Analysis.pdf](#)

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Good morning Commissioner,

Please see the following questions posed by Chair Navarro and Director Soliván's response from the GMSOL letter that was sent yesterday.

Best,

**Mindy Nguyen**

Interim Senior Development Officer | Housing Department  
City of San José

200 East Santa Clara Street, 12<sup>th</sup> Floor  
San José, CA 95113  
Office: 408-534-2961

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---

**From:** Solivan, Erik <Erik.Solivan@sanjoseca.gov>  
**Sent:** Thursday, December 11, 2025 10:56 AM  
**To:** Nguyen, Mindy <mindy.nguyen@sanjoseca.gov>; RUBEN NAVARRO [REDACTED]  
Housing and Community Development Commission 5 <HCDC5@sanjoseca.gov>  
**Cc:** Hislop, Emily <Emily.Hislop@sanjoseca.gov>  
**Subject:** Re: GSMOL Attorney letter on MH Rent Ordinance

Ruben see the **responses** below.

**Director**

Housing Department | City of San José  
200 East Santa Clara Street | 12<sup>th</sup> Floor  
San José, CA | 95113  
Office: (408) 535-3855  
FirstNET: (669) 317-8346  
[www.sanjoseca.gov/housing](http://www.sanjoseca.gov/housing)



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**From:** RUBEN NAVARRO [REDACTED]  
**Sent:** Wednesday, December 10, 2025 5:06 PM  
**To:** Nguyen, Mindy <[mindy.nguyen@sanjoseca.gov](mailto:mindy.nguyen@sanjoseca.gov)>; RUBEN NAVARRO [REDACTED]  
Housing and Community Development Commission 5 <[HCDC5@sanjoseca.gov](mailto:HCDC5@sanjoseca.gov)>  
**Subject:** Re: GSMOL Attorney letter on MH Rent Ordinance

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\*\*\* Please forward this email to the rest of the commissioners upon receiving it, as well as when you respond to it and confirm it has been done.

Hi Mindy,

Thank you for sending the December 10, 2025 memorandum in response to the GSMOL letter to all commissioners and for your continued support as the Commission reviews the proposed Mobilehome Rent Ordinance (MRO) amendments. I appreciate the explanations provided and the Department's ongoing work to modernize and clarify our regulatory framework.

To help the Commission make a well-informed recommendation to the City Council, I request additional clarification on several points where the response raised new questions or did not fully address the issues presented. Our discussions must rely on complete, San Jose-specific information, and that commissioners fully understand how the proposed changes may affect residents, park owners, and City administration.

Additionally, since we have several new commissioners, please include specific details, data where applicable, and direct links to referenced documents, studies, or materials. Please avoid general statements such as "see staff memorandum" without citing the exact location, link, attachment, or section, so new commissioners can easily access and review the appropriate information. If an answer is general in nature or no actual data exists, please state explicitly.

#### **1. Lack of San José-Specific Economic Analysis on Vacancy Decontrol**

Your memo states that the 1999 Fremont study is outdated and not applicable, but it does not present any modern data showing how vacancy decontrol may affect homeowner equity, resale values, or new buyer affordability in San Jose.

Could the Department provide:

1. Any internal or commissioned analysis modeling the expected equity impact of a one-time 10%

vacancy increase under San José market conditions?

**Sure. See attached.**

2. Historical data showing how space rent levels in San José correlate (or do not correlate) with resale prices across parks?

**There is not historical data as stated in the Response Letter.**

3. A sensitivity analysis demonstrating how equity outcomes shift under varying rent increases (5%, 7%, 10%)?

**It is unclear what is being stated or requested.**

Without a replacement analysis, it is difficult for the Commission to assess whether the proposed decontrol rate minimizes harm to homeowners.

**It is unclear what is being stated or requested.**

## **2. Claim That Resale Prices “Remain Resilient” Despite Rent Variation**

The memo asserts that manufactured home resale values in San José remain strong regardless of space rent differences. As this is a key assertion rebutting GSMOL’s equity concerns, additional supporting data would be helpful.

Could staff provide:

\* The dataset used to conclude that resale values remain resilient?

**A report by Berkadia, as a source, was attached to the Response Letter.**

\* Regression or paired-sales analysis demonstrating the absence of a statistically significant relationship between rent levels and home values?

**It is unclear what is being stated or requested. The 1999 City of Fremont Report was a regression analysis, hence the lack of causal and direct link.**

\* Summary tables showing resale price trends by park over the past 5–10 years?

**It is unclear what is being stated or requested.**

## **3. Enforcement and Rent Registry Implementation**

The response suggests that enforcement challenges will be minimized due to a forthcoming rent registry and automated tracking. However, details on readiness and rollout are not provided.

Could the Department clarify:

1. What is the timeline and budget for implementing the rent registry?

**There are no planned budget adjustments for implementation. The timeline is subject to Council Approval.**

2. Will the registry be operational before the vacancy decontrol provision takes effect?

**The Housing Department intends to implement the changes comprehensively. The policy decision of Mayor and Council will determine final planning for execution.**

3. What interim enforcement mechanism will exist during the transition period?

**It is unclear what is being stated or requested.**

4. How will the City ensure accurate reporting from brokers, dealers, and private sellers?

**It is unclear what is being stated or requested.**

Given the complexity of turnover tracking, the sequencing of registry implementation appears critical.



#### 4. Legal Risk Assessment

While the memo states that the City Attorney has found no constitutional vulnerability, GSMOL raises concerns about the possibility of renewed litigation.

To ensure the Commission fully understands the risk profile:

Could the City Attorney's Office provide:

\* A written summary of its analysis and reasoning?

**City Attorney's is conducting work product analysis and it will not be shared publicly. The draft ordinance presented to Council will be compliant with any and all applicable laws.**

\* Examples of similar amendments in other jurisdictions and their litigation outcomes?

**It is unclear what is being stated or requested. Additionally, HCDC cannot assign work to the City Attorney's Office.**

\* An assessment of the likelihood and potential cost of a facial challenge?

**It is unclear what is being stated or requested. Additionally, HCDC cannot assign work to the City Attorney's Office.**

Even if risk is low, fiscal exposure is still a relevant policy consideration.

#### 5. Scope and Interaction of the Capital Improvement (CI) Pass-Through

The Department explains that the CI pass-through is narrowly tailored, but GSMOL correctly notes that fair return law generally evaluates the park's entire financial condition rather than individual projects.

**As noted in the Response Letter:**

**This comment reflects a *complete misunderstanding of the proposed updates for managing request for capital improvement updates.***

- 1. Recovery of costs related to regular capital improvements - e.g. maintenance and replacement of existing capital improvements – can only be achieved through the fair return petition process. Nothing has been proposed to change this process.**
- 2. If a park owner wants to perform an improvement that provides added benefit to park residents – i.e. flood mitigation or climate resiliency projects, increased energy efficiency – they may petition to recover a pass-through of no more than 3% of resident's space rent for the amortization period. The petition would go through an administrative process in the Housing Department *and residents may contest the petition and participate in the proceeding under the proposed resident rent dispute process.***
- 3. A Hearing Officer would determine if there were added safety or energy savings, in which mobilehome lots would benefit from the improvement, and confirm costs and calculations.**

For clarity:

Could staff explain:

1. How the CI pass-through interacts with MNOI ("fair return") petitions?

**See response above.**

2. Whether a park may receive both a CI pass-through and an MNOI increase within the same period?

**See response above.**

3. How "added benefit" improvements will be defined and limited to prevent broad or subjective interpretations?

**See response above.**

4. Whether a list of eligible and ineligible CI categories can be provided?

**See response above.**

This will help ensure the mechanism cannot be expanded beyond its intended scope.

**See response above.**

## **6. Projected Frequency of CI Petitions**

The memo indicates that CI petitions will be infrequent. However, without data on the age, condition, and expected replacement cycles of park infrastructure, the Commission cannot independently verify this.

Could the Department provide:

\* Any inventories or assessments documenting the current state of infrastructure across San José's mobilehome parks?

**The Housing Department does not have authority to conduct site assessments of private property.**

\* Estimated CI costs expected over the next 10–20 years?

**It is unclear what is being stated or requested.**

\* A projection of anticipated petition frequency under the new rules?

**It is unclear what is being stated or requested. Fair Return petitions have no rhythm or form to be make predictions upon.**

Again, thank you all so much. I really appreciate it and since this is an important item for so many people, I want to make sure we have all the information necessary.

Ruben N.

On Wednesday, December 10, 2025 at 03:18:21 PM PST, Nguyen, Mindy  
<[mindy.nguyen@sanjoseca.gov](mailto:mindy.nguyen@sanjoseca.gov)> wrote:

Good afternoon Commissioner,

Please see this letter from Counsel of GMSOL, Bruce Stanton along with the Department's response. These will be printed along with the other public comments on this item for the meeting, and posted online at 2pm on Thursday, prior to the meeting. I will share the link when the public comment packet available.

For HCDC, we collect public comment up until 12pm on the day of the meeting, as noted in the agenda.

Best,

**Mindy Nguyen**

Interim Senior Development Officer | Housing Department

City of San José

200 East Santa Clara Street, 12<sup>th</sup> Floor

San José, CA 95113

Office: 408-534-2961

[Website](#) | [LinkedIn](#) | [Facebook](#) | [Instagram](#) | [X](#)

---

**From:** Martha O'Connell [REDACTED] >  
**Sent:** Wednesday, December 10, 2025 9:57 AM  
**To:** martha O'Connell [REDACTED] Maguire, Jennifer <[jennifer.maguire@sanjoseca.gov](mailto:jennifer.maguire@sanjoseca.gov)>; The Office of Mayor Matt Mahan <[mayor@sanjoseca.gov](mailto:mayor@sanjoseca.gov)>; Kamei, Rosemary <[Rosemary.Kamei@sanjoseca.gov](mailto:Rosemary.Kamei@sanjoseca.gov)>; Campos, Pamela <[Pamela.Campos@sanjoseca.gov](mailto:Pamela.Campos@sanjoseca.gov)>; Tordillos, Anthony <[Anthony.Tordillos@sanjoseca.gov](mailto:Anthony.Tordillos@sanjoseca.gov)>; Ramirez, Lucas <[lucas.ramirez@sanjoseca.gov](mailto:lucas.ramirez@sanjoseca.gov)>; Cohen, David <[David.Cohen@sanjoseca.gov](mailto:David.Cohen@sanjoseca.gov)>; Ortiz, Peter <[Peter.Ortiz@sanjoseca.gov](mailto:Peter.Ortiz@sanjoseca.gov)>; Mulcahy, Michael <[Michael.Mulcahy@sanjoseca.gov](mailto:Michael.Mulcahy@sanjoseca.gov)>; Doan, Bien <[Bien.Doan@sanjoseca.gov](mailto:Bien.Doan@sanjoseca.gov)>; Candelas, Domingo <[Domingo.Candelas@sanjoseca.gov](mailto:Domingo.Candelas@sanjoseca.gov)>; Foley, Pam <[Pam.Foley@sanjoseca.gov](mailto:Pam.Foley@sanjoseca.gov)>; Casey, George <[George.Casey@sanjoseca.gov](mailto:George.Casey@sanjoseca.gov)>; Nguyen, Mindy <[mindy.nguyen@sanjoseca.gov](mailto:mindy.nguyen@sanjoseca.gov)>; Alcala Wood, Susana <[Susana.AlcalaWood@sanjoseca.gov](mailto:Susana.AlcalaWood@sanjoseca.gov)>  
**Subject:** GSMOL Attorney letter on MH Rent Ordinance

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see attached letter from the Corporate Counsel of GSMOL, Bruce Stanton

Martha O'Connell

GSMOL Regional Manager

If you are neutral in situations of injustice, you have chosen the side of the oppressor. If an elephant has its foot on the tail of a mouse and you say that you are neutral, the mouse will not appreciate your neutrality. – Desmond Tutu

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Brief Analytical Assessment

Claim: \$100 increase in rent = \$10,000 loss of Equity

Assumptions	
\$100	\$ 10,000.00

Increase \$100 Slot Rent

Increase \$100 Slot Rent

YOY - Year 1 to Year 46 Increase

378%

Year	Count	Slot Rent	Rate of Rent Increase
Year	1979	\$100	
Year	1980	\$ 103.00	3.00%
Year	1981	\$ 106.09	3.00%
Year	1982	\$ 109.27	3.00%
Year	1983	\$ 112.55	3.00%
Year	1984	\$ 115.93	3.00%
Year	1985	\$ 119.41	3.00%
Year	1986	\$ 122.99	3.00%
Year	1987	\$ 126.68	3.00%
Year	1988	\$ 130.48	3.00%
Year	1989	\$ 134.39	3.00%
Year	1990	\$ 138.42	3.00%
Year	1991	\$ 142.58	3.00%
Year	1992	\$ 146.85	3.00%
Year	1993	\$ 151.26	3.00%
Year	1994	\$ 155.80	3.00%
Year	1995	\$ 160.47	3.00%
Year	1996	\$ 165.28	3.00%
Year	1997	\$ 170.24	3.00%
Year	1998	\$ 175.35	3.00%
Year	1999	\$ 180.61	3.00%
Year	2000	\$ 186.03	3.00%
Year	2001	\$ 191.61	3.00%
Year	2002	\$ 197.36	3.00%
Year	2003	\$ 203.28	3.00%
Year	2004	\$ 209.38	3.00%
Year	2005	\$ 215.66	3.00%
Year	2006	\$ 222.13	3.00%
Year	2007	\$ 228.79	3.00%
Year	2008	\$ 235.66	3.00%
Year	2009	\$ 242.73	3.00%
Year	2010	\$ 250.01	3.00%
Year	2011	\$ 257.51	3.00%
Year	2012	\$ 265.23	3.00%
Year	2013	\$ 273.19	3.00%
Year	2014	\$ 281.39	3.00%
Year	2015	\$ 289.83	3.00%
Year	2016	\$ 298.52	3.00%
Year	2017	\$ 307.48	3.00%
Year	2018	\$ 316.70	3.00%
Year	2019	\$ 326.20	3.00%
Year	2020	\$ 335.99	3.00%
Year	2021	\$ 346.07	3.00%
Year	2022	\$ 356.45	3.00%
Year	2023	\$ 367.15	3.00%
Year	2024	\$ 378.16	3.00%

Year	Count	Unit Equity	Bureau of Labor and Statistics - inflation rate averaged out from 1979 to 2025
Year	1979	\$ 10,000.00	
Year	1980	\$ 10,308.40	3.084%
Year	1981	\$ 10,626.31	3.084%
Year	1982	\$ 10,954.03	3.084%
Year	1983	\$ 11,291.85	3.084%
Year	1984	\$ 11,640.09	3.084%
Year	1985	\$ 11,999.07	3.084%
Year	1986	\$ 12,369.12	3.084%
Year	1987	\$ 12,750.58	3.084%
Year	1988	\$ 13,143.81	3.084%
Year	1989	\$ 13,549.17	3.084%
Year	1990	\$ 13,967.02	3.084%
Year	1991	\$ 14,397.77	3.084%
Year	1992	\$ 14,841.79	3.084%
Year	1993	\$ 15,299.52	3.084%
Year	1994	\$ 15,771.35	3.084%
Year	1995	\$ 16,257.74	3.084%
Year	1996	\$ 16,759.13	3.084%
Year	1997	\$ 17,275.98	3.084%
Year	1998	\$ 17,808.77	3.084%
Year	1999	\$ 18,357.99	3.084%
Year	2000	\$ 18,924.16	3.084%
Year	2001	\$ 19,507.78	3.084%
Year	2002	\$ 20,109.40	3.084%
Year	2003	\$ 20,729.57	3.084%
Year	2004	\$ 21,368.87	3.084%
Year	2005	\$ 22,027.89	3.084%
Year	2006	\$ 22,707.23	3.084%
Year	2007	\$ 23,407.52	3.084%
Year	2008	\$ 24,129.40	3.084%
Year	2009	\$ 24,873.56	3.084%
Year	2010	\$ 25,640.66	3.084%
Year	2011	\$ 26,431.41	3.084%
Year	2012	\$ 27,246.56	3.084%
Year	2013	\$ 28,086.84	3.084%
Year	2014	\$ 28,953.04	3.084%
Year	2015	\$ 29,845.95	3.084%
Year	2016	\$ 30,766.40	3.084%
Year	2017	\$ 31,715.24	3.084%
Year	2018	\$ 32,693.34	3.084%
Year	2019	\$ 33,701.60	3.084%
Year	2020	\$ 34,740.96	3.084%
Year	2021	\$ 35,812.37	3.084%
Year	2022	\$ 36,916.82	3.084%
Year	2023	\$ 38,055.33	3.084%
Year	2024	\$ 39,228.96	3.084%

Adjustment to Equity

\$ 10,729.57

\$ 11,368.87

\$ 12,027.89

\$ 12,707.23

\$ 13,407.52

\$ 14,129.40

\$ 14,873.56

\$ 15,640.66

\$ 16,431.41

\$ 17,246.56

\$ 18,086.84

\$ 18,953.04

\$ 19,845.95

\$ 20,766.40

\$ 21,715.24

\$ 22,693.34

\$ 23,701.60

\$ 24,740.96

\$ 25,812.37

\$ 26,916.82

\$ 28,055.33

\$ 29,228.96

this would be the unit equity today - IF - the argument held mathematical truth

25%

Actual Adjusted unit equity based on the Claim

Date: December 11, 2025  
To: San Jose City Council, Honorable Mayor, and Housing  
From: Roberta Moore, HCDC D10 Commissioner  
RE: VII. A. Proposed Amendments to the Mobilehome Rent Ord.

### **Housing Got it Right**

The Housing Department got this recommendation right by evaluating the reality of the situation. Those who want to protect predictable rents and privately owned housing, will support their recommendation and vote yes for this amendment.

### **Predictable and Obtainable Housing Ownership**

How does San Jose keep the mobilehome buyers' expenses predictable and preserve the ability for people who make lower income to buy these homes?

To accomplish these goals, San Jose would do the following:

1. Protect the mobile home parks from development.
2. Reduce the need for fair return hearings that can substantially increase rents on all renters.
3. Build more mobilehome parks to increase supply.

### **Impact of Vacancy Control**

The reality is Vacancy Control subsidizes those with money and doesn't help those without money. If this doesn't make sense, consider how Vacancy Control impacts 2 buyers:

- In 2010, Gladys paid \$60,000 with \$3,000 down and has a monthly loan payment of \$299 per month. She had to earn about \$16,000 per year to qualify.
- Today, Mary could buy a mobile home for \$250,000 with a \$50,000 down payment. Her monthly loan payment would be \$1,244 per month, and she would have to earn about \$54,000 per year. People paying \$350,000 need to make about \$80,000 per year to qualify.

Source: Realtor.com and Mortgage Calculator

In the same park, a fair return hearing like the \$140 per month per space recently awarded would be much harder on Gladys than on Mary.

## **Vacancy Control Eliminates Predictable & Obtainable Housing**

Vacancy Control is the strictest and most damaging form of rent control. Argentina eliminated rent control and rents dropped. Source:

<https://www.cato.org/commentary/javier-milei-ended-rent-control-now-argentine-real-estate-market-coming-back-life>

Economists know rent control constricts supply which then increases price. If 5 people (higher demand) are trying to buy 1 home (limited supply) then the price will go up. This is why 90% of Economists (including the most liberal) agree rent control decreases the quality and quantity of affordable housing.

Source: American Electronics Association, More Information:

<https://www.multihousingnews.com/how-rent-control-reduces-the-affordable-supply/>

## **Vacancy Decontrol Protects Fixed Income Residents**

Vacancy Decontrol protects those with lower income who most need it by allowing owners to charge new buyers more money. The new buyers, like Mary, can afford more than those who have been there awhile and paid less. With Vacancy Decontrol, the owners, are less likely to do a fair return hearing and get \$140 more from each space.

Another real-life example is with my renters and Vacancy Decontrol. The people living in #2 paid below market rent for 10 years because with Vacancy Decontrol, I could charge more to new renters to cover the increasing costs. The new renters could afford the increase more than the long-term renters. If there was Vacancy Control, #2 would have been increased the maximum amount every year and paid market rent within 5 years. Because of Vacancy Decontrol, they paid less than 72% of market rent.

## **Vacancy Decontrol Preserves Mobilehome Park Housing**

How long will mobilehome parks remain more “affordable” without Vacancy Decontrol? Overly restrictive ordinances, like Vacancy Control, do not allow for real market conditions. The result will be either the loss of good park operators to faceless corporations that maximize profits or park closures.

**From:** [Sabyl Landrum](#)  
**To:** [Nguyen, Mindy](#)  
**Cc:** [Tristia Bauman](#); [Nuemi Guzman](#)  
**Subject:** Public Comment mobile home rent ordinance meeting 12/11/2025  
**Date:** Thursday, December 11, 2025 11:58:57 AM  
**Attachments:** [Outlook-ssf4la1o.png](#)

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You don't often get email from [sabyl.landrum@lawfoundation.org](mailto:sabyl.landrum@lawfoundation.org). [Learn why this is important](#)

Good Morning,

I write to make comment in regard to proposed ordinance changes to SJMC 17.22

These proposed changes were made without engaging the impacted community and I want to express concern over both the process and potential unintended consequences to these changes.

Mobile homes are a lifeline to families seeking both affordable housing options and home ownership. But because "mobile" is not an accurate descriptor of this housing, and relocating mobile homes is in reality not an option for most households or homes, the leaseholds attached to mobile home residencies place residents in a position of vulnerability.

San Jose has more mobile home communities than any other city in California.

Any change to these ordinances poses a risk of either displacing households or causing households to lose wealth and equity that they worked hard to build and maintain. The impact of even allowing an exception to rent increase ordinances on sale of a mobile home means the value of those mobile homes will decrease, and households will lose equity, impacting their housing stability moving forward.

We strongly encourage the city to take a step back, engage impacted communities, and reevaluate the impact of these changes before proceeding with changes to this ordinance.

**Sabyl Landrum** | she/her

Supervising Attorney | Housing

  
**Law Foundation** OF SILICON VALLEY  
[sabyl.landrum@lawfoundation.org](mailto:sabyl.landrum@lawfoundation.org) | p 408.380.2192  
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December 10, 2025

Sent via electronic mail

Dear HCDC Chair Navarro, and Commissioners,

I am writing to share my perspective regarding the proposed amendments to the Mobilehome Rent Ordinance (MRO). Given the significance of some of these changes and the lack of information and clarity, I am urging you to **recommend against** the changes to the decontrol process and the limited specified capital improvement pass through.

---

**There is No Evidence or Analysis to Demonstrate that Changes to the Decontrol Process Are Needed or That They Serve a Public Purpose**

The December 4 staff memorandum does not identify the specific problem this proposal seeks to address or how it aligns with the priorities outlined in the memorandum. Subsequent communications from the Director attempt to clarify the rationale. In his December 3 email, the Director described the proposal as “*a release valve for mobile home park owners to capture additional revenue with no impacts on any current tenant rents.*” In a letter dated December 10 to the GSMOL, he further stated that the change is needed because of:

1. **Deferred infrastructure investment and increase capital needs.** Staff has provided no assessment of the conditions of San Jose’s mobilehome communities, their infrastructure, or their capital needs. Nor has the Housing Department provided analysis demonstrating whether a 10% increase at vacancy would generate meaningful revenue to address such needs.
2. **Administrative Burden Associated with Fair Return Petitions.** The MRO already includes a fair return mechanism and places the burden of proof on owners to demonstrate need. Only one of the two petitions referenced in the Director’s letter is publicly available on the Housing Department’s website, and in that case, the requested increase was denied — indicating that the park was already receiving a fair return. If a significant number of successful petitions demonstrated that owners could not receive a fair return under current rules, policy adjustments might be warranted. The current record does not support this.
3. **Assertion that San José’s Has One of the Strictest Ordinances.** Owner revenue under rent stabilizations programs depends on two elements:
  - (1) allowable annual increases, and
  - (2) vacancy control/decontrol provisions.

**Annual Rent Increases:** Based on the MHPHOA data referenced by staff:



- **45 jurisdictions** have **more restrictive annual increases** than San José, largely because they do not provide a guaranteed floor.
- **16 are less restrictive** and provide a greater annual increase.
- 26 require further analysis because they allow a 100% of the CPI but the cap is lower than 7%.

Because annual rent increases generate the largest share of owner revenue, San José's 3% floor makes its ordinance less restrictive than many jurisdictions.

**Vacancy Control/Decontrol Provisions.** Reviewing the Vacancy Decontrol Provisions:

- 31 jurisdictions do not allow any vacancy decontrol (stricter than San José).
- 39 jurisdictions allow greater increase than San José.
- 29 allows some level of decontrol but lack clear definitions.

To accurately assess strictness, both components must be considered together. San José already provides comparatively strong annual rent growth; it is not clear why an additional 10% decontrol increase is needed.

### **Rent Increases Allowed in the Low-Income Housing Program Are Not Comparable**

In the December 3 email, the Director states: *“in all other rent restricted housing, such as the federal and the state Low Income Housing Tax Credits Programs (LIHTC), rents rise on an annual basis of 5%. Under the mobile home park ordinance rent rises on an annual basis are limited to 3%, therefore, there is inherently inconsistency across affordable housing programs.”*

However, the LITC program and the MRO serve fundamentally different populations and operate under different financial structures. Mobilehome residents may carry mortgages, pay taxes, fund repairs, and absorb all maintenance costs for their homes. LIHTC tenants do not bear these obligations; they pay rent and utilities.

Because the financial responsibilities and risks to residents are not comparable, the LIHTC rent adjustment structure does not provide a meaningful justification for changing the mobilehome vacancy control provision. The two programs are not analogous, and using LIHTC as a benchmark does not support the proposed policy change.

### **Capital Improvement Rationale Requires Supporting Data**

If the proposal is intended to support capital improvements, staff should provide information demonstrating both the need and whether the proposed 10% increase would meaningfully address it. The Housing Department's 2017 evaluation of the MobileHome Opt-In program concluded that modest vacancy increases would not resolve deferred maintenance in older parks and that larger parks were already well maintained. Without updated data or analysis for the current proposal, it is unclear if a 10% would help address capital improvement needs or simply provide mobilehome park owners with a greater financial return.

To evaluate this proposal, staff should provide:

- A clear explanation of the problem this proposal seeks to solve and how it balances both resident and owner interests
- If the goal is to generate maintenance revenue:
  - an assessment of the current condition of mobilehome communities to establish need,
  - revenue projections based on turnover rates, and
  - an evaluation of whether projected revenue would materially support and sustain needed improvements

This information and analysis are necessary to determine whether the proposed solution is solving the identified problem.

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### **Specified Capital Improvement Petitions Process Lacks Sufficient Detail**

This amendment lacks a clearly stated policy objective, and it remains unclear how “added benefit to residents” will be defined or applied. The Director’s December 3 email refers to an “objective factor test applied by the Housing Department,” but this test has not been shared publicly. The December 10 letter to the GSMOL offers some additional explanation, but it introduces new elements, such as a petition process involving a Hearing Officer who would determine whether an improvement provides safety or energy benefits. As a result, it is difficult to reconcile exactly how the process will work.

To increase clarity and predictability, staff should publish a single memorandum outlining the full program and how it will be implemented. The public should not be required to interpret multiple emails or letters to understand the proposal. At a minimum, the memorandum should include:

- What problem this change intends to resolve and how it supports MRO goals
- Publication of the “objective factor test” or language that defines an “added benefit to resident.”
- A complete description of how it will be implemented
- Duration of the 3% adjustment, with an example illustrating how it would be applied

When a similar proposal from the mobilehome owners was presented to the City in 2017, additional considerations were identified and may still be relevant:

- Residents income levels and ability to absorb capital improvement pass-throughs. In 2014, it was determined that 58% of mobilehome parks households were likely to be very low-income (VLI), and that 76% of the City’s VLI households were cost-burdened. This analysis could be updated. (Community and Economic Development Committee Memorandum, November 16, 2017)
- Possibility of establishing a Resident assistance program. In 2017, some park owners expressed a willingness to establish a program for residents who could not afford the increases.

Providing this information in a clear, consolidated format would improve transparency and allow residents, owners, and policymakers to better understand the rationale, impacts, and feasibility of the proposed amendment.

---

## Other Considerations

- Is the registration dataset complete, or should fields such as sale price be added?
- Will residents retain access to judicial review after exhausting the Director appeal process?

And finally, when will the draft redlined versions of the ordinance or regulatory amendments be released for public review, how long will they be available for comment, and what outreach plan will be conducted?

---

In summary, the staff memorandum does not provide sufficient information to fully understand the proposed changes. Given the scope and implications of these changes, and the information provided to date by the Housing Department, I urge you to recommend **against** the proposed specific capital improvement petitions.

Finally, in his December 4 email, the Director acknowledged that the Department does not have access to key data, including rent schedules and unit-level tracking. This information is necessary to support changes to vacancy decontrol. Therefore, I also urge you to recommend **against** the proposed changes to the decontrol process for mobilehome transfers. Staff should return at a future date, once the data systems are in place and the required analysis has been completed to assess the need and potential impacts of such changes.

Thank you for your work on this important issue and for considering these recommendations.

Respectfully submitted,

Jacky Morales-Ferrand

## Public Comments received during/post meeting

**From:** [Martha O'Connell](#)  
**To:** [Nguyen, Mindy](#); [martha O'Connell](#)  
**Subject:** Re: Stanton email of 12-11-25  
**Date:** Thursday, December 11, 2025 10:21:51 PM

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ps  
that means please send to all Commissioners

If you are neutral in situations of injustice, you have chosen the side of the oppressor. If an elephant has its foot on the tail of a mouse and you say that you are neutral, the mouse will not appreciate your neutrality. – Desmond Tutu

On Thu, Dec 11, 2025 at 8:52 PM Martha O'Connell [REDACTED] wrote:

Attorney Bruce Stanton has given permission for this email to be given to HCDC

All:

In response to the surprisingly strident letter issued by Mr. Solivan of same date to my December 10th letter on behalf of GSMOL, I would emphasize the following:

1. We can debate till the cows come home the amount of equity loss a homeowner might receive from a 10% transfer rent increase. But what is not up for debate is that there will undeniably be some negative effect. To say otherwise shows no understanding of the mobilehome industry or resale market.
2. There is no evidence that MNOI is not working. There have been perhaps a total of three fair return petitions filed in San Jose during the last 10-12 years. I represented the residents in 2 of them. Only one included a capital improvement expense claim.
3. Enforcement will be a huge otherwise; it is naive and short-sighted to say otherwise. Relying upon "owner reporting" without proper investigation, and upon the good will of park owners to properly track the data is presumptuous at best. Many questions remain re: how sellers and their professionals would have access to the data, know their rights, and what happens if a park owner seeks to violate the "one-time" increase provision? Is the City prepared to enforce that Ordinance provision?
4. With respect to the response to the litigation concern, Mr. Solivan claims that my decades of experience dealing with this very real statute of limitations issue, which many City Attorneys have confronted and analyzed, is "inaccurate". I would respectfully and vigorously disagree, and doubt that Mr. Solivan has done any actual research into the issue. A number of Cities have actually been advised by their Attorney not to open any part of

their ordinance, else a facial attack potential would be revived. For many years San Jose has been able to rely upon the 2-year statute of limitations bar to protect the mobilehome ordinance from a facial attack, ever since a facial attack by Mobileparks Westpark failed in the 1990s. Opening any Ordinance provision could revive that possibility. The fact that no one has ever challenged other ordinances that have been amended does not mean there is no risk. I posed this very question to a very knowledgeable law firm in San Francisco who represents local jurisdictions in connection with rent control issues and challenges. I worked with attorney Fran Layton on the U. S. Supreme Court case of Yee v. City of Escondido in 1990. She is an acknowledged expert in the field. Her response, as seen from the attached email, is that any provision which is amended could indeed be subject to a facial attack without protection of the statute of limitations. The City shall certainly need to rely upon the opinion and advice of its own Attorneys. But dismissing the risk as "inaccurate" without full analysis of the prevailing case law from knowledgeable legal professionals, and careful consideration, is not only dangerous, but reckless. A proper review of case law shall confirm that.

5. It is hard to reconcile the representation that infrastructure is failing in many San Jose parks, prompting a need for a separate capital improvement pass through procedure, and then turning around and saying that such petitions "tend to be infrequent". If the need is truly present as alleged, then we can expect the opposite of infrequency. It is MNOI petitions that are infrequent, because they require park owners to open their books.

Mr. Solivan is welcome to disagree with me, but I take great offense to being accused by him, a non-practicing attorney with no apparent experience in my field of specialty, of peddling inaccuracies.

Bruce E. Stanton, Esq.  
Law Offices of Bruce E. Stanton  
10556 Combie Road, Suite 6727 Auburn, CA 95602  
Telephone: (408) 691-9692  
[REDACTED]

If you are neutral in situations of injustice, you have chosen the side of the oppressor. If an elephant has its foot on the tail of a mouse and you say that you are neutral, the mouse will not appreciate your neutrality. – Desmond Tutu

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**Nguyen, Mindy**

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**From:** Marian Fricano <[REDACTED]@sanjoseca.gov>  
**Sent:** Wednesday, December 17, 2025 5:29 PM  
**To:** Nguyen, Mindy  
**Cc:** Martha O'Connell  
**Subject:** Strong Opposition to the Amendments, Agenda Item VII.A

**Follow Up Flag:** Follow up  
**Flag Status:** Flagged

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Dear Members of the Housing and Community Development Commission

## **Strong Opposition to the Amendments, Agenda Item VII.A**

As I am sure we are all aware, families In San Jose are being priced out of our region due to unstable and rising rent costs. Mobile Home communities are one of the last bastions of affordable housing, stability, and opportunity for working families with children. When these protections are weakened, families are forced out, children lose consistency in their education, and our broader community suffers.

Additionally, Mobile homes offer affordable living that homeowners maintain independently, at no cost to the City of San Jose. Park management is supposed to keep a percentage of profits to maintain the infrastructure of each park.

I am in complete support of the concerns and recommendations raised by GSMOL (Golden State Manufactured-Home Owners League), the main organization representing mobilehome residents throughout California, and by the dedicated advocacy of Martha O'Connell, a leading voice for resident protections in San José. Their early alert and leadership have helped educate and mobilize our community around the urgent threat posed by these proposed amendments.

This mobile home ordinance must remain unchanged to keep families in place and ensure a stable future for our schools and our city.

Marian Ericano



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