

Mobile home residents win rent hike battle

Residents of a Seacliff mobile home park will not have to pay a rent increase or face eviction as a result of a recent decision by a Santa Cruz County Superior Court judge.

Sixty-nine residents of the Seacliff Mobile Home Park had sued the owners over a rent hike which they said violated a county rent-control ordinance for mobile home parks.

At issue were whether the owners could impose the rent hike when they did; and whether the rent increase was allowed for past utility costs which had just come to light.

The judge said "no" to both of these issues on Friday.

In explaining his decision, Judge Harry Brauer noted that the county rent-control ordinance specifically states that no rent increases are allowed until the "anniversary date" arrives. The ordinance states that any day can be designated the anniversary

date so long as it falls at least one year from the date the rental contract between owner and tenant is signed.

The other point of contention was whether or not the owners are allowed to recoup the losses for their increased costs in the months prior to the anniversary date. The judge found against the owners on this point, as well.

"The ordinance was set up in such a way that the owner cannot set up rent increases on a retroactive basis," said attorney James Rumble, who filed on behalf of the tenants. All of the disputed rent increase — about \$67.34 per tenant — will be returned, he said.

(Residents had been placing a portion of the \$28 rent increase into a trust account until the issue was resolved in court.)

Rumble termed the ruling a "victory" and

said, "It took a lot for the tenants to challenge this, and they were rewarded."

He expressed surprise at the handling of the owners' case because he expected them to challenge the law on its face. However, the ordinance was never questioned so its validity was not an issue in the suit.

The rent increase was imposed in May after the park owners realized they had been under-charging some tenants on utility costs. Until individual utility meters were installed last year, the park owners had been estimating their utility costs to tenants across the board. However, when individual meters were in place, it became apparent that some tenants had been using more electricity than the average share. As a result, everyone was charged for retroactive utility costs.

While the suit was signed by only 69 of the 101 tenants the ruling will apply to every tenant in the park.