

II. DUE PROCESS AND EQUAL PROTECTION CLAIMS

Rancho's due process and equal protection claims rest on the same grounds—that Snowden's rejection of its application was arbitrary.

Here, Rancho's theory of its due process claim—that "it is not possible to exploit a tenant unless and until the rent is above market"—relates to conduct squarely covered by the *Takings Clause*. Such an overlapping theory dooms the substantive due process claim. See *Colony Cove Properties, LLC v. City Of Carson*, 640 F.3d 948, 960 (9th Cir. 2011) (holding that *HN15* a due process claim was "subsumed by the *Takings Clause*" where a plaintiff sought a rental rate increase that would give it a fair return on its investment). Although *Lingle* left open the possibility of an independent claim where "a [property] regulation that fails to serve any legitimate governmental objective may be so arbitrary or irrational that it runs afoul of the *Due Process Clause*," 544 U.S. at 542, we later clarified that *HN16* "the [*21] *Fifth Amendment* . . . preclude[s] a due process challenge . . . if the alleged conduct is actually covered by the *Takings Clause*." *Crown Point Dev., Inc. v. City of Sun Valley*, 506 F.3d 851, 855 (9th Cir. 2007). Here, the alleged conduct is covered by the *Takings Clause*.

HN17 We evaluate Rancho's "equal protection challenge . . . under rational basis review because mobile [] home park owners are not a suspect class." *Equity Lifestyle Properties, Inc. v. Cnty. of San Luis Obispo*, 548 F.3d 1184, 1195 (9th Cir. 2008). Accordingly, "[u]nder rational-basis review, where a group possesses distinguishing characteristics relevant to interests the State has the authority to implement, a State's decision to act on the basis of those differences does not give rise to a constitutional violation." *Id.*

Here, as in *Equity Lifestyle*, the ordinance articulates just such distinguishing characteristics, including the potential hardship posed by rent increases and the fact that mobile home park residents "are in a unique position in that they have made a substantial investment in a residence for which space is rented or leased" and the associated relocation costs. See Ordinance 644 § 2.22.010.B; *Guggenheim*, 638 F.3d at 1123 (noting that *HN18* this court is "bound by precedent establishing that such laws do have a rational basis"). Rancho offers no legitimate claim that Snowden's decision was politically motivated or otherwise arbitrary. We therefore affirm the district court's dismissal [*22] of Rancho's due process and equal protection claims.

CONCLUSION

We affirm the district court's dismissal of Rancho's claims, albeit on slightly different grounds.

AFFIRMED.