

RENTAL HOUSING COMMITTEE
RESOLUTION NO. RHC -
SERIES 2021

A RESOLUTION OF THE RENTAL HOUSING COMMITTEE OF MOUNTAIN VIEW
ADOPTING REGULATIONS CHAPTER 4, 5, 6, AND 11
OF THE MOBILE HOME RENT STABILIZATION ORDINANCNE (MHRSO)

WHEREAS, MHRSO sections 46.9 and 46.10c authorize the Rental Housing Committee to establish rules and regulations for administration and enforcement of the MHRSO, and

WHEREAS, the Rental Housing Committee has held a publicly noticed meeting on November 15, 2021, and solicited input regarding the regulations for Registration, the Petition Process, the Hearing Process, and Notice of MHRSO, Exemptions,& Rent Roll Back; and

NOW, THEREFORE, BE IT RESOLVED by the Rental Housing Committee that the following Regulations are hereby adopted:

Chapter 4 – Registration, as set forth in Exhibit A

Chapter 5 – Petition Process, as set forth in Exhibit B

Chapter 6 – Hearing Process, as set forth in Exhibit C

Chapter 11 – MHRSO Notice& Rent Roll Back, as set forth in Exhibit D

Mobile Home Rent Stabilization Ordinance

**CHAPTER 4
REGISTRATION****A. Purpose.**

The purpose of this Chapter 4 is to enable the Rental Housing Committee (RHC) to implement the provisions of the Mobile Home Rent Stabilization Ordinance (MHRSO) in an efficient and effective manner by creating a complete database of Covered Units, provide economical and efficient communications with Mobile Home Park Owners and Mobile Home Landlords, provide online tools and resources for efficient, accurate, and reliable functioning of the MHRSO program, and to create a database for efficient and timely collection and prompt processing and analyzing of rental space and property data.

B. Registration.

1. Annual Registration Required. A Park Owner or Mobile Home Landlord must register every Mobile Home Space or Mobile Home in a Mobile Home Park annually by February 1 of each year. Registration is complete only when all information required in the RHC online registration database or pursuant to the RHC registration forms has been submitted.
2. Exempt Rental Units. A Park Owner or Mobile Home Landlord shall provide information with the annual registration on the basis for any Mobile Home or Mobile Home Space being exempt from the MHRSO. In the event that a Mobile Home or Mobile Home Space that was exempt from the MHRSO becomes governed by the MHRSO, the Park Owner or Mobile Home Landlord must update the registration for the Mobile Home or Mobile Home Space within thirty (30) days after the exemption ends.
3. Change in Tenancy. A Park Owner or Mobile Home Landlord must update the registration for any covered Mobile Home or Mobile Home Space within thirty (30) days of the termination of any Tenancy or the commencement of a new Tenancy, including providing the new rental rate when a Tenancy commences.
4. Change in Ownership/Management Information. A Park Owner or Mobile Home Landlord must file a registration amendment within thirty (30) days of

a change in a Mobile Home or Mobile Home Park ownership or management, or a change in the owner's or manager's contact information.

C. **Method of Registration.**

Park Owners and Mobile Home Landlords may register covered Mobile Homes or Mobile Home Spaces either online or by completing and submitting registration forms prepared by the RHC Program Staff. All information provided by Park Owners and Mobile Home Landlords will be entered into the RHC database and will be available as a public document except to the extent that any information would violate any individuals right to privacy.

D. **Deadline for Submission of Registration Form and Fee.**

Park Owners and Mobile Home Landlords shall complete the initial registration either online or by submission of registration forms no later than February 1, 2022, provided, however, that failure to complete registration by February 1, 2022 shall not be considered substantial noncompliance with the MHRSO unless such failure continues after March 1, 2022.

E. **Noncompliance.**

Failure to complete the registration process for all Mobile Homes and Mobile Home Spaces shall be deemed to be substantial noncompliance with the MHRSO.

Mobile Home Rent Stabilization Ordinance
Petition Regulations

CHAPTER 5
PETITION PROCESS

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A. Petition Purpose

1. Any Park Owner, Mobile Home Landlord, Mobile Home Owner, Mobile Home Tenant, group of Owners or Tenants, or an authorized representative, who seeks an Individual Rent Adjustment (e.g., an increase or decrease in Rent for one or more Mobile Homes or Mobile Home Spaces) must file a Petition for an Individual Rent Adjustment under this Chapter on a form provided by the Rental Housing Committee.
2. A Petition may request an Individual Rent Adjustment for one or more Mobile Homes or Mobile Home Spaces as long as all of the Mobile Homes or Mobile Home Spaces are located in the Mobile Home Park.

B. Authority to File a Petition

A Petition for an Individual Rent Adjustment may be filed by a Park Owner, Mobile Home Landlord, Mobile Home Owner, Mobile Home Tenant, group of Owners or Tenants of one or more Mobile Home Spaces or Mobile Homes that are subject to the MHRSO, or by an authorized representative of a party eligible to file a Petition.

1. Representation or Assistance to File a Petition. Any party eligible to file a Petition may seek the assistance of or representation by an attorney or any other person or organization designated by the party.
2. Required Documentation of Authorization. To be recognized as an authorized representative of a party filing a Petition, the representative must file an official authorization form provided by the Rental Housing Committee that is signed by each party seeking representation and expressly authorizing the representative to act on behalf of the party with respect to the Petition. The same form may provide continued authorization during a Hearing and/or an appeal that results from the Petition. If the party filing a petition is a group of Mobile Home Owners or Mobile Home Tenants, then an authorized representative will be authorized to represent only those Mobile Home Owners or Mobile Home Tenants who sign and expressly authorize the representative to act on their behalf.

C. Petition Forms

1. Form Required. Any Petitioner seeking an Individual Rent Adjustment under this chapter must do so on a form provided by the Rental Housing Committee, with supporting documentation as described in Section D.

2. Incomplete Petition Forms. Receipt of a Petition does not mean the Petition has been accepted by the Rental Housing Committee, or its designee. Petitions must meet the requirements set forth in this chapter prior to acceptance. A Petition submitted for an Individual Rent Adjustment will not be accepted if the Petition is illegible, incomprehensible, erroneously completed, or substantially incomplete. Submitted Petitions that are not accepted will be returned to the Petitioner and no further action will be taken.

D. Petition Requirements: All Petitions

1. Documentary Evidence. Petitioner must provide copies of all documentary evidence that Petitioner expects to present at the hearing. Such copies must be clear, legible, easily readable, and organized by category, following the organization of the petition format.
2. Witness List. Petitioner must include a witness list and provide the name, address, and subject matter(s) of testimony of any person the Petitioner expects to testify on behalf of the Petitioner.
3. Disclosure of Intended Expert Testimony. If the Petitioner intends to call an expert witness to offer an expert opinion at the hearing, Petitioner must provide the name of each expert witness and must also include a brief narrative statement setting forth the qualifications of the expert and the general substance of the expected expert testimony. If an expert witness report will be submitted at the hearing (e.g., an economic analysis, property appraisal, or property inspection report), one copy of the report must be submitted either together with the Petition or at least ten (10) business days prior to the hearing. Petitioner shall provide proof of delivery of a copy of the report to all other Parties to the Petition with their submission of the report.
4. Proof of Notice. Petitioner must provide proof of delivery of copies of the Petition and all attachments to the Petition to opposing party with submission of Petition, as described in Section I.
5. If any of the documents listed in Section E, F, G, or H exist but are not readily available, then the Petitioner must identify the document to the greatest extent feasible and explain why the document cannot be obtained by Petitioner via ordinary means.
6. Respondent's Duties. The Hearing Officer will determine the Respondent's duties and deadlines to produce documentary evidence, provide a witness list, and disclose intended expert testimony at the Prehearing Conference provided for in Section 5(c) of Chapter 6 of these MHRSO Regulations.

E. Petition Requirements: Downward Rent Adjustment—Failure to Maintain Habitable Premises

A Petition for an Individual Rent Adjustment that would reduce Rent based on an alleged failure to maintain habitable premises must include:

1. City Report. If available, a copy of any relevant City code inspection report from the City of Mountain View department responsible for the residential rental inspection program or the California Department of Housing and Community Development, as applicable;
2. Valuation. Petitioner’s determination of the estimated value of the failure to maintain habitable premises, including the basis for any such determination;
3. Dates. The dates when the failure began and ended, if applicable;
4. Agreement. A copy of the Mobile Home Rental Agreement or Space Rental Agreement, if available; and
5. Rents. The amount of the Base Rent and Current Rent.
6. Notice to Park Owner or Landlord. Mobile Home Owner or Mobile Home Tenant must demonstrate that the Park Owner or Mobile Home Landlord was provided with reasonable notice (by providing proof of written notice) and opportunity to correct the conditions that form the basis of this petition.

F. Petition Requirements: Downward Rent Adjustment—Reduction or Elimination of Communal Facilities or Housing Services or Maintenance

A Petition for an Individual Rent Adjustment that would reduce Rent based on an alleged reduction or elimination of Communal Facilities or Housing Services, including maintenance, must include:

1. Explanation. A statement setting forth the nature of the decrease in Communal Facilities or Housing Services or failure of maintenance for which the downward adjustment is sought and the date on which the Park Owner or Mobile Home Landlord was given notice of the conditions or problems, or the time frame in which the Park Owner or Mobile Home Landlord had knowledge or should have had knowledge of the conditions or problems, providing the basis for the petition;

2. Notice to Park Owner or Mobile Home Landlord. Mobile Home Owner or Mobile Home Tenant must demonstrate that the Park Owner or Mobile Home Landlord was provided with reasonable notice (by providing proof of written notice) and opportunity to correct the conditions that form the basis of this petition;
3. Valuation. Petitioner's determination of the estimated value of the decrease in Communal Facilities or Housing Services or failure to maintain the premises including the basis for such determination;
4. Dates. The dates when the decrease in Communal Facilities or Housing Services or failure to maintain the premises began and ended, if applicable;
5. Agreement. A copy of the Mobile Home Rental Agreement or Space Rental Agreement, if available; and
6. Rents. The amount of the Base Rent and Current Rent.

G. Petition Requirements: Downward Rent Adjustment – Unlawful Rent

A Petition for an Individual Rent Adjustment that would reduce Rent based on the alleged collection of unlawful Rents must include:

1. Itemization of Payments. An itemization of each payment to the Park Owner or Mobile Home Landlord that includes excessive or unlawful rents. Each itemization should identify each of the following:
 - a. the approximate date of payment and the dates for which the payment was applicable;
 - b. the form of payment (e.g., cash, electronic funds transfer, goods, or services);
 - c. the Park Owner or Mobile Home Landlord to whom the Payment was made (e.g., current or previous Park Owner or Mobile Home Landlord); and
 - d. the alleged amount of overpayment.

2. Documentation of Payments. Copies of all receipts, cancelled checks, or similar documentation available to the Petitioner to establish the alleged payment and acceptance of unlawful Rent by the Park Owner or Mobile Home Landlord.
3. Other Occupants. The name(s) and contact information (current address, e-mail address, and telephone number, if available) of each person(s) who lived in the Mobile Home during the period(s) in which unlawful Rents were accepted by the Park Owner or Mobile Home Landlord.
4. Agreements. A copy of each Mobile Home Rental Agreement or Space Rental Agreement, if available, and any other written agreement between the Park Owner or Mobile Home Landlord and the Mobile Home Owner or Mobile Home Tenant(s) related to the Rent and/or the Mobile Home Space or Mobile Home that was in effect during the period(s) in which unlawful Rents were accepted by the Park Owner or Mobile Home Landlord (including a security deposit, finder's fee, broker's fee, or other agreement, or contract for services in lieu of all or a portion of Rent).
5. Notices; Other Documents. A copy of each notice altering the amount of Rent due for the Mobile Home Space or Mobile Home and any other document, or correspondence that is relevant to the Petition.

H. Petition Requirements: Upward Rent Adjustment – Fair Rate of Return

A Petition for an Individual Upward Rent Adjustment shall include relevant evidence necessary to support each claim raised in the Petition, as described in the Petition form. Relevant evidence for individual claims that may be raised through an Upward Rent Adjustment Petition may include:

1. The requested Rent increase for each Mobile Home Space or Mobile Home;
2. The proposed effective date of Rent increase;
3. A description of the facilities on the property, including the number of Mobile Home Spaces and/or Mobile Homes, number of bedrooms and bathrooms for each Mobile Home if the Petition relates to a Mobile Home, and an explanation of relevant Communal Facilities and Housing Services;
4. A description of the allocation of utility costs;
5. The purchase date and purchase price;

6. A Rent roll identifying current Rents received as well as any other fees or charges received from Mobile Home Owners or Mobile Home Tenants itemized by Space or Mobile Home;
7. Documentation of Base Year and Petition Year Operating Expenses, sorted by category, and labeled in order to enable prompt location of any expense documents;
8. Income and expense summaries for three (3) years preceding the Petition;
9. A description and documentation of property tax increases or decreases or similar taxes and fees for Base Year and Petition Year;
10. A description and documentation of unavoidable increases and/or decreases in Maintenance Costs and Operating Expenses;
11. The cost of planned or completed Capital Improvements to the Mobile Home Park or any Mobile Home (as distinguished from ordinary repair, replacement, and maintenance), but only where such Capital Improvements are necessary to bring the Property into compliance or maintain compliance with applicable local or state codes affecting health and safety, and where such Capital Improvement costs are amortized over the life of the improvements as defined under the MHRSO and implementing Regulations;
12. A description and documentation of increases or decreases in the number of tenants occupying the Mobile Home, living space, furniture, furnishing, equipment, or other Housing Services provided, or occupancy rules to which the Petition applies;
13. A description and documentation of any substantial deterioration of the Mobile Home Park or Mobile Home other than that resulting from normal wear and tear;
14. Confirmation that the Park Owner or Mobile Home Landlord provides adequate Communal Facilities and/or Housing Services, and substantially complies with applicable State rental housing laws, State codes related to Mobile Home Parks, local housing codes, health and safety codes, and the Space Rental Agreement or Mobile Home Rental Agreement;
15. A description of Rent increases or decreases per Mobile Home Space or Mobile Home during the occupancy of the current Tenant for each Mobile Home Space or Mobile Home to which the Petition applies; and

16. Any additional explanation relevant to justify the Petition (including any expert documentation prepared in support of the Petition).

I. Petitioner Notice of Submission

Upon submitting a Petition to the Rental Housing Committee or its designee, the Petitioner must provide a copy of the Petition form described in Section C and an informational notice form produced by the Rental Housing Committee or its designee to any party that would be affected by the Petition.

1. Upward Adjustment Petition. A Park Owner or Mobile Home Landlord must provide notice to a Mobile Home Owner or Mobile Home Tenant, respectively, of each Mobile Home Space or Mobile Home, respectively, to which the Petition applies at the address of each affected Mobile Home Space or Mobile Home.
2. Downward Adjustment Petition. A Mobile Home Owner or Mobile Home Tenant must provide notice to the Park Owner or Mobile Home Landlord of the Mobile Home Space or Mobile Home, respectively, to which the Petition applies at the address of lessor in Space Rental Agreement or Mobile Home Rental Agreement, if any, or at the address of an authorized property manager, or any other person entitled to receive rent, if any, or at the address where rent is typically delivered.

J. Consolidation of Petitions

At the sole discretion of the Rental Housing Committee, or its designee, any Petition may be consolidated with any other Petition related to the: (1) same Mobile Home Space or Mobile Home; or (2) one or more other Mobile Home Space(s) or Mobile Home(s) located in the same Mobile Home Park as the Mobile Home Space or Mobile Home, in so far as the Mobile Home Space(s) or Mobile Home(s) are under the common ownership and/or control of the same Park Owner or Mobile Home Landlord.

K. Petition Response

1. Right to Respond. A party to a Petition, or that party's authorized representative, may submit a response to a Petition.
2. Acceptance of Response. The Rental Housing Committee or its designee will accept one response from each party to a Petition entitled to respond if received within thirty (30) days of the acceptance of a Petition for an Individual Rent

Adjustment. All other responses will be accepted at the sole discretion of the Rental Housing Committee, or its designee.

3. Failure to Respond. A failure to respond by a party to a Petition does not waive that party's right to appear and present evidence at a hearing before a Hearing Officer or the Rental Housing Committee.
4. Park Owner or Mobile Home Landlord Acknowledgement and Correction of Condition. If a Park Owner or Mobile Home Landlord responds to a Petition for an Individual Rent Adjustment that would reduce Rent with any of the following, then the Rental Housing Committee or its designee may dismiss the Petition upon verification of items a. through c., as applicable, by the Petitioner:
 - a. an affirmative acknowledgement of the condition underlying the Petition (e.g., inhabitable premises, reduced or eliminated Communal Facilities, Housing Services or maintenance, or receipt of unlawful rents);
 - b. proof of correction of the underlying condition (e.g., correction of condition or return of unlawful rent); and
 - c. compensation for period of underlying condition, if applicable.

L. Acceptance of Petition for Upward Rent Adjustment – Fair Rate of Return

1. Acceptance Prohibited. The Rental Housing Committee or its designee cannot accept a Petition for Individual Rent Adjustment to increase Rent in any of the following circumstances:
 - a. A Rental Space Fee or penalty for the Property is due and owing.
 - b. The submitted Petition is incomplete or lacks required documentation.
 - c. The Mobile Home Park, Mobile Home Space, or Mobile Home is subject to an uncorrected citation or notice of a violation of any State or local housing, health, or safety laws as issued by a government official or agency.
 - d. A previously filed Petition by the petitioner involving the same Mobile Home Space, Mobile Home or Property is presently pending before a Hearing Officer or the Rental Housing Committee. In this instance, the Petitioner may amend a previously accepted Petition so long as the

amendment to the Petition includes a request for an extension of any applicable time limits to review the original Petition.

- e. A Petition for Upward Adjustment of Rent involving the same Mobile Home Space or Mobile Home was decided within twelve (12) months of the submission, unless the conditions set forth in Section M exist.
 - f. A final Rental Housing Committee decision on an appeal of a Petition for Upward Adjustment of Rent is currently pending before a court of competent jurisdiction, unless the conditions set forth in Section M exist.
 - g. If the Petition is a Petition for Upward Adjustment of Rent filed by a Mobile Home Park Owner or a Mobile Home Landlord, if the Mobile Home Space or Mobile Home is not registered with the RHC as required by Chapter 4.
2. The Rental Housing Committee or its designee will notify Petitioner in writing within thirty (30) days of submission if the Petition is accepted or not accepted, and if not accepted provide an explanation why the Petition was not accepted, including an explanation of any information and/or documentation needed to complete the petition.

M. Acceptance of Petitions: Dismissal Prohibited

Notwithstanding any other provision of these Regulations, a Petition for Individual Rent Adjustment will not be dismissed if any of the following circumstances exists:

1. The grounds upon which the Petitioner seeks an Individual Rent Adjustment could not have been raised at the prior hearing (if applicable);
2. Currently available evidence that supports an Individual Rent Adjustment was not available for good reason at the time of a prior hearing;
3. An Individual Rent Adjustment was not sought and could not have applied to the particular Mobile Home Space(s) or Mobile Home(s) to which the Petition applies; or
4. The Rental Housing Committee or its designee has explicitly stated in a prior written decision that the prohibition against filing a Petition within 12 months of adjudication will not apply to the Petitioner.

N. Prehearing Settlement Conference

1. Prior to a hearing regarding a Petition for an Individual Rent Adjustment, a voluntary prehearing settlement conference may be scheduled with a Settlement Conference Facilitator.
2. The purpose of the settlement conference is to provide an expeditious mechanism for the parties to resolve their differences informally, with the assistance of a skilled intermediary.
3. No record shall be made of any act, statement, or occurrence during the prehearing settlement conference.
4. Any settlement agreement entered into through the prehearing settlement conference will be a private record not subject to public disclosure, unless it involves a voluntary buyout of the Mobile Home Owner or Mobile Home Tenant. In that case, the Parties must comply with the reporting requirements in Chapter 12 of these MHRSO Regulations;
5. If the parties fail to reach an agreement on any issue underlying a Petition for Individual Rent Adjustment, the unresolved underlying issue(s) will be set for hearing.

Mobile Home Rent Stabilization Ordinance
Hearing Procedure Regulations

CHAPTER 6
HEARING PROCEDURE

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A. Hearing Purpose; Applicability

1. Hearing Purpose.

A Hearing Officer will conduct an administrative Hearing to resolve the issues raised by a Petition. In accordance with the procedures established by this Chapter, a Hearing shall involve the parties to the Petition at issue presenting evidence to the Hearing Officer and testimony from the parties to the Petition at issue and witnesses identified in accordance with Chapter 5, Sections (D)(2)-(3). Following a Hearing, the Hearing Officer shall issue a written Decision on the issues raised in the Petition.

2. Applicability.

A Hearing on all Petitions accepted as complete by the Rental Housing Committee or its designee will be scheduled in accordance with the procedures of this Chapter unless:

- a. The Petitioner withdraws the Petition by submitting written notice to the Rental Housing Committee.
- b. Each issue underlying the Petition has been settled by and among each party to the Petition prior to the Hearing, as confirmed in writing by each party to the Petition, including, but not limited to, any private, written settlement agreement reached during a Prehearing Settlement Conference in accordance with Chapter 5, Section (N).

B. Hearing Officers

1. Designation of Hearing Officers. The Rental Housing Committee, or its designee, shall appoint individuals who meet the criteria established in Chapter 6, Section (B)(2) to serve as Hearing Officers. The Rental Housing Committee, or its designee, may appoint Hearing Officers by contracting with an independent contractor or a third-party service provider.

2. Selection Criteria. Hearing Officers must meet the following criteria:

- a. Juris Doctor or Equivalent Degree
- b. Active or Inactive Membership in the California State Bar in Good Standing or Other State Bar

- c. Experience
 - Served as a judge, commissioner, or other judicial officer for more than one year;
 - Served as a hearing officer or administrative law judge or equivalent position for a public entity for more than three years;
 - Served as an arbitrator and heard at least five arbitration proceedings that required hearing witnesses, examining evidence, and issuing a written Decision; or
 - Served as a hearing officer or arbitrator for a binding rental dispute program, and has held that position for more than two years and has issued written Decisions in that position.
 - d. Completed a Mobile Home Rent Stabilization Ordinance (MHRSO) Training and Orientation Program Presented by the City of Mountain View
 - e. Not Currently a Member of a Tenant or Landlord Advocacy Group or Trade Organization
 - f. Any individuals who own a property in Mountain View that could qualify as a rent stabilized unit, including a Mobile Home Park or Mobile Home, are ineligible to be selected as a Hearing Officer
3. Disqualification from Cases. A Hearing Officer shall disqualify himself or herself from Hearing a case, or can be disqualified by the Rental Housing Committee, or its designee, following the written request of one of the parties if:
- a. The Hearing Officer knows or has reason to know he or she has a financial interest affected by the determination or award;
 - b. The Hearing Officer is related to one of the parties or their representatives to the third degree;
 - c. The Hearing Officer has been retained or employed by one of the parties within the past two (2) years, or has given advice to one of the parties relative to the issues involved in the Hearing;

- d. It appears probable that the Hearing Officer, by reason of bias or prejudice, cannot provide a fair and impartial Hearing; or
- e. The Hearing Officer is a party to the Hearing.

A Hearing Officer is not disqualified from Hearing a case where one or more of the parties have appeared before the Hearing Officer in an earlier Hearing. The parties may waive their right to the disqualification of a Hearing Officer by a written statement accepting the Hearing Officer's services.

- 4. Hearing Officer Authority. A Hearing Officer shall have the authority to:
 - a. Administer oaths and affirmations;
 - b. Cause the Rental Housing Committee to issue subpoenas for the attendance of persons to testify and to produce books, records, papers, and other material related to the issues raised in a Petition;
 - c. Cause inspections to be made of the property that is the subject of a Petition, in accordance with the procedures of Chapter 6, Section (C)(6);
 - d. Rule on offers of proof and receive relevant evidence;
 - e. Control the course of the Hearing;
 - f. Rule on procedural requests;
 - g. Render Decisions on Petitions; and
 - h. Take other action authorized by the rules and regulations adopted by the Rental Housing Committee.
- 5. Review of Hearing Officers' Performance. The Rental Housing Committee, or its designee, will periodically review the performance of Hearing Officers or, if applicable, of a third-party service provider. In its sole discretion, the Rental Housing Committee, or its designee, will have authority to execute or terminate agreements with Hearing Officers who are independent contractors and/or third-party service providers. The Rental Housing Committee, or its designee, will also provide training for Hearing Officers.

C. Notice and Prehearing Procedures

1. Hearings. A Hearing Officer shall be assigned to preside over each Hearing. The Hearing Officer shall have access to the Petition and supporting documentation and any opposing response and supporting documentation prior to the Hearing. The Hearing Officer shall accept argument from all Parties on the claims raised in the Petition and review relevant supporting documentation.
2. Timing of Hearing. The Hearing shall be scheduled for a date no more than: (a) forty-five (45) calendar days after the acceptance of a Petition by the Rental Housing Committee; or (b) thirty (30) calendar days after the completion of a prehearing settlement conference, whichever is later.
3. Hearing Notice. As soon as practicable after scheduling the date, time, and location of a Hearing, but in no event less than fourteen (14) calendar days prior to the Hearing date, the Rental Housing Committee, or its designee, shall provide written notice to all parties to a Petition that a Hearing has been scheduled. The Hearing notice will include the date, time, and place of the Hearing, as well as a brief description of the Hearing process, including the burden of proof, and the ability to be represented by an attorney, legal worker, Recognized Tenant Organization representative, or other third party at the Hearing.
4. Hearing Officer Requests for Additional Evidence or Argument.
 - a. Written Request for Additional Evidence from Party with Burden of Proof. The Hearing Officer may request additional evidence or documentation from any party, when that party has the burden to prove its position with respect to one or more aspects of a Petition. If a Hearing Officer requests additional evidence, the request must be documented in a written order and the order must be promptly provided to all parties to the Petition. Any Hearing Officer request for additional evidence from a party that does not have the burden of proving its position shall be considered a suggestion.
 - b. Argumentation or Briefing. The Hearing Officer may request or arrange a schedule for submission of written arguments in favor of or in opposition to any aspect of a Petition. Lack of submission of argumentation or briefing shall not delay a Hearing.
 - c. Timing. A request for additional evidence from the party with the burden of proof may be issued by a Hearing Officer at any time, including during

the telephone conference or at the Hearing. The Hearing Officer shall identify in the written request a reasonable deadline by which date the party with the burden of proof must respond.

- d. Options for Response. Each written order requesting additional evidence must include notice that the party may choose: (i) to proceed with the Hearing process as scheduled (regardless of whether the party submits additional evidence); (ii) to withdraw the Petition or concede the challenge to the Petition (however, if an entire Petition is withdrawn, it may be revised and resubmitted); or (iii) to request an extension of the deadline included in the written order, therefore postponing the Hearing process in order to submit additional evidence or address other issues, including code violations.
- e. Failure to Respond. Failure to respond in writing by the deadline included in a Hearing Officer's written request for additional evidence shall be considered an affirmative election to proceed with the Hearing process as previously scheduled and based on the existing submission(s), regardless of whether any additional evidence has been submitted.

5. Telephone Conference.

- a. Conference. Prior to the Hearing, the Hearing Officer must hold a telephone conference with the parties and/or their representatives. During the telephone conference the Hearing Officer will explain the Hearing process, describe the burden of proof generally applicable to a Petition, and answer relevant questions regarding the Petition and Hearing procedures. During the telephone conference, the Hearing Officer may, in his or her sole discretion: (i) briefly review the elements of the Petition and identify relevant supporting evidence or potential lack thereof; (ii) formalize a schedule to submit and/or respond to evidence or argument submitted by a party to the Petition; or (iii) address any scheduling issues, including requests to postpone the Hearing.
- b. Written Order. After the telephone conference, the Hearing Officer will provide a written summary of the conference to all parties. If the Hearing Officer discusses elements of the Petition and requests additional evidence from the party with the burden of proof, then the written order must inform that party of the three options to respond, as described in subsection C(4)(d) of this Chapter 6.

6. Inspection. Hearing Officers may, at their sole discretion, inspect or request an inspection of a property that is the subject of a Petition and Hearing. Each party

to the Hearing must receive written notice and be afforded an opportunity to be present at the property during any inspection performed by a Hearing Officer. Any party to the Hearing may waive their right to be present during an inspection by the Hearing Officer. If a proposed inspection date or time cannot be accommodated by one or more parties to the Hearing that have not waived their right to be present, then the Hearing Officer may offer alternative dates or times or forego personal inspection by the Hearing Officer.

7. Additional Submissions. Unless otherwise specified in a written order or written request from a Hearing Officer, the Hearing Officer must accept additional submissions of evidence, documentation, or arguments regarding the Petition's claims if received at least ten (10) calendar days prior to the Hearing.

D. Postponement Requests

1. Postponement Authorized. Requests for rescheduling of the Hearing will be considered if they are for good cause and are received by the Hearing Officer at least seven (7) calendar days before the Hearing date. A Hearing Officer may grant a written request for postponement of a Hearing received from a party to a Hearing if the request for postponement is supported by good cause and postponement serves the interest of justice.
2. Good Cause for Postponement. A Hearing Officer must consider the following to be good cause for one postponement and may reasonably decide whether further postponements are warranted. A Hearing Officer may request documentation to verify any of the following:
 - a. Illness of a party, party's representative, or material witness to a party's case;
 - b. Travel beyond the San Francisco Bay Area;
 - c. Any other reason that would make it impractical to appear on the scheduled date, including, but not limited to, unforeseen circumstances or verified prearranged plans which cannot be changed. Mere inconvenience or difficulty in appearing cannot constitute "good cause."

Additionally, requests for rescheduling based on a Party's medical emergency or similar significant conflicts may be allowed by the Hearing Officer within seven (7) calendar days of the Hearing date if the event was unforeseen and the requester provides immediate notification of the

unforeseen event to the Hearing Officer that is supported by reasonable documentation

3. Hearing Rescheduling. If the Hearing Officer approves a rescheduling request, the Hearing will be rescheduled with the originally assigned Hearing Officer, unless that Hearing Officer is unavailable.
4. Effect of Failure to Appear.
 - a. Failure to appear at the Hearing by a Petitioner or that party's authorized representative designated in writing to act for the Petitioner shall result in a determination by the Hearing Officer that the Petition has been withdrawn.
 - b. Failure to appear by a responding party without good cause shall result in a determination that the party has waived his or her right to a Hearing, and the Hearing Officer shall rule on the Petition based on the evidence available in the record.

E. Conduct of Hearing

1. Hearing Officer. The Hearing Officer shall control the conduct of the Hearing and rule on procedural requests. The Hearing shall be conducted in the manner deemed by the Hearing Officer to be most suitable to secure the information and documentation necessary to render an informed Decision, and to result in a fair Decision without unnecessary delay.
2. Hearing Attendance and Participation.
 - a. Hearings shall be open to the public; however, no individual other than a party to the Petition, a party's designated proxy, representative, translator, or a nonparty witnesses may participate in the Hearing.
 - b. During a Hearing, the Hearing Officer may adopt rules to encourage a timely and business-like Hearing, such as requiring the parties, rather than their counsel or other advisors, to be the primary speakers at Hearings, with adequate time given to consult with their counsel or advisor, or with a large group encouraging representatives, if any, to be the primary spokespersons.
 - c. Hearings are not meetings subject to the Brown Act or any City of Mountain View implementing ordinances.

3. Ex Parte Communications. There shall be no oral communication outside the Hearing between the Hearing Officer and any party or witness unless each opposing party, or their representative, is able to simultaneously communicate with the Hearing Officer, whether in person or via audio/ visual technology. All written communication between the Hearing Officer and one or more parties must be promptly provided to all other parties to the Hearing.
4. Rules of Evidence. Formal rules of evidence shall not be applicable to Hearings on Petitions for individual rent adjustment. At such a Hearing, the Petitioner and other affected parties may offer any documents, testimony, written declarations, or other evidence that, in the opinion of the Hearing Officer, is credible and relevant to the requested rent adjustment. The Hearing Officer may consider the results of inspections of the property in question and the results of any other investigations conducted by or at the request of the Hearing Officer. The Hearing Officer shall consider any relevant evidence if it is the sort of evidence which a reasonable person might consider in the conduct of serious affairs, regardless of the existence of any common law or statutory rule which might make improper the admission of such evidence over objections in civil actions.
5. Records of Hearings. Audio recordings (or video recordings, if ordered by the Hearing Officer) of Hearings will be produced and maintained. This audio or video record will be available for review to all parties, and any party may receive a copy of such recording upon payment not to exceed the reasonable cost of producing such copy. The Hearing Officer has the discretion to allow or disallow the making of other records or transcripts.
6. Length of Hearing.
 - a. A Hearing schedule shall be established providing for not more than seven (7) hours of Hearing with half of the time for the appealing party and the other half for the responding party or parties. The ceiling on the time for each party shall include the time used by the party for cross-examination of witnesses.
 - b. An extension of this time period may be granted by the Hearing Officer for good cause as determined by the Hearing Officer. In no case may the Hearing last more than ten (10) hours unless the need for translation results in the need for a longer Hearing.
7. Right of Assistance. All parties to a Hearing shall have the right to seek assistance in developing their positions, preparing their statements, and presenting evidence from an attorney, tenant organization representative,

landlord association representative, translator, or any other person designated by said parties to a Hearing.

8. Participation of the Hearing Officer. The Hearing Officer shall at all times in the conduct of the Hearings and in otherwise performing the duties of the Hearing Officer act neutrally and impartially as between the Park Owner or Mobile Home Landlord and the Mobile Home Owners or Mobile Home Tenants, respectively.
9. Hearing Record. The Hearing Officer shall maintain an official Hearing record, which shall constitute the exclusive record for Decision. The Hearing record and Decision shall include:
 - a. A copy of the Petition and documents submitted to support the Petition;
 - b. Any written submissions by the parties;
 - c. All exhibits, papers, and documents offered either before or during the Hearing;
 - d. A list of participants present at the Hearing;
 - e. A summary of all testimony upon which the Decision is based;
 - f. A statement of all materials officially noticed;
 - g. The Hearing Officer's Decision;
 - h. All findings of fact and conclusions of law;
 - i. All recommended or final Decisions, orders, or rulings; and
 - j. A recording of the Hearing in a format determined by the Rental Housing Committee.
10. Closing and Reopening of Hearing Record.
 - a. At the Hearing, the Hearing Officer shall estimate the date when the Hearing record will be closed and shall provide notice to the parties when the Hearing record is closed, at which time no further evidence or arguments may be entered into the Hearing record, unless the record is reopened and all parties to the Hearing have an opportunity to review

and object. A Hearing Officer may not close the Hearing record prior to the Hearing date unless the Petition is withdrawn.

- b. The Hearing Officer may reopen the Hearing record when she or he believes that further evidence should be considered to resolve a material issue where the Hearing record has been closed. In those circumstances, each party must receive a true and accurate copy of any additional submission to be considered by the Hearing Officer, as well as an opportunity to respond and/or object to the additional submission.

F. Decision

1. Time for Issuance.

- a. The Hearing Officer shall issue, and have the RHC, or its designee, mail, a written Decision to all parties within thirty (30) calendar days after the date the Hearing record is closed, which Decision is based on the Hearing record, in accordance with Chapter 6, Section (E)(9).
- b. The Decision of the Hearing Officer shall be final unless a Party files a timely appeal to the Rental Housing Committee in accordance with Chapter 6, Section (H).

2. Decision Contents. The Decision shall include findings of fact and conclusions of law which support the Decision, in addition to the information specified below.

a. For Rent Decrease Petitions:

- The amount of the rent adjustment attributable to each failure to maintain habitable premises, decrease in housing services or maintenance, or demand for or retention of unlawful rent claimed in the Petition;
- The basis for each rent adjustment ordered;
- The duration of the downward adjustment; and
- The amount of any rent allowed to be restored upon the correction of each condition that provided a basis for the adjustment.

b. For Rent Increase Petitions:

- The amount of the rent increase, if any, for each unit;
- The basis for the rent adjustment calculation;
- A list of any unresolved City Code violation complaints, if any; and
- An explanation of any adjustments to the income and expense amounts claimed in the Petition that are made for the purpose of the fair return calculation, if applicable.

c. For All Petitions:

- A summary of the issues raised by the Petition and evidence submitted;
- Any conditions which are placed on the award, including conditions and limitations imposed for violation of the MHRSO or other City ordinances;
- The date on which any adjustment to the rent is effective for each unit;
- An explanation of the basis for the Decision with citations to the MHRSO, as applicable; and
- The cover page of the Decision will provide that the date the Decision is issued is the date of mailing.

3. Applicability of Decision. The Decision of a Hearing Officer shall not apply to a Mobile Home Owner or Mobile Home Tenant who has not filed a Petition or has not been included as a party to a Park Owner's or Mobile Home Landlord's Petition.

4. Effective Date of Rent Adjustments. Unless otherwise set by the Hearing Officer, any rent increases allowed in a Decision shall not be effective until all of the following are completed: (a) the Park Owner or Mobile Home Landlord provides notice to the Mobile Home Owner or Mobile Home Tenant of such increase pursuant to Civil Code Section 798.30 or Civil Code Section 827, respectively; and (b) twelve (12) months have passed since the last increase in the Mobile Home Owner's or Mobile Home Tenant's Rent. In the event of a rent decrease, the Decision shall specify the effective date of the rent decrease.

G. Burden of Proof

1. The burden of proof for any claims included in a Rent Increase Petition is on the Mobile Home Park Owner or Mobile Home Landlord.
2. Mobile Home Owners or Mobile Home Tenants have the burden of proving the existence of Communal Facilities or Housing Services reductions, Code violations, violations of the MHRSO (including the demand for or retention of unlawful rents), or any claims raised in a Rent Decrease Petition.
3. No individual claims shall be approved by a Hearing Officer unless supported by the preponderance of the evidence in the Hearing record.

H. Appeals to Rental Housing Committee

1. Timely Appeals.
 - a. Any Party to a Petition may appeal the Decision by requesting an Appeal on a form provided by the Rental Housing Committee, or its designee, The appealing party must state each claim that he or she is appealing, and the legal basis for such claim, on the Appeal request form.
 - b. If no party requests an Appeal within ten (10) calendar days after the mailing date of the Decision, the Decision will be considered a final Decision.
 - c. Any Hearing Officer Decision that is appealed before a Decision is final shall be subject to an Appeal Hearing before the Rental Housing Committee.
2. Untimely Appeals.
 - a. If an Appeal is filed more than ten (10) calendar days after the mailing date of the Decision, the Rental Housing Committee may accept the late Appeal in its sole discretion, but only upon finding that the untimely appeal request is supported by good cause and postponement serves the interest of justice.
 - b. The RHC shall make its determination about whether to accept the late Appeal at a regularly occurring meeting following the filing of the late Appeal. At that meeting, the Committee shall provide the affected Parties with an opportunity to make an oral argument, in a length not to five (5)

minutes per Party and present any documentary evidence supporting their position.

- c. Within five (5) calendar days after the above-mentioned hearing, the RHC, or its designee, shall issue a Notice of Acceptance or Denial of Appeal to the affected Parties.
3. Appeal Hearing Scheduling and Notice.
- a. Upon receipt of a complete Appeal form that states one or more claims, an Appeal Hearing shall be scheduled. To the extent practicable, the Appeal Hearing shall be scheduled no more than thirty (30) days after the determination that an Appeal form is complete. Appeal Hearings shall be scheduled at regularly occurring meetings of the Rental Housing Committee.
 - b. As soon as practicable after scheduling the Appeal Hearing, but in no event less than fourteen (14) calendar days prior to the Appeal Hearing date, written notice shall be provided to all parties to an Appeal that an Appeal Hearing has been scheduled.
 - c. An Appeal Hearing can only be held with a quorum of the Rental Housing Committee present, and scheduled Appeal Hearings shall be rescheduled as necessary to obtain a quorum.
3. Legal Advice for Rental Housing Committee; Tentative Decisions.
- a. At any point prior to an Appeal Hearing or issuing a decision, the Rental Housing Committee may, in its sole discretion, request and receive oral and/or written legal advice regarding an Appeal, which advice shall be considered confidential between legal counsel and the Rental Housing Committee.
 - b. Regardless of any legal advice received and at its sole discretion, the Rental Housing Committee may issue a tentative decision no less than ten (10) calendar days prior to the date set for an Appeal Hearing. If issued, the tentative decision must include all elements of a final decision as defined in Section F(2), as applicable, and state whether the Decision of the Hearing Officer, or any aspect of the Decision, is tentatively affirmed, reversed, modified, or remanded in accordance with Section H(5). Any tentative decision shall be provided to each party to the Appeal Hearing.

- c. The parties may file supplemental written material to respond to the tentative decision at least five (5) calendar days prior to the Appeal Hearing date. The parties shall also simultaneously serve the supplemental materials on the other parties in the case by e-mail (if available) and the address of record in the Petition.
4. Standard of Review.
 - a. The Rental Housing Committee shall only review the claims raised in the appeal of the Decision.
 - b. The appeal shall be based on the Hearing Record, and the Rental Housing Committee shall neither hear nor find facts beyond those presented to the Hearing Officer, unless a majority of the Rental Housing Committee determines a De Novo Hearing shall be conducted. The scope of any de novo review may be limited to issues specified by a majority of the Rental Housing Committee.
 - c. The Rental Housing Committee shall consider the Hearing Officer's Decision final with respect to matters not raised in the appeal.
5. Rental Housing Committee Ruling on Appeal.
 - a. The Rental Housing Committee shall affirm, reverse, or modify the Decision of the Hearing Officer, or remand the matters raised in the Appeal to a Hearing Officer for further findings of fact and a revised Decision, if applicable:
 - Unless the Rental Housing Committee determines that it should hold a De Novo Hearing, the Rental Housing Committee's Decision shall be based upon the Hearing Record, any information submitted in connection with appeal, and any testimony heard by the Rental Housing Committee.
 - If the Rental Housing Committee determines to hold a De Novo Hearing, the Hearing shall be conducted in the manner set forth in Chapter 6, Section E.
 - b. The Rental Housing Committee's Decision to affirm, reverse, or modify the Decision of the Hearing Officer shall be supported by written findings of fact and conclusions of law. When the Rental Housing Committee affirms the Decision of the Hearing Officer, it adopts the findings of fact

and conclusions of law in the Hearing Officer's Decision, unless the motion to affirm states otherwise.

- c. The Decision of Rental Housing Committee shall be final unless a party files a timely judicial action to challenge the ruling.
 - d. If the Rental Housing Committee remands all or a portion of an appealed decision to a Hearing Officer, the Hearing Officer shall issue, and have mailed, a written revised Decision to all parties within forty-five (45) calendar days after the date an order from the Rental Housing Committee is delivered to the Hearing Officer and the parties.
6. Presentation of Appeals of Hearing Officer Decisions to the Rental Housing Committee. This Section H(6) of Chapter 6 defines the timing and order of the presentation of any timely Appeals to be heard by the Rental Housing Committee from an Appellant and a Respondent. The Rental Housing Committee may, by a majority vote of the members of the Rental Housing Committee who will vote on the appeal(s), approve an alternative format or different time period for the presentation of the appeals on the current meeting agenda.
- a. Definitions. For purposes of this Section H(6) of Chapter 6, the following definitions apply; all other capitalized terms are defined by the Act.
 - "Appellant" refers collectively to either the Park Owner or Mobile Home Landlord, or the Mobile Home Owner(s) or Mobile Home Tenant(s), to a petition who first appeals the decision of a Hearing Officer in accordance with this Chapter 6. For example, if a Mobile Home Tenant is the first party to appeal the decision, then all Mobile Home Tenants who are parties to the decision shall be deemed the Appellant, including their authorized representatives and legal counsel.
 - "Respondent" is defined as the party that is not the Appellant. For example, if a Mobile Home Park Owner is the Appellant, then all Mobile Home Owners who are parties to the decision shall collectively be deemed the Respondent, including their authorized representatives and legal counsel. Similarly, if one (1) or more Mobile Home Owners are the Appellant, then the Park Owner, the Park Owner's authorized representatives and legal counsel shall collectively be deemed the Respondent.

- b. Presentations. In addition to any written submissions, the Appellant and the Respondent are each entitled, but are not required to, orally present their position to the Rental Housing Committee through an Argument and a Rebuttal in accordance with the following procedures. The presentation of Argument and Rebuttal by an Appellant or Respondent is in addition to, and shall be heard after, the general public comment period pertaining to all Appeals of Hearing Officer Decisions on the agenda for a meeting of the Rental Housing Committee, and shall be heard after any staff report regarding the Appeal, if applicable.
- c. Argument. The Appellant and Respondent are each entitled to ten (10) minutes to orally present their position regarding the Appeal to the Rental Housing Committee. The ten (10) minute Argument limitation per Appellant and per Respondent is applicable regardless of the number of individuals who may be aligned with or represented by the Appellant or Respondent. The Argument time limit is exclusive of any questions posed by members of the Rental Housing Committee.
- d. Rebuttal. In addition to the Argument, the Appellant and Respondent are each entitled to five (5) minutes to orally respond to or otherwise rebut an Argument offered by the other party to the Appeal. The five (5) minute Rebuttal limitation per Appellant and per Respondent is applicable regardless of the number of individuals who may be aligned with or represented by the Appellant or Respondent. The Rebuttal time limit is exclusive of any questions posed by members of the Rental Housing Committee.
- e. Order of Arguments and Rebuttals. The Appellant shall be the first to present their Argument and the first to present their Rebuttal. The Appellant and Respondent are each responsible for organizing the presentation of their respective Argument and Rebuttal; the Rental Housing Committee is not responsible for subdividing the time allotted for an Argument or Rebuttal.
- f. Summary of Appeals Presentations. To the extent feasible, any Rental Housing Committee meeting that includes one (1) or more Appeals of a Hearing Officer Decision as an agenda item shall be heard in the following order:

Agenda Item #: Appeal(s) of Hearing Officer Decision(s)													
<ul style="list-style-type: none"> Public Comment Period applicable for all Appeals on the agenda 1st Appeal <table border="1"> <tr> <td colspan="2">Staff Report (if applicable)</td> </tr> <tr> <td>Appellant Presentation of Argument</td> <td>10-minute maximum</td> </tr> <tr> <td>Respondent Presentation of Argument</td> <td>10-minute maximum</td> </tr> <tr> <td>Appellant Presentation of Rebuttal</td> <td>5-minute maximum</td> </tr> <tr> <td>Respondent Presentation of Rebuttal</td> <td>5-minute maximum</td> </tr> <tr> <td colspan="2">RHC Deliberation and Decision</td> </tr> </table> 		Staff Report (if applicable)		Appellant Presentation of Argument	10-minute maximum	Respondent Presentation of Argument	10-minute maximum	Appellant Presentation of Rebuttal	5-minute maximum	Respondent Presentation of Rebuttal	5-minute maximum	RHC Deliberation and Decision	
Staff Report (if applicable)													
Appellant Presentation of Argument	10-minute maximum												
Respondent Presentation of Argument	10-minute maximum												
Appellant Presentation of Rebuttal	5-minute maximum												
Respondent Presentation of Rebuttal	5-minute maximum												
RHC Deliberation and Decision													
<ul style="list-style-type: none"> 2nd Appeal <table border="1"> <tr> <td colspan="2">Staff Report (if applicable)</td> </tr> <tr> <td>Appellant Presentation of Argument</td> <td>10-minute maximum</td> </tr> <tr> <td>Respondent Presentation of Argument</td> <td>10-minute maximum</td> </tr> <tr> <td>Appellant Presentation of Rebuttal</td> <td>5-minute maximum</td> </tr> <tr> <td>Respondent Presentation of Rebuttal</td> <td>5-minute maximum</td> </tr> <tr> <td colspan="2">RHC Deliberation and Decision</td> </tr> </table> 		Staff Report (if applicable)		Appellant Presentation of Argument	10-minute maximum	Respondent Presentation of Argument	10-minute maximum	Appellant Presentation of Rebuttal	5-minute maximum	Respondent Presentation of Rebuttal	5-minute maximum	RHC Deliberation and Decision	
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Respondent Presentation of Argument	10-minute maximum												
Appellant Presentation of Rebuttal	5-minute maximum												
Respondent Presentation of Rebuttal	5-minute maximum												
RHC Deliberation and Decision													

I. Summary of Petition and Hearing Process

- To the extent feasible, each Petition submitted to the Rental Housing Committee or its designee will be processed and a Hearing held in accordance with the following schedule.
- Deadlines identified in Subsection 1 of Section I may be extended for good cause, which may be based on the following, nonexclusive list of factors: complexity of Petition, reasonable requests for continuance, scheduling difficulties, and/or allowing parties adequate time to obtain representation. Any good-cause extension by the Rental Housing Committee or its designee will be set forth in writing, and written notice sent to all parties to the Petition by the Rental Housing Committee or its designee.
- Any failure by the Rental Housing Committee or its designee to act in accordance with this Section I and the timelines set forth herein will not result in automatic acceptance of a Petition or grant of an Individual Rent Adjustment.

<u>Timeline to Process Individual Rent Adjustment Petitions</u>		
	Rent Decrease Petitions	Rent Increase Petitions
	Calendar Days (from date of Petition acceptance by RHC unless noted)	
Notice of Acceptance or Non-Acceptance of Submission by RHC or Designee	30 days of submission to RHC or designee	
Response to Petition by Affected Parties Received by RHC or Designee	30	
Date Set for Prehearing Settlement Conference (<i>if applicable</i>) after Acceptance of Submission by RHC or Designee	30	45
Prehearing Settlement Conference Completed	45	60
Telephone Conference held by Hearing Officer	45	60
Hearing Date	45 days from acceptance if Prehearing Settlement Conference not requested 30 days from Prehearing Settlement Conference	
Decision Delivered	30 days from closing of Hearing record	
Appeal Deadline	10 days from delivery of Decision	
Decision post-Remand Delivered	45 days from RHC order remanding Decision	

Mobile Home Rent Stabilization Ordinance

CHAPTER 11
NOTICE OF APPLICABILITY OF MHRSO & RENT ROLLBACK

- A. **Authority.** The Mobile Home Rent Stabilization Ordinance (MHRSO), Section 46.9(a), generally authorizes the Rental Housing Committee (RHC) to establish rules and regulations for the administration and enforcement of the MHRSO, including Section 46.4 (Exemptions) and Section 46.5(e) (Rent Rollbacks) of the Ordinance.
- B. **Definitions.** For the purposes of this Chapter, the following definitions shall apply; all other capitalized terms are defined by the Act or these Regulations:
1. **Qualifying Lease Agreement.** A Space Rental Agreement in excess of twelve (12) months' duration that meets the criteria in California Civil Code Sections 798.17(b)(1) through 798.17(b)(5).
 2. **Rent Refund.** The term "Rent Refund" refers to a monetary payment, or any other form of payment mutually agreed upon by the Parties, provided to a Mobile Home Owner or Mobile Home Tenant by a Park Owner or Mobile Home Landlord where the Park Owner or Mobile Home Landlord charged Rent for the covered Mobile Home Space or Mobile Home above what was permitted by the MHRSO.
 3. **Rent Rollback.** The term "Rent Rollback" refers to a Park Owner's or Mobile Home Landlord's act of lowering the effective Rent for a covered Mobile Home Space or Mobile Home to the Base Rent.
- C. **Notice to Mobile Home Owners and Tenants of Mobile Home Rent Stabilization Ordinance.**
1. A Park Owner or Mobile Home Landlord shall provide each Mobile Home Owner or Mobile Home Tenant with a Notice of Mobile Home Rent Stabilization Ordinance. The Notice must be provided in writing, in a form prescribed by the Rental Housing Committee, or its designee, and must include the following information:
 - a. The existence and scope of the Mobile Home Rent Stabilization Ordinance;

- b. Whether the Mobile Home Space or Mobile Home is exempt from MHRSO because:
 - i. the Mobile Home Space was initially held out for rent after January 1, 1990;
 - ii. the Tenancy for a Mobile Home Space is subject to a Qualifying Lease Agreement;
 - iii. the Mobile Home Space is not used or occupied as a principal or primary residence by the Mobile Home Owner the tenant of Mobile Home Landlord;
 - iv. the Mobile Home Tenant resides in the Mobile Home with and shares a bathroom and/or kitchen with the Mobile Home Landlord;
 - v. the Mobile Home Space or Mobile Home is subject to an Accord as defined in the MHRSO.
- c. The Mobile Home Owner's or Mobile Home Tenant's right to petition against certain rent increases;
- d. For any Tenancy commencing after October 28, 2021, whether the Park Owner or Mobile Home Landlord is permitted to set the initial Rent to the new Mobile Home Tenant without limitation;
 - i. If the Park Owner is not permitted to set the initial Rent to the new Mobile Home Owner, the Park Owner must state the Rent in effect when the prior Mobile Home Owner vacated, and if the initial Rent is in excess of the Rent to the prior Mobile Home the basis for any Rent in excess of the Rent to the prior Mobile Home Owner;
- e. For any Tenancy in existence on or before March 16, 2021, whether the Mobile Home Owner or Mobile Home Tenant is entitled to a Rent Rollback, the adjusted Rent for the Mobile Home Space or Mobile Home, the amount of the Rent Refund, and the form of the Rent Refund. If the Rent Refund is to be provided as a monetary payment, then the Park Owner or Mobile Home Landlord shall include a personal check, cashier's check or money order in the amount of the Rent Refund with the Notice in this Section.

2. Timing. A Park Owner or Mobile Home Landlord shall provide this Notice on the following occasions:
 - a. For any Tenancy in existence on or before October 28, 2021, the Notice shall be provided on or before January 1, 2021; or
 - b. For Tenancy commencing after October 28, 2021, the Notice shall be provided on or before the date of commencement of the Tenancy.
3. Filing of Notice. A copy of the Notice for each covered Mobile Home Space or Mobile Home shall be filed with the RHC, or its designee, upon the Park Owner's or Mobile Home Owner's initial registration and each subsequent change in tenancy, as defined in paragraph 3 of Section B of Chapter 4 of these Regulations, of the covered Mobile Home Space or Mobile Home.
 - a. Rebuttable Presumption. In a Petition for Downward Adjustment pursuant to Section G of Chapter 5 of the MHRSO Regulations, a Park Owner's or Mobile Home Landlord's failure to timely file a copy of the Notice required in this Section C shall create a rebuttable presumption that the Park Owner or Mobile Home Landlord has failed to provide a Rent Rollback and/or Rent Refund. The burden of proof shall be on the Park Owner or the Mobile Home Landlord to demonstrate that the Rent Rollback and/or Rent Refund was provided.
4. Expiration of Exemption. In the event that a Mobile Home or Mobile Home Space that was exempt from the MHRSO becomes governed by the MHRSO, the Park Owner or Mobile Home Landlord must provide the Mobile Home Owner or Mobile Home Tenant with an updated Notice within fifteen (15) days after the exemption expires. A copy of the updated Notice shall be filed with the Park Owner's or Mobile Home Landlord's updated registration, as described in paragraph 2 of Section B of Chapter 4 of these Regulations.

D. **Rent Rollback and Rent Refund.**

1. Written Demand for Rent Rollback. Notwithstanding the requirement in paragraph 1(e) of Section C of this Chapter 11, a Mobile Home Owner or Mobile Home Tenant may make a written demand for a Rent Rollback and/or Rent Refund at any time, including before January 1, 2022. The Park Owner or Mobile Home Landlord shall, within ten (10) calendar days of receipt of the demand, provide the Mobile Home Owner or Mobile Home Tenant with a written response either:

- a. Granting the requested Rent Rollback, including payment of any Rent Refund to which the Mobile Home Owner or Mobile Home Tenant may be entitled; or
 - b. Denying the requested Rent Rollback, including the Park Owner's or Mobile Home Landlord's reasoning for the denial.
2. RHC Form. The Rental Housing Committee, or its designee, shall create and promulgate a sample Rent Rollback Request Letter for use by Mobile Home Owners and Mobile Home Tenants. There is, however, no requirement that a Mobile Home Owner or Mobile Home Tenant utilize this form in making its demand for Rent Rollback.
3. Petition for Downward Adjustment. Should the Park Owner or Mobile Home Landlord fail to timely provide a written response, or deny the demand for Rent Rollback, the Mobile Home Owner or Mobile Home Tenant may file a Petition for Downward Adjustment pursuant to Section 6 of Chapter 5 of the MHRSO regulations and Sections 46.5 and 46.10 of the MHRSO.