

RENTAL HOUSING COMMITTEE
RESOLUTION NO. RHC-...
SERIES 2023

A RESOLUTION OF THE RENTAL HOUSING COMMITTEE OF
MOUNTAIN VIEW TO ADOPT AMENDMENTS TO THE REGULATIONS CHAPTER 12, COMPLIANCE
AND GENERAL REMEDIES, OF THE MOBILE HOME RENT STABILIZATION ORDINANCE

WHEREAS, Section 46.9 of the Mobile Home Rent Stabilization Ordinance (MHRSO) authorizes the Rental Housing Committee to establish rules and regulations for administration and enforcement of the MHRSO, including rules and regulations for compliance and general remedies; and

WHEREAS, the Rental Housing Committee held a publicly noticed meeting on September 25, 2023 and discussed and considered amendments to the MHRSO regulations for Compliance and General Remedies; now, therefore, be it

RESOLVED: that the Rental Housing Committee hereby adopts amendments to the MHRSO Regulations Chapter 12, Compliance and General Remedies, as set forth in Exhibit A of this Resolution.

Exhibit: A. MHRSO Regulations Chapter 12, Compliance and General Remedies

Mobile Home Rent Stabilization Ordinance

**CHAPTER 12
COMPLIANCE AND GENERAL REMEDIES**

A. Purpose and Authority

The Mobile Home Rent Stabilization Ordinance (MHRSO or Ordinance) and the implementing Regulations impose several requirements on Mobile Home Park Owners and Mobile Home Landlords (collectively referred to as “Landlords” herein) of Mobile Home Spaces and Mobile Homes, respectively. MHRSO Sections 46.9(a)(3), (12), and (13) empower the Rental Housing Committee (Committee) to establish rules and regulations for the enforcement of the Ordinance, to publicize provisions of the Ordinance, including the rights and responsibilities of Landlords and Mobile Home Owners and Mobile Home Tenants (collectively referred to as “Tenants” herein) under the Ordinance, and to establish a schedule of penalties for noncompliance with the Ordinance or with the rules and regulations. The purpose of this Chapter is to establish mechanisms by which the Committee may enforce and secure compliance with a number of the requirements that the Ordinance imposes on Landlords without resorting to litigation.

B. Substantial Compliance

Some of the requirements imposed by the Ordinance and the Regulations are considered substantial. Failure to comply with one or more of these requirements, as enumerated in Table 1 below, means a Landlord has not substantially complied with the Ordinance and, therefore, cannot raise Rents and/or file a petition for upward adjustment of rent.

Table 1: Substantial Compliance Requirements

REQUIREMENT	MHRSO
1. The Landlord must roll back rent to either the rent charged on March 16, 2021, or the amount charged on the move-in date, if the tenancy commenced after March 16, 2021.	MHRSO Section 46.2(c)
2. The Landlord has increased the rent in accordance with requirements of the Ordinance. If the Landlord has ever charged more than the Rent allowed under the Ordinance, the Landlord has refunded the unlawful Rent to the affected Tenants.	MHRSO Sections 46.5; 46.6

REQUIREMENT	MHRSO
3. The Landlord has paid all applicable annual space rental fees.	MHRSO Section 46.9(c); MHRSO Regulations, Chapter 5, Section L
4. The Landlord has registered the property with the rent stabilization program.	MHRSO Regulations, Chapter 4
5. The Landlord has maintained the property in substantial compliance with all State and local health and safety laws and with any RHC orders or regulations, and there are no outstanding citations or notices of violation for the property.	MHRSO Section 46.10(b)

C. Noncompliance Letters

1. Applicability. This Section C of Chapter 12 of the Regulations shall be applicable where a Landlord has failed to comply with any of the substantial requirements enumerated in Table 1 of Section B of this Chapter.
2. Initial Notice of Noncompliance. Upon learning of a potential violation of a substantial requirement, the Committee or its designee shall send the Landlord an Initial Notice of Noncompliance. The Initial Notice of Noncompliance shall provide the Landlord with thirty (30) days to cure the violation.
 - a. Annual Space Rental Fees. Invoices for annual space rental fees are sent to Landlords on or around January 1 of each year and must be paid within thirty (30) days. If a Landlord fails to pay their annual space rental fees within thirty (30) days of the due date, the Committee or its designee shall send the Landlord an Initial Notice of Noncompliance.
 - b. Annual Registration of Spaces and Mobile Homes. Annual registration of Mobile Homes and Mobile Home Spaces begins in December of the prior year and must be completed by February 1 of each year. If a Landlord fails to complete their annual registration by February 1, the Committee or its designee shall send the Landlord an Initial Notice of Noncompliance on or after February 2.
3. Second Notice of Noncompliance. If thirty (30) days have elapsed from the date of the Initial Notice of Noncompliance and the Landlord remains in violation of the same substantial requirement, the Committee or its designee shall send the Landlord a Second Notice of Noncompliance and shall send a copy of the Second Notice of Noncompliance to any affected Tenants.

4. MHRSO Information Sheet. Any copy of a Second Notice of Noncompliance that is sent to an affected Tenant shall be accompanied by a copy of the MHRSO Information Sheet, as prepared and published by the Committee or its designee, on the Rent Stabilization Program website.

D. Compliance Database

1. Applicability. This Section D of Chapter 12 of the Regulations shall be applicable where a Landlord has failed to comply with timely payment of all applicable annual space rental fees and/or has not timely registered the property with the rent stabilization program.
2. Public Database. The Committee or its designee shall add a publicly accessible portion of the rent stabilization database for the purposes of tracking Landlords' compliance with the substantial requirements and providing the public with information about the MHRSO-covered property. The database shall show the following information:
 - a. Property address;
 - b. Assessor's Parcel Number (APN);
 - c. The year the property was built;
 - d. The number of spaces on the property;
 - e. If the property is covered by the MHRSO;
 - f. Annual space rental fee payment status, as indicated by one of the following:
 - i. Payment Period Open;
 - ii. Fees Not Paid; or
 - iii. Fees Paid; and
 - g. Registration status, as indicated by one of the following:
 - i. Registration Open;
 - ii. Registration Submitted;
 - iii. Registration Not Submitted; or
 - iv. Registration Accepted.

3. Website Listing. The following statuses on the compliance database indicate that the Landlord is out of compliance with Requirement Nos. 3 and 4 outlined in Table 1 in Section B of this Chapter:
 - a. Their annual ~~rental housingspace rental~~ fee status is “Fees Not Paid.”
 - b. Their registration status is “Registration Open” after February 12 or the status is “Registration Not Submitted.”

E. Late Fees

1. Applicability. This Section E of Chapter 12 of the Regulations shall be applicable where a Landlord has failed to comply with timely payment of all applicable annual space rental fees and/or has not timely registered the property with the rent stabilization program.
2. Late Fees for Failure to Pay Annual ~~Rental HousingSpace Rental~~ Fees. ~~If a Landlord fails to pay their annual space rental fee by January 31st of each year~~~~If a Landlord fails to pay their annual space rental fees within thirty (30) days of the due date~~, a late charge will be assessed in an amount equal to four percent (4%) of the unpaid balance for each property, ~~including~~~~excluding~~ the unpaid balance for annual space rental fees and penalties from prior years, for each month after the due date, up to a maximum of ten (10) months’ of late charges ~~The final late charge shall accrue no later than November 12 of each year. until the Landlord’s entire balance for the property is paid. Any prior unpaid fines will roll-over to the new total balance associated with the property at the start of the new cycle as a separate line item and not continue to accrue.~~
3. Late Fees for Failure to Register Covered Spaces and Mobile Homes-Units. ~~If a Landlord fails to register their covered spaces by January 31st of each year~~~~If a Landlord fails to complete their annual registration by February 1 of each year~~, a late fee of Twenty-Five Dollars (\$25) per ~~space or mobile home unit~~ will be assessed on February 12 and every ~~thirty (30) days~~month thereafter that the Landlord remains out of compliance with the annual registration requirement, up to a maximum of ten (10) months’ of late charges. ~~No late fee for failure to complete annual registration shall accrue after November 21 of each year. Any prior unpaid fines will roll-over to the new total balance associated with the property at the start of the new cycle as a separate line item and not continue to accrue.~~
4. Subsequent Owner(s). Upon sale or transfer of a property, the subsequent owner shall assume and become responsible for payment of any unpaid balances, including any late fees for failure to pay annual space rental fees or for failure to register covered ~~units~~spaces or mobilehomes, assessed to property.

F. Effective Date

The provisions of this Chapter 12 of the MHRSO Regulations shall be effective beginning December 1, 2022.

G. Remedies Cumulative

The adoption of this Chapter 12 is not intended to, in any way, limit the rights of the Committee or the City of Mountain View to enforce the provisions of the Ordinance or the Regulations through other means available to the Committee or the City of Mountain View by law, statute, ordinance, or otherwise.

H. Partial Invalidity

If any provision of this Chapter 12, or the application thereof to any person or circumstance is held invalid, this invalidity shall not affect other provisions or applications of this Chapter 12 or these Regulations that can be given effect without the invalid provision of application, and, to this end, the provision of this Regulation are declared to be severable. The Regulation shall be liberally construed to achieve the purposes of the Ordinance.