

RENTAL HOUSING COMMITTEE
RESOLUTION NO. RHC - ____
SERIES 2022

A RESOLUTION OF THE RENTAL HOUSING COMMITTEE OF MOUNTAIN VIEW
ADOPTING REGULATIONS CHAPTER 12 COMPLIANCE AND GENERAL REMEDIES OF THE MOBILE
HOME RENT STABILIZATION ORDINANCE (MHRSO)

WHEREAS, MHRSO section 46.9 authorizes 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 September 19, 2022, and solicited input regarding amendments of the Regulations by adding Chapter 12 Compliance and General Remedies in furtherance of the MHRSO; and

NOW, THEREFORE, BE IT RESOLVED by the Rental Housing Committee that amendments to the Regulations by adding Chapter 12 (Compliance and General Remedies), as set forth in Exhibit A, are hereby adopted.

Mobile Home Rent Stabilization Ordinance

**CHAPTER 12
COMPLIANCE AND GENERAL REMEDIES**

A. Purpose and Authority

The Mobile Home Rent Stabilization Ordinance (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. The 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. 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 § 46.2(c)
2. 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, Landlord has	MHRSO §§ 46.5; 46.6

refunded the unlawful Rent to the affected Tenants.	
3. Landlord has paid all applicable annual space rental fees.	MHRSO § 46.9(c); MHRSO Regulations, chapter 5, section L
4. Landlord has registered the property with the rent stabilization program.	MHRSO Regulations, chapter 4
5. 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 §§ 46.10(b)

C. Non-Compliance 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 Non-Compliance. Upon learning of a potential violation of a substantial requirement, the Committee, or its designee, shall send the Landlord an Initial Notice of Non-Compliance. The Initial Notice of Non-Compliance 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 1st of each year and must be paid within 30 days. If a Landlord fails to pay their annual space rental fees within 30 days of the due date, the Rental Housing Committee, or its designee, shall send the Landlord an Initial Notice of Non-Compliance.
 - 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 1st of each year. If a Landlord fails to complete their annual registration by February 1st, the Rental Housing Committee, or its designee, shall send the Landlord an Initial Notice of Non-Compliance on or after February 2nd.
3. Second Notice of Non-Compliance. If thirty (30) days have elapsed from the date of the Initial Notice of Non-Compliance and the Landlord remains in violation of the same substantial requirement, the Committee, or its designee, shall send the Landlord a Second Notice of Non-Compliance and shall send a copy of the Second Notice of Non-Compliance to any affected Tenants.

4. MHRSO Information Sheet. Any copy of a Second Notice of Non-Compliance that is sent to an affected Tenant shall be accompanied by a copy of the MHRSO Information Sheet, as prepared and published by the Rental Housing 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 Landlord's 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
 - iii. Fees Paid
 - g. Registration status, as indicated by one of the following:
 - i. Registration Open
 - ii. Registration Submitted
 - iii. Registration Not Submitted
 - iv. Registration Accepted

3. Website Listing. The following statuses on the compliance database indicate that the Landlord is out of compliance with requirements (3) and (4) outlined in Table 1 in Section B of this Chapter:
 - a. Their annual rental housing fee status is "Fees Not Paid."
 - b. Their registration status is "Registration Open" after February 2nd 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 Housing Fees. If a Landlord fails to pay their annual space rental fees within 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 the unpaid balance for annual space rental fees and penalties from prior years, for each month after the due date, until the Landlord's entire balance for the property is paid.
3. Late Fees for Failure to Register Covered Units. If a Landlord fails to complete their annual registration by February 1st of each year, a late fee of \$25 per unit will be assessed on February 2nd and every thirty (30) days thereafter that the Landlord remains out of compliance with the annual registration requirement.
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, assessed to property.

F. Effective Date

The provisions of this Chapter 12 of the MHRSO Regulations shall be effective beginning January 1, 2023.

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.