

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 5 – PETITION PROCESS OF THE MOBILE HOME RENT STABILIZATION ORDINANCE (MHRSO)

WHEREAS, Section 46.9 of the MHRSO authorize the Rental Housing Committee to establish rules and regulations for administration and enforcement of the MHRSO, including rules and regulations for the Petition Process; and

WHEREAS, the Rental Housing Committee held a publicly noticed meeting on May 22, 2023 and discussed and considered amendments to the MHRSO regulations for the Petition Process

NOW, THEREFORE, BE IT RESOLVED that the Rental Housing Committee hereby adopts amendments to the MHRSO Regulations Chapter 5 – Petition Process as set forth in Exhibit A of this resolution.

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 Mobile Home Rent Stabilization Ordinance (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 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. The petitioner must provide copies of all documentary evidence that the 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. The 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, the 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 (1) copy of the report must be submitted either together with the Petition or at least ten (10) business days prior to the hearing. The 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. The 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 the 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.
7. Time Limitations on Filing Tenant Petitions. The RHC will not accept petitions for a Downward Rent Adjustment from a former Mobile Home Owner or a former Mobile Home Tenant that are filed more than one hundred eighty (180) days after the former Mobile Home Owner or the former Mobile Home Tenant vacated the Mobile Home

Space or the Mobile Home, regardless of whether their tenancy of the Mobile Home Space or Mobile Home was terminated voluntarily or involuntarily.

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. The 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.
5. Rents. The amount of the Base Rent and current Rent.
6. Notice to Park Owner or Landlord. The 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. The 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. The 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.
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, canceled 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, email 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.
6. Limitations on Unlawful Rent Petitions. Where a Petition for an Individual Rent Adjustment would reduce Rent based on the alleged collection of unlawful Rents related to "rent concessions," as that term is defined in Chapter 2 of these Regulations, the following limitations shall apply:
 - a. For rent concessions provided for a Tenancy that commenced before September 1, 2022, a Mobile Home Owner or Mobile Home Tenant shall be entitled to a rollback to the Base Rent and a refund of only the Rent that was overpaid within one (1) year prior the date of the filing of the Petition.
 - b. For rent concessions provided for a Tenancy that commenced on or after September 1, 2022, the Mobile Home Owner or Mobile Home Tenant shall be entitled to a rollback to the Base Rent and a refund of any Rent that was overpaid, subject to applicable statutes of limitations in State law.
 - c. A former Mobile Home Owner or Mobile Home Tenant may file a Petition for an Individual Rent Adjustment based on the alleged collection of unlawful Rent related to "rent concessions" so long as the Petition is filed within six (6) months of the date that the Mobile Home Owner or Mobile Home Tenant vacated the Mobile Home Space or Mobile Home.

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.
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 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 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 designee, any Petition may be consolidated with any other Petition related to: (1) the 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, insofar 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 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 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 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).
 - 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 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 Rental Housing Committee as required by Chapter 4.
2. The Rental Housing Committee or designee will notify the 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.
4. The Rental Housing Committee or designee has explicitly stated in a prior written decision that the prohibition against filing a Petition within twelve (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.