

Amend MHRSO Regulations, Chapter 2, to add the following definitions:

1. "Bad Faith" refers to willful, reckless, or grossly negligent conduct.
2. "Disabled" refers to a person with a disability, as that term is defined in California Government Code Section 12955.3 (or successor provision).
3. "Child" refers to a legally dependent individual of 19 years of age or younger.
4. "Senior" refers to a person who is 62 years of age or older.
5. "Harassment" refers to a Park Owner or Mobilehome Landlord using certain methods, such as threats, coercion, fraud, or intimidation, to prevent a Mobilehome Resident from exercising or asserting their rights, to interfere with a Mobilehome Resident's quiet enjoyment of their Mobilehome Space or Mobilehome (or the common areas or associated Housing Services, Communal Facilities or amenities), or generally to make the Mobilehome Resident's life difficult.
6. "Mobilehome Resident" means a person, including a Mobilehome Owner or Mobilehome Tenant, who occupied a Mobilehome.
7. "Retaliation" refers to a Park Owner or Mobilehome Landlord using certain methods or behaviors against a Mobilehome Resident in response to the Mobilehome Resident exercising or asserting specific rights related to their Mobilehome Space, Mobilehome or tenancy.
8. "Terminally Ill" refers to a person who is certified as being terminally ill by the Mobilehome Resident's treating physician or healthcare provider.

MOBILE HOME RENT STABILIZATION ORDINANCE
REGULATIONS

CHAPTER 13
ANTI-HARASSMENT AND ANTI-RETALIATION

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A. Purpose

The purpose of this Chapter of the Mobile Home Rent Stabilization Ordinance (MHRSO) Regulations is to enable the Rental Housing Committee (RHC) and its designee, the Rent Stabilization Division, to advance the goals of the MHRSO by controlling “arbitrary evictions” caused by retaliation and harassment of Mobilehome Residents by their Park Owners or Mobilehome Landlord. Additionally, this Chapter aims to strengthen existing protections for Mobilehome Residents under federal, state, and local laws to prevent and deter Mobilehome Resident harassment and retaliation by Park Owners or Mobilehome Landlords, to encourage Park Owners or Mobilehome Landlords to comply with the law and fulfill their obligation to provide habitable rental properties, and to provide Mobilehome Residents with legal options when they face harassment and retaliation from Park Owners or Mobilehome Landlords.

As used throughout this Chapter, “federal, state and local laws” includes, but is not limited to all of the following:

1. Federal laws:
 - a. Fair Housing Act (42 U.S.C. § 3601, et seq.)
 - b. Section 504 of the Rehabilitation Act (29 U.S.C. § 794)
 - c. Americans With Disabilities Act (42 U.S.C. § 12101)
 - d. Violence Against Women Reauthorization Act of 2022 (34 U.S.C. § 12291)
2. State laws:
 - a. California Fair Employment and Housing Act (Government Code § 12900, et seq.)
 - b. Unruh Civil Rights Act (Civil Code § 51, et seq.)
 - c. California Disabled Persons Act (Civil Code § 54, et seq.)
 - d. Chapter 2 (Hiring of Real Property) of Title 5 of Part 4 of Division 3 of the California Civil Code (or successor provisions)
 - e. California Government Code § 53165.1
 - f. Division 13 (Housing) of the California Health and Safety Code (or successor provisions)
3. Local laws:
 - a. City of Mountain View Mobilehome Resident Relocation Assistance Ordinance
 - b. City of Mountain View Multi-Unit Smoking Ordinance
 - c. Chapter 8 (Building) of the Mountain View City Code
 - d. Chapter 14 (Fire Prevention) of the Mountain View City Code
 - e. Chapter 36 (Zoning) of the Mountain View City Code

B. Applicability

1. As used throughout this Chapter, the terms “Mobilehome Landlord” and “Park Owner” shall have the same meaning as provided in subsections (k) and (q), respectively, of Section 46.2 of the MHRSO. This means that the prohibitions on Mobilehome Resident harassment and retaliation apply not only to the Park Owners and Mobilehome Landlords, but also to all employees, contractors, subcontractors,

and agents of the Park Owners or Mobilehome Landlords and to any other individual or entity acting on behalf of the Park Owners or Mobilehome Landlords.

2. The provisions of this Chapter apply to Park Owners or Mobilehome Landlords and Mobilehome Residents of Mobilehome Spaces and Mobilehomes, as defined in subsections (j) and (p), respectively, of Section 46.2 of the MHRSO and section (d) of Chapter 2 of these Regulations.

C. Anti-Retaliation Provisions

1. Retaliation is Barred. Pursuant to MHRSO Section 46.8(d), except for actions that are privileged or otherwise protected by law, no Park Owner or Mobilehome Landlord shall take action to terminate any tenancy or otherwise recover possession of a Rental Unit in retaliation for the Mobilehome Resident reporting violations of the MRHSO or these Regulations, exercising rights granted under the MHRSO or these Regulations, forming or participating in a Recognized Tenant Organization, or engaging in other Protected Activities as defined below. Retaliation is defined in Chapter 2, Section xx of these Regulations.
2. Rebuttable Presumption. A Mobilehome Resident may assert retaliation either affirmatively or as a defense to the Park Owner's or Mobilehome Landlord's action, regardless of how much time has elapsed between the Mobilehome Resident's assertion of or exercise of rights under the MHRSO, these Regulations, and/or state law and the alleged act of retaliation. However, proof of exercise or assertion by the Mobilehome Resident of their rights within one hundred eighty (180) days prior to the Park Owner's or Mobilehome Landlord's alleged act of retaliation shall create a rebuttable presumption that the Park Owner's or Mobilehome Landlord's act was retaliatory.
3. Protected Activities. This subsection illustrates, but does not exhaust, the facts a court may consider when determining whether a Park Owner or Mobilehome Landlord has violated Section 46.8(d) of the MHRSO as interpreted by this Section. No Park Owner or Mobilehome Landlord shall take any actions prohibited by MHRSO Section 46.8(d) and/or Section E.2 of this Chapter as a result of the Mobilehome Resident engaging in one or more of the following activities:
 - a. Requesting repairs or maintenance that are the Park Owner's or Mobilehome Landlord's obligation pursuant to federal, state, county, or local law;
 - b. Complaining about the condition of their Mobilehome Space, Mobilehome, or the Mobilehome Park, including unsafe or illegal living conditions, to a government agency, such as but not limited to, a building or health inspector;
 - c. Filing a complaint about housing code breaches or violations;

- d. Filing a Petition for Downward Adjustment of Rent, as authorized by MHR SO Section 46.10;
- e. Exercising a legal right granted by state or local law, such as but not limited to withholding the Rent for an uninhabitable unit or repairing and deducting the cost of repairs from Rent;
- f. Creating and/or associating with one or more Recognized Tenant Mobilehome Resident Organization(s) or individuals involved in Mobilehome Resident advocacy;
- g. Organizing as Mobilehome Residents and/or engaging in concerted activities with other Mobilehome Residents for the purpose of mutual aid and protection;
- h. Providing access to Mobilehome Resident organizations, advocates, or representatives working with or on behalf of Mobilehome Residents living at the Property;
- i. Convening Recognized Tenant Organization meetings in a suitable space accessible to Mobilehome Residents under the terms of their Space Rental Agreement or Mobilehome Rental Agreement;
- j. Distributing and posting literature in common areas, including lobby areas and bulletin boards, to inform other Mobilehome Residents of their rights and opportunities to participate in organized Mobilehome Resident activities;
- k. Requesting a reasonable accommodation to the Park Owner's or Mobilehome Landlord's policies or practices or a reasonable modification of the Mobilehome or Mobilehome Park as authorized by federal, state, or local law;
- l. Posting or displaying political signs related to an election or legislative vote (including an election of a candidate to public office), the initiative, referendum or recall process, or issues that are before a public commission, public body, or elected local body for a vote, unless the Mobilehome Resident violates the limitations set forth in California Civil Code Section 1940.4;
- m. Asserting their rights under the California Translation Act (California Civil Code Section 1632), including but not limited to, requesting copies of Mobilehome Rental Agreements, Space Rental Agreements, lease addenda, and rent increase notices in their primary language;
- n. Requesting that their Park Owner or Mobilehome Landlord change the locks to their Mobilehome or changing the locks to their Mobilehome in accordance with California Civil Code Section 1941.5 and/or Section 1941.6 (which protects victims of "abuse or violence," as that phrase is defined in California Code of Civil

Procedure Section 1161.3(a)(1)); or

- a. Summoning law enforcement or emergency assistance as, or on behalf of, a victim of abuse, a victim of crime, or an individual in an emergency.
4. Nonexclusive with State or Federal Law. The protections afforded by this Section are not intended to be mutually exclusive of the protections afforded by any of the following:
 - a. The Mobilehome Residency Law (California Civil Code Section 798 et seq.), the Mobilehome Parks Act (California Health and Safety Code Sections 18200 et seq.), Special Occupancy Parks Act (California Health and Safety Code Sections 18860 et seq.), or Recreational Vehicle Occupancy Law (California Civil Code Sections 799.20 et seq.);
 - b. Chapter 2 (Hiring of Real Property) of Title 5 of Part 4 of Division 3 of the California Civil Code (or successor provisions), which generally governs landlord-tenant law in California;
 - c. Division 13 (Housing) of the California Health and Safety Code (or successor provisions), which establishes specific health and safety requirements for rental housing;
 - d. The California Fair Employment and Housing Act (California Government Code Section 12900 et seq.) (or successor provision), which offers protections against discrimination for certain protected classes of Mobilehome Residents; and/or
 - e. Other applicable state or federal law.

D. Anti-Harassment Provisions

1. Harassment is Barred. No Park Owner or Mobilehome Landlord shall engage in any acts or omissions of such significance as to (1) substantially interfere with or disturb the comfort, repose, peace, or quiet of any person lawfully entitled to occupancy of a Mobilehome Park or Mobilehome; (2) prevent a Mobilehome Resident from exercising or asserting their rights under the MHRSO these Regulations, or other applicable local, state, or federal law; (3) coerce or influence the Mobilehome Resident to vacate the Mobilehome Space or Mobilehome; and/or (4) generally make the Mobilehome Resident's life difficult. Harassment is defined in Chapter 2, Section xx of these Regulations.
2. Examples of Harassment. This subsection illustrates, but does not exhaust, the factors that a court may consider in determining whether a Park Owner or Mobilehome Landlord has violated the MHRSO as interpreted by this Section. No Park Owner or Mobilehome Landlord shall, in Bad Faith, engage in a course of conduct directed at a

specific Mobilehome Resident or Mobilehome Resident(s), including but not limited to, the following actions:

- a. *Quiet Enjoyment.* Violate or threaten to violate the covenant of quiet enjoyment protected under California Civil Code Section 1927 and MHRSO Section 46.2(h), including, without limitation:
 - i. Interrupt, reduce, terminate, eliminate, or fail to provide Housing Services or Communal Facilities as required by Mobilehome Rental Agreement or Space Rental Agreement or by federal, state, county, or local housing, building, health, and/or safety laws, or threaten to do so, except when necessary to comply with a court order or local, state, or federal law. Failure to provide Housing Services or Communal Facilities shall include transferring costs to the Mobilehome Resident that by law are paid by the Park Owner or Mobilehome Landlord, or charging the Mobilehome Resident for Housing Services or Communal Facilities that were not previously charged to that Mobilehome Resident under their Mobilehome Rental Agreement or Space Rental Agreement;
 - ii. Remove personal property, furnishings, or any other items from the Mobilehome Space or Mobilehome without the prior written consent of the Mobilehome Resident, except when done pursuant to the procedure set forth in California Civil Code Section 1980, et seq. (disposition of Mobilehome Resident's property after termination of tenancy);
 - iii. Cause, directly or indirectly, the interruption or termination of any Utility service furnished to the Mobilehome Resident, including but not limited to, water, heat, light, electricity, gas, telephone, elevator, or refrigeration;
 - iv. Engage in or threaten to engage in conduct that violates California Civil Code Section 789.3, including but not limited to an illegal lockout and utility shutoff;
 - v. Perform any renovation or construction inside the Rental Unit and/or the Property that does not qualify as "necessary and substantial repairs" (as defined in MHRSO Section 46.8(a)(6) without the Mobilehome Resident's express written advance permission;
 - vi. Unilaterally impose or require an existing Mobilehome Resident to agree to new material terms of tenancy or a new Mobilehome Rental Agreement or Space Rental Agreement, unless: (1) the change in the terms of the tenancy is authorized by the MHRSO or California Civil Code Sections 1946.2(f), 1947.5, or 1947.12, or required by federal, state, or local law or regulatory agreement with a government agency; (2) the change in the terms of the tenancy was accepted in writing by the Mobilehome Resident

after receipt of written notice from the Park Owner or Mobilehome Landlord that the Mobilehome Resident is not required to accept such new terms as part of the Rental Housing Agreement; or (3) the change in the terms of the tenancy was authorized pursuant to a Joint Petition for New and Additional Housing Services as outlined in Section G of Chapter 7 of these Regulations;

b. *Habitability.*

- i. Fail to perform and timely complete necessary repairs and maintenance required by federal, state, county, or local housing, building, health, or safety laws;
- ii. Fail to follow applicable industry standards to minimize exposure to noise, dust, lead paint, asbestos, or other building materials that may have harmful health impacts;
- iii. Fail to exercise due diligence in completing repairs once undertaken;
- iv. Fail to timely comply with any notice and order to correct a violation issued by the City, County or California Department of Housing and Community Development;
- v. Violate the warranty of habitability provided under California Civil Code Sections 1941 and 1941.1;
- vi. Violate the habitability standards in California Health and Safety Code Sections 17920.3 and 17920.10; or
- vii. Violate any other habitability standards imposed by the Mobilehome Residency Law (California Civil Code Section 798 et seq.), the Mobilehome Parks Act (California Health and Safety Code Sections 18200 et seq.), the Special Occupancy Parks Act (California Health and Safety Code Sections 18860 et seq.), or the Recreational Vehicle Occupancy Law (California Civil Code Sections 799.20 et seq.).

c. *Access.* Abuse the right of access into residential real property as established by California Civil Code Section 1954, which abuse includes, without limitation:

- i. Entry for inspections that are not permitted by state law or are unrelated to necessary or agreed-upon repairs, maintenance, or services;
- ii. Entry or demands for entry outside normal business hours except when requested by the Mobilehome Resident or as otherwise permitted by California Civil Code Section 1954;

- iii. Entry that conflicts with a Mobilehome Resident's reasonable request to change the date or time of entry, provided, however, that the Mobilehome Resident shall make such request within a reasonable time from the delivery of the notice of entry in case the Park Owner or Mobilehome Landlord has hired a third-party to perform necessary repairs or services;
- iv. Entry to show the Mobilehome to a prospective or actual purchaser if the Park Owner or Mobilehome Landlord has not notified the Mobilehome Resident in writing within one hundred twenty (120) days of the oral notice that the Property is for sale, and the Mobilehome Resident was not informed that they may be contacted to allow for an inspection;
- v. Photographing or recording portions of residential real property beyond the scope of a lawful entry or inspection as specified on the notice of entry;
- vi. Misrepresenting the reasons for accessing residential real property as stated on the notice of entry. For example, stating the reason for entry as necessary repairs but actually accessing the Mobilehome Space or Mobilehome to collect evidence against the Mobilehome Resident;
- vii. Providing notice of entry that fails to provide the approximate time window for the entry or provides a time window that is unreasonably excessive in duration;
- viii. Failing to notify the Mobilehome Resident in a timely manner on multiple occasions that entry into the Rental Unit has been canceled after previously giving notice;
- ix. Entries that are excessive in number relative to the reason stated on the notice of entry;
- d. *Privacy.* Violate or interfere with a Mobilehome Resident's right to privacy, such as:
 - i. Requesting information or inquiring about information regarding the Mobilehome Resident's residence, citizenship status, or social security number, except as required by law or, in the case of a social security number, for the purpose of obtaining information for the qualifications for a tenancy. This includes refusing to accept equivalent alternatives to information or documentation that does not concern immigration or citizenship status, such as an Individual Taxpayer Identification Number (ITIN);
 - ii. Releasing or threatening to release any of the information specified in

subparagraph (i), including to any government entity, except as required or authorized by law or in violation of applicable state and/or federal law, including but not limited to California Civil Code Sections 1940.2(a)(5), 1940.3 and 1940.35;

- iii. Requesting information about the Mobilehome Resident's relationship, marital or familial status in violation of state or federal law;
- iv. Unreasonably inquiring into a Mobilehome Resident's criminal history;
- v. Imposing or enforcing unreasonable restrictions on or inquiring into overnight guests;
- vi. Taking photographs or recording video or audio that captures the interior of a Mobilehome Resident's Mobilehome or other areas of the Mobilehome Space or Mobilehome Park where the Mobilehome Resident is entitled to a reasonable expectation of privacy (such as an enclosed patio for which a Mobilehome Resident has exclusive use and enjoyment);

e. *Forced Vacation; Misrepresentation.*

- i. Misrepresent to a Mobilehome Resident that the Mobilehome Resident is required to vacate a Mobilehome Space or Mobilehome, or entice a Mobilehome Resident to vacate a Mobilehome Space or Mobilehome through intentional misrepresentation or by concealing or omitting a material fact;
- ii. Provide materially false written or verbal information about applicable federal, state, county, or local Mobilehome Resident protections, including deliberately mischaracterizing the nature or effect of a Written Notice to Cease, notice to quit, or other eviction notice. False information includes, without limitation, violating the California Translation Action (California Civil Code Section 1632) or demanding that a Mobilehome Resident enter into a rent payment plan to take advantage of Mobilehome Resident protection laws that do not require such rent payment plans;
- iii. Repeatedly mistreating an occupant of the Rental Unit through in-person conversations, social media postings or messages, or other communications, with language that a reasonable person would consider likely to cause fear or provoke violence;
- iv. Threatening a Mobilehome Resident or their guest, through words or gestures, with physical harm;
- v. Attempt to coerce a Mobilehome Resident to vacate by offering payments

more than once in any six (6) month period after the Mobilehome Resident has notified the Park Owner or Mobilehome Landlord in writing that the Mobilehome Resident does not wish to receive further offers of payments to vacate the Mobilehome Space or Mobilehome;

- vi. Influence or attempt to influence a Mobilehome Resident to vacate a Mobilehome Space or Mobilehome through fraud, intimidation, or coercion, including, without limitation, disclosing or threatening to disclose to any person or entity information regarding the immigration or citizenship status of a Mobilehome Resident or other person known to be associated with the Mobilehome Resident;
 - vii. Otherwise violate California Civil Code Section 1940.2 and/or Sections 1940.3 and 1940.35 (which prohibit retaliation against a Mobilehome Resident for engaging in certain protected activities or based on their perceived or actual immigration or citizenship status); or
 - viii. Remove or eliminate one or more Housing Services or Communal Facilities to cause the Mobilehome Resident to vacate the Rental Unit;
- f. *Rent Payments.*
- i. Refuse to accept or acknowledge receipt of a Mobilehome Resident's lawful rent payment (including, but not limited to, revoking a Mobilehome Resident's access to an online rent payment portal) except as permitted by state law after a notice to quit has been served on the Mobilehome Resident and the time period for performance pursuant to the notice has expired;
 - ii. Refuse to cash a rent check or money order for over thirty (30) days unless a written receipt for payment has been provided to the Mobilehome Resident, except as such refusal may be permitted by state law after a notice to quit has been served on the Mobilehome Resident and the period for performance under the notice has expired;
 - iii. Fail to provide a receipt to a Mobilehome Resident for Rent or other payment after the Mobilehome Resident has requested a receipt, in violation of California Civil Code Section 1499 and California Code of Civil Procedure Section 2075;
 - iv. Fail to allow a Mobilehome Resident to pay rent or the security deposit using at least one form of payment that is neither cash nor electronic funds transfer, except where otherwise permitted by California Civil Code Section 1947.3(a)(2) (i.e., the Mobilehome Resident has previously attempted to pay the Park Owner or Mobilehome Landlord with a check

drawn on insufficient funds or the Mobilehome Resident has instructed the drawee to stop payment on a check, draft, or order for the payment of money);

g. *Discrimination.*

- i. Violate any law that prohibits discrimination against the Mobilehome Resident based on race, gender, sexual preference, sexual orientation, ethnic background, nationality, religion, age, familial status, marriage, pregnancy, veteran status, disability, human immunodeficiency virus (HIV)/acquired immune deficiency syndrome (AIDS), occupancy by a minor child, or source of income;
- ii. Make a sexual demand on a Mobilehome Resident for the Mobilehome Resident to obtain needed maintenance on the Rental Unit, to obtain a rent concession, additional Housing Service(s) or Communal Facility(ies), or to avoid eviction, or make other quid pro quo sexual demands on a Mobilehome Resident;
- iii. Subject a Mobilehome Resident to unwelcome touching, kissing, or groping, make unwelcome comments about a Mobilehome Resident's body, send a Mobilehome Resident unwelcome, sexually suggestive texts, enter the Rental Unit without invitation or permission, or engage in other actions that create a hostile environment;
- iv. Violate the Unruh Civil Rights Act (California Civil Code 51 et seq.);
- v. Commit elder financial abuse (as defined by California Welfare and Institutions Code 15610.30 et seq.) of a Mobilehome Resident;

h. *Mobilehome Resident Organizing; Recognized Mobilehome Resident Associations.* Interfere with the right of Mobilehome Residents to do any of the following:

- i. Organize as Mobilehome Residents and engage in concerted activities with other Mobilehome Residents for the purpose of mutual aid and protection including raising concerns about repairs and maintenance, rent amounts or rent increases, evictions, discrimination, or harassment, regardless of whether the Mobilehome Residents share the same Park Owner or Mobilehome Landlord or management company;
- ii. Convene Mobilehome Resident or Mobilehome Resident organization meetings in a suitable space accessible to Mobilehome Residents in accordance with the terms of their Mobilehome Rental Agreement or Space Rental Agreement;

- iii. Contact other Mobilehome Residents and provide them literature informing them of their rights and opportunities to get involved or participate in Mobilehome Resident organizing or Mobilehome Resident union activities;
 - iv. Distribute and post such literature on bulletin boards or other areas designated by the Park Owner or Mobilehome Landlord for Mobilehome Resident use or free speech activities;
 - v. Exercise their rights under Article IV of Chapter 3 of the Mountain View City Code and/or California Civil Code Section 1942.6, or provide access to Mobilehome Resident organizers, advocates, or representatives working with or on behalf of Mobilehome Residents living at the property;
 - Nothing in this section is intended to require that any Park Owner or Mobilehome Landlord allow Mobilehome Resident organizers, advocates, or representatives working with or on behalf of Mobilehome Residents living at the residential real property access to such residential real property (e.g., pursuant to *Cedar Point Nursery v. Hassid* (2021) 141 S.Ct. 2063 and progeny) except as expressly provided in California Civil Code Section 1942.6 or to the extent such access constitutes a regulatory taking;
- i. *Other Acts.*
- i. Communicate with a Mobilehome Resident in a language other than English or other than the Mobilehome Resident's primary language for the purpose of intimidating, confusing, deceiving, annoying, seriously alarming, or harassing the Mobilehome Resident;
 - ii. Repeatedly violate the California Translation Act (California Civil Code Section 1632), which, among other things, requires Park Owner or Mobilehome Landlords to provide copies of certain Rental Housing Agreements and notices in a Mobilehome Resident's non-English primary language if they have primarily negotiated with the Mobilehome Resident in said language;
 - iii. Communicate with a Mobilehome Resident using a form or manner of communication (such as text message, phone calls, or in-person) to which the Mobilehome Resident has previously objected after the Mobilehome Resident has informed the Park Owner or Mobilehome Landlord in writing that the Mobilehome Resident objects to that form or manner of communication, except in the case of an emergency;
 - iv. Communicate with a Mobilehome Resident using a form or manner of communication (such as text message, phone calls, or in-person) to which the Mobilehome Resident has previously objected after the Mobilehome Resident has informed the Park Owner or Mobilehome Landlord in writing that the Mobilehome Resident objects to that form or manner of communication, except in the case of an emergency;

- v. Other repeated acts or omissions of such significance as to substantially interfere with or disturb the comfort, repose, peace or quiet of any person lawfully entitled to occupy of such Covered Rental Unit and that cause, are likely to cause, or are intended to cause any such person to vacate the Rental Unit or to surrender or waive any rights related to such occupancy; or
- vi. Secure any modification or waiver, whether oral or written, of any provision of the MHRSO or this Chapter of the MRHSO Regulations. Any such waiver or modification is hereby declared to be against public policy and is void and unenforceable.

E. Remedies and Enforcement.

1. Notice. The Mobilehome Rent Stabilization Ordinance (MHRSO) Protections Information Sheet, as required by Section C or Chapter 11 of these Regulations, shall include the following information:
 - i. Chapter 13 of the MHRSO Regulations prohibits Park Owners or Mobilehome Landlords from engaging in certain acts or failing to perform certain acts related to a tenancy in Bad Faith; and
 - ii. Park Owners or Mobilehome Landlords who violate the MHRSO as interpreted by this Chapter 13 of the MHRSO Regulations may be held liable for damages.
2. No Administrative Consideration. Harassment and retaliation claims may only be brought in court or other appropriate venue (such as the California Civil Rights Department or the federal Office of Fair Housing and Equal Opportunity) but may not be addressed administratively via the petition process described in Section 46.10 of the MHRSO. A court or other responsible administrative agency shall consider the protections afforded by the MHRSO as interpreted by this Chapter of the MHRSO Regulations when evaluating a claim of harassment or retaliation.
3. Affirmative Defense. A Park Owner's or Mobilehome Landlord's violation of the MHRSO as interpreted by this Chapter of the MHRSO Regulations shall constitute a complete defense against any unlawful detainer, ejectment, or other legal action by the Park Owner or Mobilehome Landlord to recover possession of the Mobilehome Space or Mobilehome.
4. Harassment, Retaliation and/or Wrongful Eviction Complaint. Any aggrieved Mobilehome Resident, or any person, organization or entity that will fairly and adequately represent the interests of an aggrieved Mobilehome Resident(s), may submit a complaint to the Division, using a form provided by the Division, documenting the alleged harassment, retaliation, and/or wrongful eviction. A

complaint may be filed regardless of whether the Mobilehome Space or Mobilehome is still occupied or has been vacated due to harassment, retaliation, or wrongful eviction.

- a. The filing and/or acceptance of the complaint by the Division does not constitute a determination or finding by the Division, the Committee, or the City in favor of the complainant, nor does it indicate an intent by the Division, the Committee, or the City to take any enforcement action against the Park Owner or Mobilehome Landlord.
 - b. The complaint form cannot be completed by a Mobilehome Resident's representative unless it is accompanied by a signed and dated Representative Authorization form by both the Mobilehome Resident and the designated representative.
 - c. The completed complaint form, and its attachment(s), must be served on the Park Owner or Mobilehome Landlord and/or the Park Owner's or Mobilehome Landlord's agent.
 - d. The complaint form becomes a public record once submitted and is subject to disclosure under the California Public Records Act, except that information exempt from disclosure shall be redacted.
5. Rent Adjustment Penalties. In addition to the remedies provided herein or in Section 46.11 of the MHRSO, any Covered Rental Unit that becomes vacant due to a violation of the MHRSO as interpreted by this Chapter of the MHRSO Regulations shall only be permitted to be rented at the lawful Rent in effect at the time of the most recent termination of tenancy.
6. Civil Action. An aggrieved Mobilehome Resident, or any person, organization, or entity, including the City, that will fairly and adequately represent the interests of an aggrieved Mobilehome Resident(s), may initiate civil proceedings as provided by law, against a Park Owner or Mobilehome Landlord violating the MHRSO as interpreted by this Chapter of the MHRSO Regulations and against any person who aids, facilitates, and/or incites another person to violate such provisions, regardless of whether the Covered Rental Unit remains occupied or has been vacated due to harassment or retaliation. The burden of proof in such cases shall be by a preponderance of the evidence.
- a. A civil action may be commenced alleging a violation of Section E.2.b. of this Chapter only after the Mobilehome Resident or any other person provides written notice to the Park Owner or Mobilehome Landlord of the alleged violation (on a form provided by the Division), and the Park Owner or Mobilehome Landlord fails to remedy the violation within a reasonable period of time. However, no waiting period shall apply if the Park Owner's or

Mobilehome Landlord's conduct is intentional and demonstrates a willful disregard for the comfort, safety, or well-being of the Mobilehome Resident(s).

7. Damages and Monetary Awards.

- a. Any person who violated, or aids or incites another person to violate, the MHRSO as interpreted by this Chapter of the MHRSO Regulations, is liable in a court action for each and every such offense for monetary damages of three times the actual damages suffered by an aggrieved Mobilehome Resident (including damages for mental or emotional distress), or for the minimum damages in the sum of \$1,000.00, whichever is greater, or for any other relief the court deems appropriate, and shall be liable for such attorneys' fees and costs as may be determined by the court.
 - b. The court may also award punitive damages to any plaintiff, including the City, in a proper case as defined in California Civil Code Section 3294 or its successor statute. The burden of proof for punitive damages shall be clear and convincing evidence.
 - c. In the case of an award for damages for mental or emotional distress, such an award shall be trebled only if the trier of fact finds that the defendant acted in knowing violation of or reckless disregard of the MHRSO as interpreted by this Chapter of the MHRSO Regulations.
 - d. A prevailing defendant in a civil action under this section shall be entitled to an award of attorneys' fees only if the court determines that the action was devoid of merit and brought in Bad Faith.
8. Injunctive/Equitable Relief. Any person who commits an act or engages in any pattern or practice that violates the MHRSO as interpreted by this Chapter of the MHRSO Regulations may be enjoined from doing so by a court of competent jurisdiction. A court may also issue other equitable relief as appropriate. Any action for an injunction under this subsection may be brought by any aggrieved person, the City Attorney, or any person or entity who will fairly and adequately represent the interests of the Mobilehome Residents.
9. Nonexclusive Remedies and Penalties. The remedies provided by this Chapter of the MHRSO Regulations are not exclusive, and nothing in this Chapter shall preclude any person from seeking any other remedies, penalties, or procedures provided by law.

F. Non-Waivability.

Any provision of a Rental Housing Agreement or other agreement, whether written or oral, that purports to waive a Mobilehome Resident's right to the protections afforded by the MHRSO or

these Regulations shall be deemed to be against public policy and shall be void.

G. Partial Invalidity.

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