

Mobile Home Rent Stabilization Ordinance

CHAPTER 8
PROCEDURES FOR ANNUAL GENERAL ADJUSTMENTS

A. Purpose

The Mobile Home Rent Stabilization Ordinance (“MHRSO”) guarantees that Park Owners and Mobile Home Landlords are entitled to earn a fair rate of return from a property. The MHRSO authorizes Park Owners and Mobile Home Landlords to seek rent increases via the Annual General Adjustment (“AGA”), identified in MHRSO Section 46.6, as well as via a Petition for Upward Adjustment of Rent. Subsection (d) of MHRSO Section 46.6 authorizes a Park Owner or Mobile Home Landlord to accumulate one or more AGAs to be implemented at a later date. Subsection (e) of MHRSO Section 45.5, Subsection (d) of MHRSO Section 46.6 and Subsections (a)(1) through (a)(3) of MHRSO Section 46.9 authorize the RHC to issue rules and regulations related to the rent increases, AGAs, banking, and Owner or Tenant hardships.

B. Notices

1. Mandatory Notice to Mobile Home Owner or Mobile Home Tenant with Rent Increase Notice. In addition to the notice requirement identified in California Civil Code Section 798.30 (for Mobile Home Spaces) or California Civil Code Section 827 (for Mobile Homes), or any successor legislation, any notice requesting an increase in Rent must include a form notice to Mobile Home Owners and Mobile Home Tenants regarding the MHRSO in substantially the same form as the form notice published by the RHC as it may be updated from time to time.

2. Banked AGA.

Mandatory Notice to Mobile Home Owner or Mobile Home Tenant. In addition to the notice requirement identified in California Civil Code Section 798.30 (for Mobile Home Spaces) or California Civil Code Section 827 (for Mobile Homes), or any successor legislation, any notice requesting an increase in Rent greater than the AGA identified for the current calendar year must include the following:

- a. Identification of the requested increase in monthly Rent due, including the actual increase as well as calculation of the dollar increase as a percentage of the Rent due immediately prior to the imposition of the proposed Rent increase; and

- b. The following text, in at least 12-point font (if notice is printed):

“The rent increase requested in this notice exceeds the annual general adjustment authorized for the current year. Park Owners and Mobile Home Landlords may save (“bank”) annual general adjustments that were not imposed in previous years and implement them with the current annual general adjustment in accordance with the Mobile Home Rent Stabilization Ordinance, Section 46.6, and implementing regulations. Rent may only be increased once every twelve (12) months, and rent increases cannot exceed ten percent (10%) of the rent actually charged in the previous year. Mobile Home Owners and Mobile Home Tenants have the right to petition the Rental Housing Committee (RHC) for relief if this rent increase will cause an undue hardship. The RHC defines a hardship based on either household income or if the household spends fifty percent (50%) or more of household income on rent, with specific definitions for households with children, seniors, or persons with disabilities or who are terminally ill. If you believe the rent increase requested in this notice is incorrect, excessive, or causes an undue hardship, you can: (a) contact your landlord to discuss the increase; and/or (b) file a petition with the RHC. For more information about petitions or the hardship process, contact the Mountain View Rental Housing Helpline at 650-282-2514 or CSFRA@housing.org.”

3. Notice to City. A copy of any notice required by this Section B of Chapter 8 must be submitted to the City within seven (7) days of delivery to a Mobile Home Owner or Mobile Home Tenant.
4. Application. This Section B of Chapter 8 is not applicable to Rent increases authorized by the Decision of a Hearing Officer or the RHC pursuant to a Petition for Upward Adjustment of Rent in accordance with MHRSO Section 46.10(a).

C. Mobile Home Owner or Mobile Home Tenant Hardship

Any Mobile Home Owner or Mobile Home Tenant household receiving a notice requesting an increase in Rent greater than the AGA identified for the current calendar year may claim that the requested increase would cause an undue hardship on the Mobile Home Owner or Mobile Home Tenant household and request relief, in accordance with this Section C of Chapter 8.

1. Petition Required. Any Mobile Home Owner or Mobile Home Tenant claiming a hardship must do so on a form provided by the RHC, with supporting documentation as described in Subsection (C)(2) of this Chapter 8.
- a. Contents of Petition. The hardship Petition must: (i) be submitted on a form provided by the RHC; (ii) clearly identify the hardship claimed under Subsection (C)(2) of this Chapter 8; ~~and~~ (iii) [indicate whether the Mobile Home Owner or](#)

Mobile Home Tenant can pay any portion of the banked AGA increase, inclusive of the AGA increase for the current year, and if yes, the amount of the banked AGA increase the Mobile Home Owner or Mobile Home Tenant can pay; and (iv) provide adequate supporting documentation of the hardship as described in Subsection (C)(2) of this Chapter 8.

- b. Petition Due Date. Hardship Petitions should be submitted as early as possible after receipt by the Mobile Home Owner or Mobile Home Tenant of a notice of rent increase to allow for potential relief. Hardship Petitions must be received within ten (10) calendar days of the effective date of a rent increase. Hardship Petitions received after the effective date of a rent increase cannot alter the first month of the requested rent increase. Hardship Petitions received more than ten (10) calendar days after the effective date of the requested rent increase will be rejected, unless the Mobile Home Owner or Mobile Home Tenant demonstrates that there was good cause for the delay in filing the Hardship Petition and the length of the delay was reasonable given the cause.
 - c. Burden of Proof. No relief can be granted to a Hardship Petition unless it is supported by the preponderance of the evidence supporting the claimed hardship.
2. Hardship Conditions Defined. Any Mobile Home Owner or Mobile Home Tenant household claiming a hardship must verifiably demonstrate that one (1) or more of the following conditions apply to either one (1) or more persons in the household or to the household generally (as specified below). For purposes of defining a hardship, household income means the gross income received in the previous twelve (12) months from all household members over age eighteen (18).
- a. Inadequate Household Income. Any household whose household income does not exceed one hundred percent (100%) of the median household income for Santa Clara County as adjusted for household size according to the California Department of Housing and Community Development, or that spends more than fifty percent (50%) of the household's income on housing costs shall be presumed a hardship. For the purposes of this Subsection, "housing costs" shall mean either: (i) Rent for a Mobile Home in the case of a Mobile Home Tenant; or (ii) the sum of Rent for a Mobile Home Space and monthly mortgage payments on a Mobile Home, if any, in the case of a Mobile Home Owner.
 - b. Families with Children. Any household: (i) whose household income does not exceed one hundred twenty percent (120%) of the median household income for Santa Clara County as adjusted for household size according to the California Department of Housing and Community Development, or that spends more than fifty percent (50%) of the household's income on Rent; and (ii) which household

is the primary residence of one (1) or more dependent children under the age of eighteen (18) shall be presumed a hardship.

- c. Senior Household. Any household: (i) whose household income does not exceed one hundred twenty percent (120%) of the median household income for Santa Clara County as adjusted for household size according to the California Department of Housing and Community Development, or that spends more than fifty percent (50%) of the household's income on Rent; and (ii) which household is the primary residence for one (1) or more persons who are at least sixty-two (62) years of age shall be presumed a hardship.
 - d. Persons with Disabilities. Any household: (i) whose household income does not exceed one hundred twenty percent (120%) of the median household income for Santa Clara County as adjusted for household size according to the California Department of Housing and Community Development, or that spends more than fifty percent (50%) of the household's income on Rent; and (ii) which household is the primary residence for one (1) or more persons with a disability, as defined in Section 12955.3 of the Government Code, shall be presumed a hardship.
 - e. Persons who Are Terminally Ill. Any household: (i) whose household income does not exceed one hundred twenty percent (120%) of the median household income for Santa Clara County as adjusted for household size according to the California Department of Housing and Community Development, or that spends more than fifty percent (50%) of the household's income on Rent; and (ii) which household is the primary residence for one (1) or more persons who are terminally ill, as confirmed in writing by the individual's licensed medical care provider, shall be presumed a hardship.
 - f. Other Hardship. Any household: (i) which does not qualify under the definitions of hardship included in Subsections (C)(2)(a) through (C)(2)(e) of this Chapter 8; and (ii) which household demonstrates other extenuating circumstances may request such circumstances be considered hardship for purposes of Subsection (C)(6) of this Chapter 8.
3. Petition Process. Within ~~fourteen~~ thirty (1430) days of submission to the RHC of a Petition and documentation supporting eligibility, as described in Section C of this Chapter 8, the RHC shall notify the Petitioner of acceptance of the Petition or inform the Petitioner why the Petition has not been accepted. Staff shall not assess the adequacy of any documentation supporting eligibility but shall refuse acceptance of a Petition submitted without a document that purportedly supports a finding of Mobile Home Owner or Mobile Home Tenant hardship. One (1) document may be submitted to support more than one (1) eligibility criterion identified in Subsection (C)(2). Each notice of acceptance must identify the date of the scheduled Uncontested Hearing, as

described in Section (C)(5) of this Chapter 8 and provide a brief explanation of the procedures for the Hearing and the potential outcome of the Hardship Petition.

- a. Effective Rent During Pendency of Hardship Petition. Prior to submission of a Petition, the Mobile Home Owner or Mobile Home Tenant remains liable for all Rent lawfully due. Upon acceptance of a Petition claiming a Mobile Home Owner or Mobile Home Tenant hardship by the RHC, the Mobile Home Owner or Mobile Home Tenant household shall be liable for and pay to the Park Owner or Mobile Home Landlord on the normal due date the amount of Rent that would be due notwithstanding the notice of Rent increase for which the hardship was claimed (e.g., the Mobile Home Owner or Mobile Home Tenant may hold the difference between the regular Rent and increased Rent during the pendency of a Hardship Petition). However, acceptance of the Petition by the RHC does not automatically grant any requested relief from or response to a proposed Rent increase. Each Decision regarding a rejected Petition will require the Mobile Home Owner or Mobile Home Tenant to pay the Park Owner or Mobile Home Landlord the total requested Rent from the date the increase would have taken effect as if the hardship were not claimed; and a Hearing Officer may allow repayment of a lawfully withheld difference in Rent over the course of more than one (1) month.
 - b. Notice of Acceptance. Upon acceptance, the RHC shall provide a written notice of acceptance to each Park Owner or Mobile Home Landlord potentially affected by the Petition. The written notice of acceptance provided to a potentially affected Park Owner or Mobile Home Landlord shall inform the Park Owner or Mobile Home Landlord of their right to respond to the Petition and include a copy of the completed Petition; supporting documentation submitted by the Petitioner shall be made available for review upon request.
 - c. ~~Prehearing Settlement Conferences-Encouraged.~~ Upon acceptance, the Rental Housing Committee shall encourage filing of the Hardship Petition, the Petitioner and each Park Owner or Mobile Home Landlord potentially affected by the Petition to voluntarily participate in can request a voluntary Prehearing Settlement Conference with the Park Owner or Mobile Home Landlord, as described in Section N of Chapter 5.
4. Park Owner or Mobile Home Landlord Response. Each Park Owner or Mobile Home Landlord potentially affected by a Petition submitted in accordance with this Chapter 8 may take any combination of the following actions within thirty (30) calendar days of acceptance of a Petition by the RHC. An action described in Subsections (C)(4)(a) and (C)(4)(b) shall be considered a “Park Owner or Mobile Home Landlord Response” for purposes of Subsection (C)(5) of this Chapter 8.

- a. Request a Hearing before a Hearing Officer on a form provided by the RHC to either contest the alleged hardship eligibility of the Mobile Home Owner, or Mobile Home Tenant, or household thereof, or propose an alternate means of relief;
 - b. File a Petition for Upward Adjustment in accordance with MHRSO Section 46.10(a);
 - c. Withdraw the proposed Rent increase (in which case, the hardship Petition shall be deemed withdrawn and a notice of withdrawal shall be delivered to the Tenant-Petitioner and Landlord); and/or
 - d. Elect not to challenge the Petition and await the Decision of the Hearing Officer.
5. ~~Hearing. Upon acceptance by the RHC, each Petition submitted under this Chapter 8 shall be scheduled for Hearing by a Hearing Officer to be held between thirty (30) and sixty (60) calendar days from the date the Notice of Acceptance is sent.~~
- a. ~~Burden of Proof. No Petition submitted under this Chapter 8 shall be granted unless supported by a preponderance of the evidence submitted prior to and at the Hearing.~~
 - b. ~~Uncontested Hearing Petition. If no Park Owner or Mobile Home Landlord Response is received and the noticed Rent increase is not withdrawn within thirty (30) calendar days of the notice of acceptance by the RHC, then a Hearing on the Petition will be held by a Hearing Officer on the date identified in the notice of acceptance of the Petition.~~
 - i. ~~Hearing. During the Hearing, the Hearing Officer must shall administratively review the adequacy of the Tenant Hardship Petition and any supporting documentation in light of the burden of proof. identified in and in accordance with this Chapter 8. No Uncontested Petition submitted under this Chapter 8 shall be granted unless supported by a preponderance of the evidence submitted by Mobile Home Owner or Mobile Home Tenant.~~
 - ii. a. Decision. Within ~~fourteen~~ sixty (1460) ~~calendar~~ days from the date of the ~~Hearing notice of acceptance by the Rental Housing Committee~~, the Hearing Officer ~~must shall~~ issue a written Decision either confirming the hardship petition by granting one (1) or more forms of relief identified in Subsection (C)(~~36~~) or rejecting the hardship Petition, which Decision shall include: findings of fact and conclusions of law that support the Decision. If the Decision rejects the hardship Petition, then the Decision must provide for the payment to the Park Owner or Mobile Home Landlord of

any Rent held by the Mobile Home Owner or Mobile Home Tenant during the pendency of the hardship Petition. The Hearing Officer must issue the Decision outlining the allowed increase (if any) based solely on the Tenant Hardship petition and the documentation submitted by the Mobile Home Owner or Mobile Home Tenant.

iii.—~~b.~~ Appeal. The Decision of the Hearing Officer shall be final unless the Petitioner ~~or an affected Park Owner or Mobile Home Landlord~~ files a timely appeal to the RHC in accordance with Regulation Chapter 6, Section (H). An affected Park Owner or Mobile Home Landlord who fails to timely file a Park Owner or Mobile Home Landlord Response is prohibited from appealing the Decision of the Hearing Officer in an uncontested Hardship Petition.

b6. Contested Hearing Petition. If a Park Owner or Mobile Home Landlord Response is received within thirty (30) calendar days of the notice of acceptance by the Rental Housing Committee, then ~~a new~~ a Hearing shall be scheduled ~~for a date~~ no later than thirty (30) calendar days ~~of~~ after receipt by the Rental Housing Committee of the Park Owner or Mobile Home Landlord Response.

a. Hearing. A Hearing for a Petition under this Chapter 7 for which a ~~Tenant~~ Park Owner or Mobile Home Landlord Response has been received shall be held in accordance with held in accordance with Regulation Chapter 6, Subsection C(3) through Regulation Chapter 6, Section (H), and Chapter 6 shall govern the Hearing, Decision, and Appeal procedures. During the Hearing, the Hearing Officer must review the adequacy of the Tenant Hardship Petition and any supporting documentation in light of the burden of proof. No Contested Petition submitted under this Chapter 8 shall be granted unless supported by a preponderance of the evidence submitted by both the Park Owner or Mobile Home Landlord and the Mobile Home Owner or Mobile Home Tenant.

b. ~~c.~~ Withdrawal. Decision. Within thirty (30) days from the date the Hearing, the Hearing Officer shall issue a written Decision either confirming the hardship ~~and~~ petition as by granting one (1) or more forms of relief identified in Subsection (C)(6) or rejecting the hardship Petition, which Decision shall include: findings of fact and conclusions of law that support the Decision. If a Park Owner or Mobile Home Landlord withdraws the noticed rent increase, If the Decision rejects the hardship Petition, then the Decision must provide for the payment to the Park Owner or Mobile Home Landlord of any rent held by the Mobile Home Owner or Mobile Home Tenant during the pendency of the hardship Petition. shall be deemed withdrawn and a notice of withdrawal shall be delivered to the Tenant Petitioner and Park Owner or Mobile Home Landlord The Hearing Officer must issue the Decision outlining the allowed increase (if

any) based solely on the Tenant Hardship petition and the documentation submitted by both parties.

67. Relief from Hardship. ~~Upon demonstrating~~ If the Mobile Home Owner or Mobile Home Tenant demonstrates the existence of one (1) or more hardship conditions identified in Subsection (C)(2), ~~a the~~ Hearing Officer shall ~~consider~~ grant the Mobile Home Owner or Mobile Home Tenant household's hardship condition as one (1) factor when determining whether and to what extent any of the potential relief identified by this Subsection (C)(6) is appropriate relief from of the banked AGA increase(s). Any relief granted under this Subsection (C)(6) must be documented by the Decision of a Hearing Officer granting an adequately supported hardship Petition. No relief granted under this Subsection (C)(6) shall be applied so as to deprive a Park Owner or Mobile Home Landlord from the ability to earn a fair return.
- a. Prohibit Implementation of Requested Rent Increase. In accordance with MHRSO Section 46.6(d), a Hearing Officer may restrict or prohibit the ability of a Park Owner or Mobile Home Landlord to impose one (1) or more accumulated or banked AGAs. Unless the Mobile Home Owner or Mobile Home Tenant has indicated in the Hardship Petition that they are able to pay some portion of the banked AGA increase(s), the Hearing Officer shall grant relief from the entire amount of the banked AGA increase(s). In no case, however, shall the relief granted under this Section (C)(6) prevent a Park Owner or Mobile Home Landlord from imposing the effective AGA increase for the year in which the Hardship Petition is filed.
 - i. If the Hearing Officer's Decision restricts or prohibits the ability of a Landlord to impose one (1) or more accumulated or banked AGAs, the Decision shall clearly indicate that the Decision does not preclude the Park Owner or Mobile Home Landlord from applying or imposing the same banked or accumulated AGAs in a subsequent year.
 - b. Phase-In Period. Notwithstanding MHRSO Section 46.5(d), which precludes more than one (1) rent increase per twelve (12) month period, a Hearing Officer may authorize a phase-in period for a proposed rent increase, during which period rent is increased incrementally from month to month until the full rent increase is in effect, which incremental increase shall be considered one (1) increase effective on the first date that increased rent is due for purposes of MHRSO Section 46.5(d).
 - c. Other Relief. A Hearing Officer may provide for such other relief that ensures fairness and furthers the purposes of the MHRSO to a Mobile Home Owner or Mobile Home Tenant who would experience a hardship if the proposed rent increase were imposed based on the qualifying condition of the household.

78. Summary of Mobile Home Owner or Mobile Home Tenant Hardship Petition Process.

Timeline to Process a Hardship Petition	
Review of Submission to Determine if Petition is Complete	Within 14 <u>30</u> Calendar Days of Submission to the City
Notice of Acceptance Sent to Mobile Home Owner or Mobile Home Tenant and Park Owner or Mobile Home Landlord (Identifies Scheduled Date of Hearing if Uncontested)	
Deadline for Park Owner or Mobile Home Landlord Response to Petition	Within 30 Calendar Days of Notice of Acceptance from City
<u>Uncontested Hearing Administrative Review</u>	Within 60 Calendar Days of Notice of Acceptance
Date of Contested Hearing	Within 30 Days of Submission of Park Owner or Mobile Home Landlord Response to City
Notice of Decision Sent	Within 14 Calendar Days of Uncontested Hearing

- a. To the extent feasible, each Hardship Petition accepted by the RHC or its designee will be processed and responses will be accepted in accordance with the preceding schedule.
- b. Deadlines identified in Subsection (C)(7) 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.
- c. Any good-cause extension by the RHC or its designee will be set forth in writing, and written notice sent to all parties to the Petition by the RHC or its designee. Any failure by the RHC or its designee to act in accordance with this Subsection (C)(7) and the timelines set forth therein will not result in an automatic acceptance of a Petition, or grant of a Mobile Home Owner or Mobile Home Tenant hardship or grant of relief from a lawful, duly noticed Rent increase.

D. Voluntary Agreement to Temporarily Reduce Rent

At any time, a Park Owner or Mobile Home Landlord and a Mobile Home Owner or Mobile Home Tenant may voluntarily enter into a written agreement to reduce the Mobile Home Owner's or Mobile Home Tenant's rent for a Mobile Home Space or Mobile Home, provided that such voluntary agreement does not change any of the other terms of the

tenancy. If a Park Owner or Mobile Home Landlord and a Mobile Home Owner or Mobile Home Tenant enter into a voluntary agreement to reduce rent, the Mobile Home Owners' or Mobile Home Tenant's rent may be returned to its rent prior to the voluntary rent reduction in accordance with the terms of any such voluntary agreement, and the return to the prior rent shall not be considered a rent increase pursuant to Sections 46.5 and 46.6 of the MHRSO, which limits rent increases to no more than the AGA each year (Section 46.5(b)), rent increases to no more than one (1) increase per twelve (12) month period (Section 46.5(d)), and annual rent increases to no more than ten percent (10%) per year (Section 46.6(d)). In the event of any such voluntary rent reduction, the AGA shall be calculated based on the rent for the Mobile Home Space or Mobile Home in effect prior to the effective date of the voluntary agreement to reduce rent.

1. Notice of Return to Prior Rent. Notwithstanding the foregoing, where a Park Owner and a Mobile Home Owner or a Mobile Landlord and Mobile Home Tenant have entered into a Voluntary Agreement, the Park Owner or Mobile Home Landlord shall issue a Notice of Return to Prior Rent at least thirty (30) days before the Mobile Home Owner's or Mobile Home Tenant's rent for a Mobile Home Space or Mobile Home is reinstated to its pre-Voluntary Agreement amount. The Committee shall create and provide a sample Notice of Return to Prior Rent form that Park Owner and Mobile Home Landlords may use to notify Mobile Home Owners or Mobile Home Tenants about the reinstatement of their pre-Voluntary Agreement rent.
2. Filing Required. In the event that a Park Owner and a Mobile Home Owner or a Mobile Landlord and Mobile Home Tenant enter into a Voluntary Agreement for the temporary reduction of Mobile Home Owner's or Mobile Home Tenant's rent for a Mobile Home Space or Mobile Home, the Park Owner or Mobile Home Landlord shall file with the Rental Housing Committee a copy of the written voluntary agreement to reduce rent within seven (7) days of the execution date of said agreement. The Park Owner or Mobile Home Landlord shall also file a copy of the Notice of Return to Prior Rent with the Rental Housing Committee within seven (7) days of service upon the Mobile Home Owner or Mobile Home Tenant.
3. Mediation Services. a Park Owner and a Mobile Home Owner or a Mobile Landlord and Mobile Home Tenant who need assistance to negotiate a Voluntary Agreement should contact the Mountain View Mediation Program.
4. Individual Rent Adjustment Petitions Permitted. Nothing in this Section D is intended to prohibit a Mobile Home Owner or Mobile Home Tenant from filing a petition for downward adjustment of rent, as provided for in Section 46.10 of the MHRSO and Sections E and F of Chapter 5 of the MHRSO Regulations, during the effective period of the Voluntary Agreement."

E. Partial Invalidity

If any provision of this Chapter 8, or the application thereof to any person or circumstance, is held invalid, this invalidity shall not affect other provisions or applications of this Chapter 8 or these Regulations that can be given effect without the invalid provision or application, and, to this end, the provisions of this Regulation are declared to be severable. The Regulation shall be liberally construed to achieve the purposes of the Act.