

## Mobile Home Rent Stabilization Ordinance

### CHAPTER 11 NOTICE OF APPLICABILITY OF MHRSO AND RENT ROLLBACK

#### A. Authority

The Mobile Home Rent Stabilization Ordinance (MHRSO), Section 46.9(a), generally authorizes the Rental Housing Committee (RHC) to establish rules and regulations for the administration and enforcement of the MHRSO, including Section 46.4 (Exemptions) and Section 46.5(e) (Rent Rollbacks) of the MHRSO.

#### B. Definitions.

For the purposes of this Chapter, the following definitions shall apply; all other capitalized terms are defined by the MHRSO or these Regulations:

1. Qualifying Lease Agreement. A Space Rental Agreement in excess of twelve (12) months' duration that meets the criteria in California Civil Code Sections 798.17(b)(1) through 798.17(b)(5).
2. Rent Refund. The term "Rent Refund" refers to a monetary payment, or any other form of payment mutually agreed upon by the Parties, provided to a Mobile Home Owner or Mobile Home Tenant by a Park Owner or Mobile Home Landlord where the Park Owner or Mobile Home Landlord charged Rent for the covered Mobile Home Space or Mobile Home above what was permitted by the MHRSO.
3. Rent Rollback. The term "Rent Rollback" refers to a Park Owner's or Mobile Home Landlord's act of lowering the effective Rent for a covered Mobile Home Space or Mobile Home to the Base Rent.

#### C. Notice to Mobile Home Owners and Tenants of Mobile Home Rent Stabilization Ordinance.

1. A Park Owner or Mobile Home Landlord shall provide each Mobile Home Owner or Mobile Home Tenant with a Notice of Mobile Home Rent Stabilization Ordinance. The Notice must be provided in writing in a form

prescribed by the Rental Housing Committee or designee and must include the following information:

- a. The existence and scope of the Mobile Home Rent Stabilization Ordinance;
- b. Whether the Mobile Home Space or Mobile Home is exempt from MHRSO because:
  - (1) The Mobile Home Space was initially held out for rent after January 1, 1990;
  - (2) The Tenancy for a Mobile Home Space is subject to a Qualifying Lease Agreement;
  - (3) The Mobile Home Space is not used or occupied as a principal or primary residence by the Mobile Home Owner or the tenant of the Mobile Home Landlord;
  - (4) The Mobile Home Tenant resides in the Mobile Home with and shares a bathroom and/or kitchen with the Mobile Home Landlord; and
  - (5) The Mobile Home Space or Mobile Home is subject to an Accord as defined in the MHRSO.
- c. The Mobile Home Owner's or Mobile Home Tenant's right to petition against certain rent increases;
- d. For any Tenancy commencing after October 28, 2021, whether the Park Owner or Mobile Home Landlord is permitted to set the initial Rent to the new Mobile Home Tenant without limitation:
  - (1) If the Park Owner is not permitted to set the initial Rent to the new Mobile Home Owner, the Park Owner must state the Rent in effect when the prior Mobile Home Owner vacated and, if the initial Rent is in excess of the Rent to the prior Mobile Home, the basis for any Rent in excess of the Rent to the prior Mobile Home Owner.
- e. For any Tenancy in existence on or before March 16, 2021, whether the Mobile Home Owner or Mobile Home Tenant is entitled to a Rent Rollback, the adjusted Rent for the Mobile Home Space or Mobile Home, the amount of the Rent Refund, and the form of the Rent Refund. If the

Rent Refund is to be provided as a monetary payment, then the Park Owner or Mobile Home Landlord shall include a personal check, cashier's check, or money order in the amount of the Rent Refund with the Notice in this Section.

2. Timing. A Park Owner or Mobile Home Landlord shall provide this Notice on the following occasions:
  - a. For any Tenancy in existence on or before October 28, 2021, the Notice shall be provided on or before January 1, 2022; or
  - b. For Tenancy commencing after October 28, 2021, the Notice shall be provided on or before the date of commencement of the Tenancy.
3. Filing of Notice. A copy of the Notice for each covered Mobile Home Space or Mobile Home shall be filed with the RHC or designee upon the Park Owner's or Mobile Home Owner's initial registration and each subsequent change in tenancy, as defined in Paragraph 3 of Section B of Chapter 4 of these Regulations, of the covered Mobile Home Space or Mobile Home.
  - a. Rebuttable Presumption. In a Petition for Downward Adjustment pursuant to Section G of Chapter 5 of the MHRSO Regulations, a Park Owner's or Mobile Home Landlord's failure to timely file a copy of the Notice required in this Section C shall create a rebuttable presumption that the Park Owner or Mobile Home Landlord has failed to provide a Rent Rollback and/or Rent Refund. The burden of proof shall be on the Park Owner or the Mobile Home Landlord to demonstrate that the Rent Rollback and/or Rent Refund was provided.
4. Expiration of Exemption. In the event that a Mobile Home or Mobile Home Space that was exempt from the MHRSO becomes governed by the MHRSO, the Park Owner or Mobile Home Landlord must provide the Mobile Home Owner or Mobile Home Tenant with an updated Notice within fifteen (15) days after the exemption expires. A copy of the updated Notice shall be filed with the Park Owner's or Mobile Home Landlord's updated registration as described in Paragraph 2 of Section B of Chapter 4 of these Regulations.

#### **D. Rent Rollback and Rent Refund.**

1. Written Demand for Rent Rollback. Notwithstanding the requirement in Paragraph 1.e. of Section C of this Chapter 11, a Mobile Home Owner or Mobile Home Tenant may make a written demand for a Rent Rollback and/or Rent Refund at any time, including before January 1, 2022. The Park Owner or

Mobile Home Landlord shall, within ten (10) calendar days of receipt of the demand, provide the Mobile Home Owner or Mobile Home Tenant with a written response either:

- a. Granting the requested Rent Rollback, including payment of any Rent Refund to which the Mobile Home Owner or Mobile Home Tenant may be entitled; or
  - b. Denying the requested Rent Rollback, including the Park Owner's or Mobile Home Landlord's reasoning for the denial.
2. RHC Form. The Rental Housing Committee or designee shall create and promulgate a sample Rent Rollback Request Letter for use by Mobile Home Owners and Mobile Home Tenants. There is, however, no requirement that a Mobile Home Owner or Mobile Home Tenant utilize this form in making its demand for Rent Rollback.
  3. Petition for Downward Adjustment. Should the Park Owner or Mobile Home Landlord fail to timely provide a written response, or deny the demand for Rent Rollback, the Mobile Home Owner or Mobile Home Tenant may file a Petition for Downward Adjustment pursuant to Section 6 of Chapter 5 of the MHRSO Regulations and Sections 46.5 and 46.10 of the MHRSO.