

RENTAL HOUSING COMMITTEE
RESOLUTION NO. RHC-57
SERIES 2021

A RESOLUTION OF THE RENTAL HOUSING COMMITTEE
OF THE CITY OF MOUNTAIN VIEW ADOPTING
REGULATIONS, CHAPTERS 1, 2, AND 3,
OF THE MOBILE HOME RENT STABILIZATION ORDINANCE

WHEREAS, Mobile Home Rent Stabilization Ordinance (MHRSO) Sections 46.9 and 46.10c authorize the Rental Housing Committee to establish rules and regulations for administration and enforcement of the MHRSO; and

WHEREAS, the Rental Housing Committee has held a publicly noticed meeting on December 13, 2021 and solicited input regarding the regulations for Purpose, Definitions, and Rules of Conduct;

NOW, THEREFORE, BE IT RESOLVED by the Rental Housing Committee of the City of Mountain View that the following Regulations are hereby adopted:

- MHRSO Regulations Chapter 1, Purpose, as set forth in Exhibit A.
- MHRSO Regulations Chapter 2, Definitions, as set forth in Exhibit B.
- MHRSO Regulations Chapter 3, Rules of Conduct, as set forth in Exhibit C.

The foregoing Resolution was regularly introduced and adopted at a Regular Meeting of the Rental Housing Committee of the City of Mountain View, duly held on the 13th day of December 2021, by the following vote:

AYES: Committee Members Pardo de Zela, Ramos, Rosas, Vice Chair Haines-Livesay, and Chair Almond

NOES: None


ABSENT: None

ATTEST:

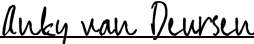
APPROVED:

DocuSigned by:

ANKY VAN DEURSEN
PROGRAM MANAGER

DocuSigned by:

SUSAN ALMOND
CHAIR

I do hereby certify that the foregoing resolution was passed and adopted by the Rental Housing Committee of the City of Mountain View at a Regular Meeting held on the 13th day of December 2021, by the foregoing vote.

DocuSigned by:

Program Manager
City of Mountain View

AvD/AK/6/CDD/RHC
896-12-13-21rhcr-1

- Exhibits: A. MHRSO Regulations Chapter 1, Purpose
- B. MHRSO Regulations Chapter 2, Definitions
- C. MHRSO Regulations Chapter 3, Rules of Conduct

Mobile Home Rent Stabilization Ordinance

CHAPTER 1 PURPOSE, SCOPE, AND AUTHORIZATION

Purpose, Scope, and Authorization

These regulations are intended to provide guidance and interpretation for the Mobile Home Rent Stabilization Ordinance (hereinafter the "MHRSO") approved by the City Council of the City of Mountain View as Ordinance No. 8.21 on September 28, 2021 and codified in the Mountain View Municipal Code at Section 46.1, *et seq.* These regulations should be applied as a supplement to the MHRSO and in a manner that is consistent with the MHRSO, in both the MHRSO's content and intent. These regulations will be in force as of the effective date for the implementation of the MHRSO, October 28, 2021. They are established pursuant to the authority granted the Rental Housing Committee of the City of Mountain View by the MHRSO to implement its terms, specifically as set forth in Section 46.9 of the MHRSO.

Mobile Home Rent Stabilization Ordinance

**CHAPTER 2
DEFINITIONS**

Unless further defined in the Mobile Home Rent Stabilization Ordinance (the "Ordinance") or elsewhere in the Regulations, the words or phrases below shall have the following meanings:

- (a) **Accord**. A written agreement between a Park Owner and the City of Mountain View, the form of which has been adopted by the City Council.
- (b) **Annual General Adjustment**. The Annual General Adjustment is the percentage by which the Rent for existing tenancies in covered Mobile Home Spaces and Mobile Homes may be increased each year, subject to the limitations of the Ordinance.
- (c) **Base Rent**. The Base Rent is the reference point from which the lawful Rent shall be determined and adjusted in accordance with the Ordinance.
 - (1) **Tenancies Commencing on or Before March 16, 2021**. The Base Rent for tenancies that commenced on or before March 16, 2021 shall be the Rent in effect on March 16, 2021.
 - (2) **Tenancies Commencing After March 16, 2021**. The Base Rent for tenancies that commenced after March 16, 2021 shall be the initial rental rate charged upon initial occupancy, provided that amount is not a violation of this Article or any provision of State law. The term "initial rental rate" means only the amount of Rent actually paid by the Tenant for the initial term of the tenancy.
- (d) **Base Year**. The calendar year of 2021.
- (e) **Committee**. The term "Committee" refers to the Mountain View Rental Housing Committee established by the Ordinance.
- (f) **Communal Facilities**. Those services and facilities within the Mobile Home Park that Mobile Home residents are entitled to use, including, but not limited to, any private roads or rights-of-way, clubs or clubhouses, and each other common-area facility that is open or available to Mobile Home residents of the Mobile Home Park.

- (g) **City Council.** The term "City Council" refers to the City Council of the City of Mountain View.
- (h) **Disabled.** The term "Disabled" is defined in Government Code Section 12955.3.
- (i) **Hearing Officer.** An official appointed by the Committee to conduct an investigation or administrative hearing pursuant to the MHRSO or these Regulations.
- (j) **Housing Services.** Housing Services include, but are not limited to, repairs, maintenance, painting, providing light, hot and cold water, elevator service, window shades and screens, storage, kitchen, bath and laundry facilities and privileges, janitor services, Utility Charges that are paid by the Landlord, refuse removal, furnishings, telephone, parking, the right to have a specified number of occupants, and any other benefit, privilege, or facility connected with the use or occupancy of any Mobile Home or Mobile Home Space. Housing Services to a Mobile Home or Mobile Home Space shall include a proportionate part of access to and services provided by Communal Facilities.
- (k) **Individual Rent Adjustment.** An adjustment to the otherwise lawful Rent authorized by a Hearing Officer or the Committee pursuant to the MHRSO and these Regulations.
- (l) **Mobile Home.** The term "Mobile Home" has the same meaning and definition of "mobilehome" defined in Civil Code Section 798.3, as it may be amended from time to time, or a successor code section.
- (m) **Mobile Home Landlord.** The person(s) or entity(ies) that lawfully own(s) a Mobile Home and rents the Mobile Home, including each manager, agent, and representative authorized to act on behalf of the owner or operator, as well as the predecessor and any successor-in-interest to the landlord.
- (n) **Mobile Home Owner.** A person who owns a Mobile Home and is also renting a Mobile Home Space in a Mobile Home Park under a Space Rental Agreement with the Park Owner, which may include the use of services of the Mobile Home Park and other amenities.
- (o) **Mobile Home Park.** The term "Mobile Home Park" has the same meaning and definition of "mobilehome park" defined in Civil Code Section 798.4, as it may be amended from time to time, or successor code section.

- (p) **Mobile Home Rental Agreement.** A lease or other oral or written agreement between the Mobile Home Landlord and Mobile Home Tenant establishing the terms and conditions of the Tenancy.
- (q) **Mobilehome Residency Law.** The term "Mobilehome Residency Law" refers to Civil Code Sections 798 through 799.11, as it may be amended from time to time, or successor code section.
- (r) **Mobile Home Space.** The lot or space of land in a Mobile Home Park where a Mobile Home is or may be located, as well as the right or license to access that space or lot and any other Communal Facilities in the Mobile Home Park.
- (s) **Mobile Home Tenant.** A tenant, subtenant, lessee, sublessee, or any other person entitled under the terms of a Mobile Home Rental Agreement or the MHRSO or these Regulations to the use or occupancy of any Mobile Home.
- (t) **Park Owner.** The person(s) or entity(ies) that lawfully own(s) and/or operate(s) a Mobile Home Park, including each manager, agent, and representative authorized to act on behalf of the owner or operator, as well as the predecessor and any successor-in-interest to the owner.
- (u) **Petition.** A petition for Individual Rent Adjustment pursuant to the Ordinance.
- (v) **Primary Residence.** The occupant's usual place of abode. To classify a Mobile Home as an occupant's Primary Residence does not require that the occupant be physically present in the Mobile Home at all times or continuously, but does require that the Mobile Home be the occupant's usual place of abode. Factors that are indicative of Primary Residence include, but are not limited to:
- (1) The occupant carries on basic living activities at the Mobile Home for extended periods;
 - (2) The Mobile Home is listed with public agencies, including, but not limited to, Federal, State, and local taxing authorities, as the occupant's primary residence;
 - (3) Utility Charges and other charges and fees associated with usage of the Mobile Home are billed to and paid by the occupant at the Mobile Home;
 - (4) The occupant does not file for a homeowner's tax exemption for any different property;

- (5) The occupant is not registered to vote at any other location; and
 - (6) Ownership is held in the name of the occupant claiming Primary Residence and not held by a Limited Liability Corporation or other corporate or business entity structure.
- (w) **Recognized Resident Organization.** Any group of Residents, whether Mobile Home Owners and/or Mobile Home Tenants, residing in a Mobile Home Park or Parks operated by the same management company, agent, Park Owner, or Mobile Home Landlord who choose to be so designated. This shall also include any other at-large organization that represents the interest of Mobile Home Owners and/or Mobile Home Tenants.
- (x) **Relocation Assistance.** Financial assistance in the amounts set forth in Mountain View City Code, Article XIII, Section 36.38.15, including, without limitation, Subsection 36.38.15(d) regarding "Special-circumstances" households as defined in Mountain View City Code, Article XIII, Section 36.38.05(g).
- (y) **Rent.** All periodic payments and all nonmonetary consideration, including, but not limited to, the fair-market value of goods, labor performed, or services rendered to or for the benefit of a Park Owner for the use or occupancy of a Mobile Home Space or to a Mobile Home Landlord for the use or occupancy of a Mobile Home, access to and from a Mobile Home Space, and any Communal Facilities and Housing Services. Rent includes all payment and consideration demanded or paid for parking, pets, furniture, and/or subletting.

Rent excludes:

- (1) Any incidental reasonable charges for services actually rendered in accordance with Civil Code Sections 798.31 and 798.32 as they may be amended from time to time, or successor code sections; and
- (2) Any separately billed utility fees and charges, which shall not be deemed to be Rent charged for a Mobile Home Space in accordance with Civil Code Section 798.41 as it may be amended from time to time, or successor code sections. However, utility fees and charges shall be considered Rent charged for tenancy of Mobile Homes; and
- (3) Any fee, assessment or charge paid pursuant to Civil Code Section 798.9(a), including any actual fee or cost imposed by a local government

pursuant to Civil Code Section 798.37 as it may be amended from time to time, or successor code sections.

- (z) **Rent Refund**. The term "Rent Refund" refers to a payment or credit 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.
- (aa) **Rent Rollback**. The term "Rent Rollback" refers to the act of lowering the effective Rent for a covered Mobile Home Space or Mobile Home to the Base Rent.
- (ab) **Rental Housing Fee**. The fee described in Section 46.9(C) of the Mobile Home Rent Stabilization Ordinance.
- (ac) **Space Rental Agreement**. A lease or other oral or written agreement between the Mobile Home Park Owner and Mobile Home Owner establishing the terms and conditions of the Mobile Home Space Tenancy.
- (ad) **Tenancy**. The legal relationships created by a Space Rental Agreement with a Park Owner for use or occupancy of a Mobile Home Space or the legal relationship created by a Mobile Home Rental Agreement with a Mobile Home Landlord for the use and occupancy of a Mobile Home in a Mobile Home Park.
- (ae) **Utility Charges**. Any charges for gas, electricity, water, garbage, sewer, telephone, cable, internet, or other service relating to the use and occupancy of a Mobile Home.
- (af) **Written Notice to Cease**. A written notice provided by a Mobile Home Landlord that gives a Mobile Home Tenant an opportunity to cure an alleged violation or problem prior to service of a notice to terminate tenancy. Any Written Notice to Cease must:
 - (1) Provide the Mobile Home Tenant a reasonable period to cure the alleged violation or problem;
 - (2) Inform the Mobile Home Tenant that failure to cure may result in the initiation of eviction proceedings;
 - (3) Inform the Mobile Home Tenant of the right to request a reasonable accommodation;

- (4) Inform the Mobile Home Tenant of the contact number for the Committee;
and
- (5) Include sufficient details about the conduct underlying the Written Notice to Cease that allow a reasonable person to comply.

Exhibit C

Mobile Home Rent Stabilization Ordinance
Regulations

CHAPTER 3
RULES OF CONDUCT FOR
RENTAL HOUSING COMMITTEE MEETINGS

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 administration and enforcement of the MHRSO, including rules for the conduct of Rental Housing Committee meetings held pursuant to MHRSO Section 46.9(a)(9).

B. Incorporation by Reference

Except as otherwise provided by the MHRSO Regulations Chapters 1, 2, and 4 through 11, the rules of conduct for Rental Housing Committee meetings shall be identical to those rules adopted by the Committee in Chapter 3 of the Community Stabilization and Fair Rent Act (CSFRA) Regulations, which are incorporated herein as Appendix A to this Chapter 3 of the MHRSO Regulations.

APPENDIX A: CSFRA Regulations Chapter 3 RHC Meetings Rules of Conduct