

Chapter 9.05
MOBILE HOME RENT STABILIZATION¹

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9.05.010 Purpose.

A. The city council of the city of Calimesa finds and declares that increasing numbers of residents

of the city of Calimesa live in manufactured homes and mobile homes and that most of those living in such manufactured homes and mobile homes reside in mobile home parks. Because of the high cost of moving manufactured homes and mobile homes, most owners of manufactured homes and mobile homes reside within mobile home parks for substantial periods of time. Because of the relatively permanent nature of residence in such parks and the substantial investment which a manufactured home or mobile home represents, residents of mobile home parks are entitled to live in conditions which assure their health, safety, general welfare, and a decent living environment, and which protect the investment of their manufactured homes and mobile homes. (Health and Safety Code Section 18250.)

B. There is presently within the city and surrounding areas a shortage of available spaces for location of mobile homes, resulting in a low vacancy rate. Together with park restrictions on the type of mobile homes which can be accepted, it is virtually impossible for mobile homes to be moved from one park to another.

C. The park owner or management of each mobile home park shall deliver a copy of the city of Calimesa mobile home rent stabilization ordinance to every mobile home owner or tenant now residing within their respective mobile home park or parks. The park management or park owner shall also post a copy of the ordinance in the clubhouse and in the manager's office for review and inspection at all times. A record shall be maintained by management to verify compliance with this section.

D. The city will endeavor to maintain copies of the city of Calimesa mobile home rent control ordinance, administrative rules for implementation of the ordinance, and related forms available on the city's website for use by park owners and residents. [Ord. 316 § 4, 2011; Ord. 94-9 § 1; Ord. 93-17 § 1; Code 1990 § 1.6.01.]

9.05.020 Applicability.

The provisions of this chapter shall apply to all mobile home parks within the city of Calimesa except:

A. Spaces within mobile home parks occupied pursuant to rental agreements meeting the criteria of subdivision (b) of Civil Code Section 798.17; and

B. Newly constructed spaces held out for rent after January 1, 1990. (Civil Code Section 798.45.) [Ord. 316 § 5, 2011; Ord. 96-1 § 3; Ord. 94-9 § 1; Ord. 93-17 § 1; Code 1990 § 1.6.02.]

9.05.030 Definitions.

For the purposes of this chapter, the following words and phrases shall have the meanings respectively ascribed to them by this section:

"Appellant" means any park owner or park resident, or designated representative thereof, who files an appeal of a decision by the hearing officer on a capital improvement rent increase or special rent

increase to the city council.

“Capital improvement” means the installation of new improvements and facilities and/or the replacement or reconstruction of existing improvements and facilities which consist of more than ordinary maintenance or repairs, and have a useful life of at least five years. Capital improvements include, but are not limited to, improvements which would qualify as capital improvements, rather than ordinary repairs and maintenance, pursuant to applicable regulations of the Internal Revenue Service or California State Franchise Tax Board.

“City” means the city of Calimesa.

“City manager” means the city manager of the city of Calimesa, or his/her designee.

“Complete” means, for petitions for rent increases and appeals pursuant to this chapter, submittal of all information and documentation necessary to support any requested rent increase and/or appeal, in accordance with the rules and regulations adopted by resolution of the city council.

“Consumer Price Index” or “CPI” means the Consumer Price Index for All Items in Riverside-San Bernardino-Ontario, CA, All Urban Consumers, not seasonally adjusted, published by the Bureau of Labor Statistics, U.S. Department of Labor, or any successor index.

“Day” means a calendar day, unless otherwise defined in this chapter.

“Hearing officer” means the person established by this chapter to perform such duties as may be delegated by the city council.

“Homeowner” means the owner of a mobile home who has a tenancy in the park.

“Housing services” means services connected with use or occupancy of a rental space in a mobile home park which are provided to residents for the rent charged for a space, including, but not limited to, utilities, ordinary repairs, replacement and maintenance, laundry facilities, recreational facilities, a resident manager, refuse removal, parking, street cleaning and maintenance, and other benefits, privileges, facilities or terms or conditions of the residency.

“Management” means the owner of a mobile home park, or an agent or representative authorized to act on his behalf in connection with matters relating to a tenancy in the park. (Civil Code Section 798.2.)

“Mobile home” or “mobilehome” means a structure designed for human habitation and for being moved on a street or highway under permit issued pursuant to Section 35790 of the Vehicle Code. “Mobile home” includes a manufactured home, as defined in Section 18007 of the Health and Safety Code, and a mobilehome, as defined in Section 18008 of the Health and Safety Code, but, except as provided in subsection (A) of this definition, does not include a recreational vehicle, as defined by Section 799.24 of the Civil Code and Section 18010 of the Health and Safety Code, or a

commercial coach as defined in Section 18001.8 of the Health and Safety Code. (Civil Code Section 798.3.)

A. "Mobile home" or "mobilehome," for the purposes of this chapter, other than Section 798.73 of the Civil Code, also includes trailers and other recreational vehicles of all types defined in Section 18010 of the Health and Safety Code, other than motor homes, truck campers, and camping trailers, which are used for human habitation if the occupancy criteria of either subsection (A)(1) or (2) of this definition are met:

1. The trailer or other recreational vehicle occupies a mobile home site in a park, on November 15, 1992, under a rental agreement with a term of one month or longer, and the trailer or other recreational vehicle occupied a mobile home site in the park prior to January 1, 1991.
2. The trailer or other recreational vehicle occupies a mobile home site in the park for nine or more continuous months commencing on or after November 15, 1992.

B. "Mobile home" or "mobilehome," for purposes of this chapter, does not include a trailer or other recreational vehicle located in a recreational vehicle park subject to Chapter 2.6 of the Civil Code (commencing with Section 799.20), except as otherwise provided in subdivision (b) of Section 799.45 of the Civil Code.

"Mobile home park" means an area of land where two or more mobile home sites are rented, or held out for rent, to accommodate mobile homes used for human habitation. (Civil Code Section 798.4.)

"Mobile home park owner" or "owner" means the owner of a mobilehome park.

"New construction" means any newly constructed spaces initially held out for rent after January 1, 1990. (Civil Code Section 798.7.)

"Occupancy" means the act, state or condition of being a homeowner, tenant, subtenant or other resident of a mobile home, or becoming a homeowner, tenant, subtenant or resident of a mobile home.

"Park" means a mobile home park. (Civil Code Section 798.6.)

"Petitioner" means a park owner who files a petition for a rent increase under this chapter, or any person who files a petition on behalf of a park owner.

"Rent" means the consideration paid for use or occupancy of a mobile home space and the provision of related housing services.

"Rental agreement" means an agreement between the management and the homeowner establishing the terms and conditions of a park tenancy. A lease is a rental agreement. (Civil Code

Section 798.8.)

“Resident” means a homeowner, tenant or other person who lawfully occupies a mobile home.

“Rules and regulations” or “rules” means the rules and regulations for the implementation of this chapter, as established and amended from time to time by resolution of the city council.

“Tenancy” means the right of a homeowner to the use of a site within a mobile home park on which to locate, maintain, and occupy a mobile home, site improvements, and accessory structures for human habitation, including the use of the services and facilities of the park. (Civil Code Section 798.12.)

“Tenant” means a person who rents a mobile home from the mobile home park owner and has a tenancy in the park. [Ord. 410 §§ 1 – 4, 2025; Ord. 316 § 6, 2011; Ord. 96-1 § 4; Ord. 94-9 § 1; Ord. 93-17 § 1; Code 1990 § 1.6.03.]

9.05.040 Mobile home rent stabilization hearing officer.

There shall be a hearing officer or hearing officers who shall be appointed by the city council. Each hearing officer shall serve a term of three years or until their successor is appointed. [Ord. 410 § 5, 2025.]

9.05.050 Powers and duties.

Within the limitations provided by law, the mobile home rent stabilization hearing officer shall have the following powers and duties:

- A. To hold meetings from time to time as requested by the mayor, the city council, the city manager, or upon the filing of a petition with the city clerk.
- B. To examine any rental agreement submitted to the hearing officer by any party to the rental agreement for the purpose of determining whether the space is subject to rent control under this chapter when reviewing a petition for a rent increase under this chapter.
- C. To receive, investigate, conduct hearings on and approve, conditionally approve or disapprove petitions for, or protests against, increases of rents in mobile home parks. All hearings of the hearing officer shall be open to the public.
- D. To conduct such studies, surveys, investigations and public hearings and obtain such information as may be necessary to carry out their duties.
- E. Subject to the approval of the city council, to adopt, promulgate, amend and rescind such administrative rules and regulations as the hearing officer finds reasonable and necessary for the conduct of their affairs and to implement and administer the provisions of this chapter.
- F. Except where such rules are in direct conflict herewith, the hearing officer shall be subject to the

regulations and standards of conduct for city commissioners, committee members, board members and hearing officers as established and amended from time to time by resolution of the city council.

G. To keep records of their proceedings which shall be submitted to the city council and open for inspection by the public.

H. To perform such other duties as may be delegated to the hearing officer by the city council.

[Ord. 410 § 6, 2025; Ord. 316 § 8, 2011; Ord. 187 § 3, 2001; Ord. 96-1 § 5; Ord. 94-9 § 1; Ord. 93-17 § 1; Code 1990 § 1.6.05.]

9.05.060 Registration.

A. Initial Registration. Every mobile home park subject to this chapter shall file an initial registration statement, under penalty of perjury, on a form approved by the city which sets forth the rent charged for each regulated space in the park; the utilities, housing services and amenities included in that rent for the regulated spaces; utilities, housing services and amenities charged separately from the rent for the regulated spaces; a list of the spaces which are exempt from rent control based on leases or other long-term rental agreements pursuant to Civil Code Section 798.17 (including the rent and any provisions for periodic increases in rent specified in any such long-term rental agreement); copies of the rent rolls reflecting all such spaces and rents for the current year and for the base year; and the registration fees for the park, within 30 days after the effective date of the ordinance codified in this chapter.

B. Annual Registration. Not later than January 31st of each year, every mobile home park subject to this chapter shall pay the annual registration fees, and shall file an annual registration statement setting forth the current owner, manager, space rents, the utilities, housing services and amenities included in the space rents and separately charged from the space rents, vacant spaces, exempt spaces, long-term lease commencement dates and termination dates, along with the current rent rolls for all spaces in the park, under penalty of perjury, on a form provided by the city, in accordance with the rules and regulations.

C. Updated Annual Registration. Every park owner shall file an updated registration statement by June 30th of each calendar year, in which the park owner shall provide complete information about any change in status of a space, or any change in park ownership or management, in accordance with the rules and regulations.

D. In the event that a mobile home park owner believes that his/her park contains any space which is exempt from rent control pursuant to the Mobilehome Residency Law (Civil Code Section 798 et seq.), the park owner shall submit documentation setting forth the lease terms, rents, provision for rental increases, execution dates and expiration dates, and any other information necessary to demonstrate compliance with Civil Code Section 798.17. The city manager may, in his or her discretion, require that a mobile home park owner provide copies of any and all leases and other documents to the city in order to verify any information submitted by the mobile home park owner.

E. A registration statement shall be accepted for filing by the city only if it contains all information required by this chapter and the rules and regulations and any registration fee adopted by the city.

F. The city council may adopt, and periodically adjust, an annual registration fee based on the number of regulated spaces in the regulated mobile home park to be used for the costs of administering this chapter. Registration fees shall be paid by each park owner to the city for each space which is not exempt from the provisions of this chapter pursuant to Civil Code Section 798.17 or 798.45, on a monthly basis. The fee may be apportioned equally among the nonexempt spaces in the mobile home park and one-half thereof charged by the park owner to the residents of those spaces according to the apportionment in 12 equal monthly installments which may be included with the monthly statement of rent due, but must be separately itemized. The registration fee shall not be included in the rent base when calculating rent increases pursuant to this chapter. Any registration fees shall be established and periodically adjusted by resolution of the city council.

G. A mobile home park owner who fails to comply with any provision of this section shall not be entitled to charge, collect, retain or apply for any rent increases permitted by this chapter. [Ord. 316 § 9, 2011; Ord. 96-1 § 6; Ord. 94-9 § 1; Ord. 93-17 § 1; Code 1990 § 1.6.06.]

9.05.070 Vacancy control.

A. The terms of this subsection (A) shall apply exclusively to mobile home parks which were developed in phases prior to April 17, 2000, and in which more than one-third of the constructed spaces, as of April 17, 2000, are exempt from the provisions of this chapter pursuant to CMC 9.05.020(B) and Civil Code Section 798.45.

1. In any mobile home park containing spaces exempt from this chapter pursuant to the provisions of CMC 9.05.020(B) and Civil Code Section 798.45, as well as spaces subject to this chapter, and subject to the exceptions in subsection (A)(2) of this section, the mobile home park owner may, upon a change in ownership of a mobile home occupying a space subject to rent control, increase the rental rate of that space to the new owner to an initial amount that is no greater than the average of the three most recent rental agreements entered into for comparable spaces (e.g., for "view" spaces, "interior" spaces, and "corner" spaces) which are exempt from the provisions of this chapter pursuant to the provisions of CMC 9.05.020(B) and Civil Code Section 798.45.

2. A change of ownership between husband and wife or parent and child, or a change of ownership made for estate planning purposes, shall not be subject to the rent increase permitted in this subsection.

B. For all regulated mobilehome parks other than those parks subject to subsection (A) of this section, the following provision shall continue to apply:

1. No mobilehome park owner shall, upon a change of ownership or occupancy of a

mobilehome occupying a space in his or her mobilehome, increase the space rent for such space other than as provided in this chapter. Notwithstanding this provision, nothing in this chapter shall prevent a mobilehome park owner from determining the rent for space not occupied by a mobilehome in his or her mobilehome park or for a mobilehome owned by the mobilehome park owner. [Ord. 316 § 10, 2011; Ord. 2000-5 § 2; Ord. 2000-4 § 1; Ord. 96-1 § 1; Ord. 94-9 § 1; Code 1990 § 1.6.07.]

9.05.080 Permitted annual rent increase.

For spaces subject to the rent control provisions of this chapter, the park owner may increase rents not more than once annually in accordance with the following provisions and the rules and regulations:

A. Subject to the requirements of this section, the park owner may increase the rent for a mobile home space once every 12 months by 80 percent of the increase in the Consumer Price Index ("CPI") during the preceding 12 months. No petition or permission is required for the annual increase under this section.

B. The annual CPI rent increase provided in this section may be imposed by a mobile home park owner following the expiration of the 90-day notice requirement imposed by Civil Code Section 798.30. The mobile home park owner shall serve the written notice on each resident of a space to be affected by the permitted annual rent increase.

C. The permitted annual rent increase based on 80 percent of the increase in CPI shall be calculated in accordance with this subsection and the rules and regulations, and the calculations shall be set forth in the written notice issued to each resident:

1. The current CPI shall be determined. "Current CPI" means the CPI most recently available as of the date of the written notice of permitted annual rent increase.
2. The prior CPI shall be determined. The "prior CPI" means the CPI in effect 12 months prior to the date of the current CPI determined in accordance with subsection (C)(1) of this section.
3. The prior CPI shall be subtracted from the current CPI. The resulting sum shall be known as the "point change" in the CPI. The point change in the CPI shall then be divided by the prior CPI. The resulting figure shall be multiplied by 100, and shall be known as the "percent change" in the CPI.
4. The percent change in the CPI shall be multiplied by 80 percent. The resulting figure shall be known as the "CPI increase."
5. The CPI increase shall then be multiplied by the current space rent of the space subject to the written notice, to arrive at the permitted annual increase for that space.

6. The CPI figures shall be determined by the city.

D. Concurrently with service of notice of rent increase to the affected resident(s), management shall file a rent schedule with the city manager for the affected resident(s), in accordance with this subsection. The park rent schedule shall contain a list of the spaces subject to the proposed annual increase, the space rent in effect for each subject space as of the date of notice of the rent increase, the amount of the annual increase and the method by which it was determined, the proposed new space rent, and such other information as required by the rules and regulations.

E. Any resident or other interested person may challenge the permitted annual increase for which notice has been received, by filing said challenge, including all supporting documentation, with the city manager, not later than 15 days after service of the notice of permitted annual increase by the mobile home park owner.

F. Any challenge to the permitted annual increase by any resident or other interested person shall be resolved by the city manager within 30 days of receipt of the challenge, and a written decision of the city shall be sent to the resident or other interested person who has filed such challenge as well as to the mobile home park owner seeking to impose such permitted annual increase.

G. If the city manager sustains the permitted annual increase for which the park owner has served notice, the rent increase shall be effective pursuant to the terms of the notice. If the city manager sustains the challenge by a resident or other interested person to the permitted annual increase, and approves a permitted annual increase in an amount different from the amount stated in the notice served by the park owner, that approved permitted annual increase may be imposed upon the expiration of the 90-day notice required by Civil Code Section 798.30.

H. The city manager shall sustain the challenge to a permitted annual increase brought under subsection (E) of this section if any of the following findings are made:

1. The park owner has imposed a prior permitted annual increase on the affected space during the 12-month period immediately preceding the proposed effective date of the requested increase;
2. The park owner has imposed a special rent increase under CMC [9.05.100](#) or [9.05.110](#) for the subject park, in the 12-month period immediately preceding the proposed effective date of the requested increase;
3. For any space(s) previously exempt from rent control under Civil Code Section 798.17(a) or any other provision of state law, the proposed increase will be imposed less than 12 months following the last rent increase imposed while the space was exempt from rent control under a long-term lease; or
4. The proposed increase will be imposed less than 12 months following the vacancy increase

imposed on the subject space pursuant to CMC [9.05.070\(A\)](#) following re-occupancy of the space; or

5. The proposed increase will be imposed less than 12 months following the vacancy increase imposed on a space previously not occupied by a mobile home, or on a space previously owned by the park owner, pursuant to CMC [9.05.070\(B\)](#); or

6. As required by CMC [9.05.060\(G\)](#), the park owner is not currently registered or current on payment of the required monthly registration fee(s); or

7. The city manager finds that the proposed rent increase exceeds 80 percent of the increase in the CPI since the prior annual increase. In the event that all other requirements of this chapter are met, but the proposed increase exceeds 80 percent of the increase in the CPI as determined under subsection (C) of this section, the city manager shall resolve the challenge by the resident or other interested person by approving a rent increase in an amount which does not exceed 80 percent of the increase in the CPI over such 12-month period.

I. The city manager shall issue a written decision on the challenge, and shall serve a copy of his/her decision on management and the affected park residents. The city manager's decision shall be final and not subject to any further appeal within the city.

J. Within 30 days of mailing of the city manager's decision, management shall submit a modified rent schedule to the city, containing the rents actually charged to the residents based on the city manager's decision, which such modified rent schedule shall comply with the requirements of subsection (D) of this section, and shall also include the new rents in the subsequent annual registration required under CMC [9.05.060](#).

K. Upon approval of a permitted annual increase for a space, management shall not charge rent for that space in excess of the rent permitted under this section, except based on subsequent rent increases approved in accordance with this chapter and the following requirements:

1. As used herein, "approval of a permitted annual increase" means the date which is the later of (a) the expiration of the 15-day deadline for submittal of a challenge under subsection (E) of this section where no timely challenge is filed, or (b) the effective date of the city manager's final decision on a challenge pursuant to subsection (I) of this section.

2. A park resident shall be subject to only one annual increase in a 12-month period. An annual increase shall operate in a prospective manner only, and the retroactive charging or collection of a permitted annual increase at any time is prohibited. The monthly space rent paid by a park resident following approval of an annual increase shall not exceed the sum of (a) the monthly base rent in effect as of the date of issuance of notice of rent increase by management pursuant to subsection (B) of this section plus (b) the annual increase authorized by this section for one month, unless a subsequent rent increase is authorized by the city

pursuant to this chapter.

L. **Special Rent Increases.** If management submits a petition for special rent increase under CMC [9.05.100](#)(D) and/or (E) after service of notice of an annual increase pursuant to this section, the provisions of CMC [9.05.100](#)(B)(12)(b) shall apply in determining the space rent for the affected space(s).

M. **Filing Fee.** A challenge filed against a noticed permitted annual increase shall be accompanied by the filing fee as may be set, and periodically adjusted, by resolution of the city council from time to time. A challenge shall not be accepted for filing unless accompanied by the applicable filing fee. [Ord. 316 § 11, 2011; Ord. 2000-5 § 3; Ord. 2000-4 § 2; Ord. 96-7 §§ 1 – 3; Ord. 96-1 § 8; Ord. 94-9 § 1; Ord. 93-17 § 1; Code 1990 § 1.6.08.]

9.05.090 Rent increase based on capital improvements.

A petition for a rent increase based on the cost of a completed capital improvement may be filed with the city, in accordance with the following provisions and the rules and regulations:

A. Subject to subsections (B) and (C) of this section, the capital improvement increase petition shall be approved if all of the following findings can be made:

1. The work satisfies the definition of capital improvement set forth in CMC [9.05.030](#), and in any rules and regulations;
2. Fifty-one percent of the occupied spaces in the park, with one vote per space, have consented to the capital improvement;
3. No prior rent increases have been charged based upon or including the cost of the capital improvement;
4. As required by CMC [9.05.060](#)(G), the park owner is currently registered and current on payment of the required monthly registration fee(s); and
5. All documentation and other information required by this chapter pertinent to the requested rent increase have been provided by the park owner.

B. Notwithstanding subsection (A) of this section, a capital improvement rent increase shall not be granted if the proposed capital improvement rent increase is for any portion or all of a utility distribution system where the utility rates are set by the Public Utilities Commission and the approved rates took into consideration costs of repair, replacement, maintenance, operation and/or capital improvements to the system.

C. A petition which meets all requirements of subsection (A) of this section but has not been consented to by 51 percent of the occupied spaces may be granted when the capital improvement is necessary to protect the health and safety of the park, its residents, or neighbors as determined

in accordance with the rules and regulations.

D. Any rent increase granted under this section shall be amortized over the useful life of the improvement and apportioned equally among all rental spaces in the park by dividing the verified cost of the improvement by its useful life (in years), dividing that result by 12 and further dividing by the number of spaces in the park. Any increase granted under this section shall remain in effect only during the useful life of the improvement. Any such increase shall be included as a separate charge either on the residents' monthly rent statement or on a separate statement and shall not be included in the space rent for purposes of determining any other future rent increases under this chapter.

E. For purposes of determining the cost of a capital improvement, an interest cost of the lesser of either the current prime rate plus one percent, or the interest rate actually incurred by the mobile home park owner in financing the improvement, may be added.

F. Management may petition the hearing officer for an increase under this section by submittal of a verified petition under penalty of perjury to the city manager. The petition shall state the names, addresses and telephone numbers of all affected residents; the current rent of the affected spaces; the proposed rent increase; the documentation establishing that the resident meeting and capital improvement ballot election were held; the documentation establishing that the capital improvement was made, and the basis for the requested rent increase; and such other information relevant to the petition as determined by the city, in accordance with the rules and regulations. All necessary documents and records to support the petitioner's calculations shall be attached to and shall become part of the petition. Seven copies of the petition and supporting documentation and records, along with proof of service of the notice required by CMC [9.05.110\(D\)](#), an electronic copy of the petition and supporting documentation, and two sets of stamped envelopes addressed to each resident, shall be filed with the city manager.

G. Upon receipt of a petition, the city manager shall determine whether the petition is complete, in accordance with the following provisions:

1. No petition shall be deemed complete until all documents supporting the petitioner's calculations and requested rent increase, required copies of the petition, and all proof of service and posting requirements have been filed with the city manager, and the filing fee paid to the city. The city manager shall have 30 days in which to determine the completeness of the petition, and shall notify the petitioner in writing within that period of any deficiency in the petition and the additional information, documentation or fee necessary for the city manager to deem the petition complete. Procedures for determination whether a petition is complete shall be set forth in the rules and regulations.

2. The documents and records submitted in support of the petition must be legible, reproducible, organized and presented in a manner appropriate and acceptable by reasonable

accounting standards. Required documentation to deem the petition complete shall include all documents demonstrating that the resident meeting and resident vote took place, including but not limited to the notice of resident meeting, proof of service of the notice of resident meeting on all residents, the ballot submitted to the residents, and the election results. Required documentation shall also include all documents supporting the capital improvement, including but not limited to all invoices, billings, checks, code violation notices or citations, governmental approvals, documents demonstrating the health and safety reasons for the work if management contends the improvement was necessary for health and safety reasons, and all other records demonstrating the need for the work, the specific work performed, and the cost for such work. Management must, upon request of the city manager, or the hearing officer, show to city staff and/or the hearing officer the original document from which any photocopy was made and all documents, papers, or written memoranda which support or are evidence of claimed expenses of any nature.

3. Failure to comply with the provisions of this subsection shall be good and sufficient cause to deny the petition if the city finds that the park's failure to submit a complete petition demonstrates that the park owner failed to meet its burden of proof that a capital improvement rent increase is warranted under this section.

H. Concurrently with filing the petition, management shall place two complete copies of the petition in the park office and two complete copies of the petition in the park clubhouse, for inspection and copying by the park residents and their representative(s). Management shall maintain these copies of the petition, and any modifications or supplemental information or documentation submitted to the city, in those locations until issuance of a final decision by the city on the petition.

I. Management shall serve written notice of the filing of the petition on each resident of a space affected by the petition, in accordance with the requirements of CMC [9.05.110\(F\)](#). In addition to all other requirements for submittal of the petition, no petition shall be considered as filed until proof of service of such notice and petition is filed with the city manager as required by CMC [9.05.110\(F\)](#).

J. Written notice of the petition shall be mailed by the city to the affected residents on the date on which the petition is determined to be complete, and shall advise them of their right to submit a written response or protest to the petition, along with all supporting documentation, within 30 days of the date of mailing of the notice.

K. The hearing officer shall commence a public hearing on the petition within 45 days after mailing of the notice to the affected park residents that the petition has been deemed complete, and shall render its decision in writing, including findings of fact, within 75 days after the petition is determined to be complete; provided, that the hearing officer may extend the time limits under this subsection for reasonable cause, and failure of the hearing officer to act within the time limits specified herein shall not result in the automatic approval of any petition. The public hearing shall be conducted in the same manner as and in accordance with the requirements of hearings on

petitions under CMC [9.05.110](#). The hearing officer may approve the requested increase or a modified increase, or may deny the increase.

L. Management shall also be required to pay a filing fee and deposit the additional costs of the public hearing in accordance with the terms of this subsection.

1. Concurrently with filing the petition for a capital improvement rent increase, management shall pay the initial filing fee established and amended from time to time by resolution of the city council. Notwithstanding subsection (G) of this section or any other provision of this chapter, no petition for a capital improvement rent increase submitted to the city under this section shall be accepted as complete by the city, and no hearing on a petition for capital improvement rent increase shall be set by the city, if management fails to submit the initial filing fee concurrently with the petition, and the failure of management to submit the initial filing fee shall constitute grounds for the city to reject the petition as incomplete and to refuse to further process the petition.

2. Management shall also pay any additional costs of the public hearing not later than 15 days prior to the scheduled public hearing, which such costs shall be based upon an estimate prepared by the city manager and as established and amended by resolution of the city council. Notwithstanding subsection (G) of this section, management's failure to deposit the additional costs shall be good and sufficient reason for the city to cancel the public hearing and to deem the petition withdrawn by the park owner. The term "costs" shall have the meaning set forth in CMC [9.05.110\(H\)\(2\)](#).

3. The initial filing fee and any other costs paid by management may be included in a petition for temporary rent increase pursuant to CMC [9.05.140](#).

M. Any interested person wishing to respond or object to the petition may do so by filing a written response or protest with the city manager, in accordance with the rules and regulations. The written response or protest shall be filed with the city manager not later than the thirtieth day following the date that notice of the complete petition is mailed to the affected residents. All such responses or protests shall be served on management and proof of such service filed with the city manager in accordance with forms provided by the city, at the time the written response or protest is filed with the city manager.

N. At the conclusion of the public hearing, if the hearing officer finds that all requirements of this chapter have been met and an increase as requested in the petition or as modified by the hearing officer is authorized, the hearing officer shall approve the increase. If the hearing officer is unable to find that all requirements of this chapter have been met, the hearing officer shall deny the increase.

O. Management may but need not submit a petition to the hearing officer for a determination

whether a proposed improvement would qualify for a capital improvement increase under this section upon its completion. The determination by the hearing officer shall be limited to the issue of whether the work proposed constitutes a capital improvement and shall not address the amount of the rent increase which would result from completion of the improvement should management prevail on the petition. If an improvement is determined to qualify as a capital improvement under this section the only issues to be determined when the improvement has been completed and a petition for rent increase received shall be the amount of the increase; provided, that the improvement constructed conforms to the proposed improvement submitted to the hearing officer; and provided, that all required governmental improvements and permits have been obtained. A hearing shall be held on the petition in accordance with CMC [9.05.110](#).

P. Appeal. Any decision of the hearing officer pursuant to this section may be appealed, and prior to commencing any action in a court of competent jurisdiction shall be appealed, to the city council in accordance with CMC [9.05.120](#). [Ord. 410 § 7, 2025; Ord. 316 § 12, 2011; Ord. 96-1 § 9; Ord. 94-9 § 1; Ord. 93-17 § 1; Code 1990 § 1.6.09.]

9.05.100 Rent increase to provide a reasonable return.

A. It is the intention of the city council that the permitted annual rent increase shall be sufficient to provide a reasonable return and maintain net operating income to a mobile home park owner. Nevertheless, recognizing the possibility of an extraordinary situation, a mobile home park owner may file a petition with the city manager for a rent increase in addition to that permitted by CMC [9.05.080](#) and/or [9.05.090](#) on the ground that it is required to provide a reasonable return to the park in such situations, in accordance with the following criteria. It shall be presumed, in the absence of evidence to the contrary, that the net operating income produced by the mobile home park during the base year provided the mobile home park owner with a reasonable return to the park.

B. For purposes of this chapter, and any rules and regulations, the following definitions and provisions shall apply:

1. "Base year" means as follows:

- a. If a park has never obtained approval of a rent increase pursuant to this section (or any predecessor ordinance), the term "base year" means the fiscal year commencing July 1, 1991, and ending June 30, 1992.
- b. If a park has previously obtained approval of a rent increase pursuant to this section (or any predecessor ordinance), the "base year" for purposes of calculating a subsequent rent increase under this section means the income and expense year which was used by the city as the "current year" in determining the most recently approved rent increase under this section (or any predecessor ordinance).
- c. If a park applied for a rent increase pursuant to this section (or any predecessor

ordinance) which was denied by the city, and the park subsequently applies for another rent increase under this section, the "base year" for purposes of calculating the subsequent rent increase means the fiscal year commencing July 1, 1991, and ending June 30, 1992.

d. For purposes of a petition filed under subsection (E) of this section, "base year" shall have the meaning set forth in subsection (E)(2) of this section.

2. "Base year CPI" means as follows:

a. If the park has never obtained approval of a rent increase pursuant to this section (or any predecessor ordinance), the "base year CPI" means the CPI reported by the Bureau of Labor Statistics, U.S. Department of Labor, for June 30, 1992, as determined by the city manager.

b. If the park has previously obtained approval of a rent increase pursuant to this section (or any predecessor ordinance), the "base year CPI" for purposes of calculating the subsequent rent increase under this section means the CPI used by the city as the "current year CPI" in determining the most recently approved special rent increase under this section (or any predecessor ordinance).

c. The city manager shall be responsible for determining the base year CPI.

3. "Comparable park" means a park in the city and surrounding areas, which has similar quality, number and type of amenities, construction and services, is located in a similar neighborhood and provides similar access and proximity to schools, medical and educational facilities, recreation, entertainment, parks, shopping and other services and amenities and is similarly maintained as the petitioner's park.

4. "Current CPI" means the CPI last reported as of the date the rent increase petition filed under this section is declared complete. The city manager shall be responsible for determining the current CPI.

5. "Current year" means the 12-month period immediately preceding the date of submittal of a complete petition for a rent increase under this section.

6. "Gross income" for the park includes:

a. Gross rents computed as gross rental income at 100 percent paid occupancy; plus

b. Interest earned on rental deposits, unless paid by the mobile home park owner to the residents; plus

c. Revenue from laundry facilities, cleaning fees or services, garage, storage and parking

fees; plus

d. All other income or consideration received or receivable for or in connection with use or occupancy of mobile home spaces and related services in the park (but excluding any income or reserves received from submeter discounts or other income collected for utility services if the charges for such utility services are regulated by the PUC); minus

e. Uncollected rents due to vacancy and bad debts to the extent they are beyond the control of the mobile home park owner. Uncollected rents in excess of three percent of gross rents shall be presumed to be unreasonable unless proven otherwise by a preponderance of the evidence.

7. "Operating expenses" for the park include:

a. Real property taxes and assessments; plus

b. Reasonable management expenses, contracted for or performed by the mobile home park owner, including necessary and reasonable advertising to ensure occupancy only, accounting, insurance and other managerial expenses including allowable legal expenses as specified in subsection (B)(9) of this section. Management expenses which have not increased by more than the CPI since the base year or which are the same percentage of gross income in the base year and current year are presumed to be reasonable. Such presumption may be rebutted by clear and convincing evidence; plus

c. Reasonable normal repair and maintenance expense, such as painting, normal cleaning, fumigation, landscaping and repair of all standard services, including electrical and plumbing (and excluding expenses for the repair of, maintenance to, or the replacement of any component or meter of any submetered utility distribution system if the utility rates were set by the PUC and took into consideration the cost for operation, repair, replacement and/or maintenance of that type of service), carpentry, furnished appliances, drapes, carpets, furniture, pool, laundry and recreational equipment; plus

d. Owner-performed labor if actually performed by the park owner and the hours and nature of services provided are documented in the petition. Owner-performed labor shall be compensated at an amount not to exceed the average hourly rate charged for such work within the same industry in the city of Calimesa or the surrounding area, and only upon a satisfactory showing of the date, time and nature of the work performed. Owner-performed labor which has not increased by more than the CPI since the base year or which is the same percentage of gross income in the base year and current year is presumed to be reasonable. Such presumption may be rebutted by clear and convincing evidence; plus

e. Licenses and registration fees required by law to the extent they are not paid by the

residents (but excluding licenses and fees charged by state, federal or local governmental agencies related to tax purposes or the form of ownership of the park); plus

f. Capital improvements with a total cost of less than \$100.00 per year per benefited space, provided they were not the subject of a city-approved capital improvement increase pursuant to CMC [9.05.090](#); plus

g. Capital improvements and major repairs with a total cost of more than \$100.00 per year per benefited space, provided such costs are amortized on a straight line basis over the life of the improvement, provided the costs thereof were not the basis of a separate capital improvement pursuant to CMC [9.05.090](#). When the useful life of the improvement exceeds four years, an interest cost of the lesser of either the current prime rate plus one percent, or the interest rate incurred by the mobile home park owner in financing the improvement or repair, may be added.

h. Expenses which are substantial, and which do not normally re-occur on an annual basis, shall be amortized over a reasonable period with an interest allowance in accordance with subsection (B)(7)(g) of this section.

8. Operating expenses shall not include:

a. Unnecessary and avoidable expense increases since the base year; and

b. Mortgage principal and interest payments and payments of any underlying ground lease, or any other debt service except as expressly provided in this section; and

c. Any penalties assessed or awarded for violations of this or any other law, including but expressly not limited to the Mobilehome Residency Law (California Civil Code Section 798 et seq.), the Mobile Home Parks Act (Division 13, Part 2.1 of the California Health and Safety Code, commencing with Section 18200), this chapter, or any other city, county, state or federal law; and

d. Legal costs and fees except as provided in subsection (B)(9) of this section; and

e. Depreciation of the property; and

f. Any expenses for which the mobile home park owner has been reimbursed by any security deposit, insurance settlement, judgment for damages, or any other method; and

g. Reserve accounts; and

h. Accounting or other similar expert expenses incurred by the park owner in seeking any rent increase under this chapter, including but expressly not limited to any costs incurred in preparing or submitting any petition for a rent increase to the city manager, the hearing

officer or the city council; and any costs of the public hearing incurred by the park owner in seeking any rental increase under this chapter; and

i. Accounting or other similar expert expenses incurred in judicial or other administrative proceedings involving challenges to this chapter, any decision of the city under this chapter, or the defense of lawsuits or other proceedings brought by residents and/or the city under this chapter; and

j. Any fees, costs, penalties, fines or other expenses of any kind incurred in or as a result of any judicial or administrative proceedings before any federal, state or local agencies relating to or challenging the conditions or maintenance of the park, regardless of whether or not management prevailed in such lawsuit or administrative proceeding; and

k. Any capital improvement for which a capital improvement rent increase has been approved under CMC [9.05.090](#); and

l. Governmental fees, charges or assessments imposed based on the form of ownership of the park; and

m. Any expenses which resulted due to the owner's failure to undertake prudent and ongoing maintenance activities or activities required by law; or costs which were caused by unnecessary and unreasonably deferred negligent or otherwise improper repair and/or maintenance or other unreasonable acts or omissions of the park owner, including but expressly not limited to any expenses incurred with regard to vacant spaces. In evaluating an MNOI petition, the hearing officer may reduce allowable operating expenses to the extent that the hearing officer finds that any claimed expenses resulted from management's failure to undertake prudent and ongoing maintenance activities or which such costs were caused by unnecessarily and unreasonably deferred negligent or otherwise improper repair and/or maintenance or other acts or omissions of management; and

n. Any expenses for which a park owner has obtained approval of a capital improvement rent increase pursuant to CMC [9.05.090](#).

9. Allowable legal expenses include reasonable attorneys' fees and costs incurred in successful good faith attempts to recover rents owing and unlawful detainer actions to the extent such fees and costs are not recovered from the defendants; and reasonable attorneys' fees and costs incurred in connection with matters pertaining to the title or normal operation of the mobile home park.

a. Allowable legal expenses in a special rent increase petition shall not include any of the following: attorneys' fees and costs for proceedings under this chapter (including but not limited to attorneys' fees and costs incurred in connection with the preparation or

submittal of petitions for rent increases to the city under this chapter); attorneys' fees and costs incurred as a result of any judicial or administrative proceedings before any federal, state or local agency relating to or challenging the conditions or maintenance of the park regardless of whether or not the park owner prevailed in such proceeding; any attorneys' fees or costs incurred in connection with judicial or other administrative proceedings involving challenges to this chapter, any decision of the city under this chapter, or the defense of lawsuits or other proceedings brought by residents and/or the city under this chapter; any attorneys' fees, costs or any other payments of any kind made to any organization for the purpose of litigating or challenging rent control; any attorneys' fees and costs of any kind incurred in connection with any other legal proceedings related to the park; and any other attorneys' fees and costs that are not related to the normal operations of the park. Legal expenses incurred in connection with preparation of a special rent increase petition and/or the hearing or appeal process related to a special rent increase petition may be included in a request for a temporary rent increase pursuant to CMC [9.05.140](#).

b. In determining the amount of legal expenses to be included in base year or current year operating expenses, allowable legal expenses shall be amortized over a five-year period, and only the amortized portion shall be included as an operating expense in the relevant year. For purposes of determining the amortized cost of allowable legal expenses, an interest cost of the lesser of either the current prime rate plus one percent, or the interest rate actually incurred by the mobile home park owner in paying for the expenses, may be added.

c. Except as provided in this subsection (B)(9), no other attorneys' fees and costs are allowable as operating expenses.

10. "Net operating income" or "NOI" means gross income less operating expenses for the park.

11. "Special increase" or "special rent increase" means any of the following: (a) a maintenance of net operating income rent increase under subsection (D) of this section, (b) a maintenance of net operating income rent increase based on a readjusted base year NOI under subsection (E) of this section, or (c) a fair return rent increase under subsection (F) of this section.

12. Determination of Gross Space Rents. If management submits a petition for a special rent increase under subsection (D) and/or (E) of this section, the space rents actually charged by management in the 12 months preceding the date of filing of the complete petition shall be used to determine the park's current year gross income, in accordance with the following requirements:

a. Following approval of a permitted annual increase, if management began collecting

rents based on the approved permitted annual increase prior to the date of submittal of the complete petition for a special rent increase to the city, the actual space rents collected by management during the current year (as defined in subsection (B)(5) of this section) shall be used in performing the special rent increase calculations under this section and CMC [9.05.110](#).

b. If management issues a notice of rent increase under state law based upon a city-approved permitted annual rent increase to any resident but the actual initial payment date based on that approved permitted annual increase does not take place prior to the date of filing of the complete petition under this section, the special rent increase approved by the city pursuant to this section shall supersede and take the place of any such noticed annual rent increase. The special rent increase calculations made pursuant to this section and CMC [9.05.110](#) shall be adjusted to avoid any duplication of rent increases.

C. For purposes of determining a special rent increase under subsection (D) or (E) of this section, the gross income and operating expenses for the entire park shall be determined, including for those spaces which are exempt from rent control under this chapter pursuant to a long-term rental agreement under Civil Code Section 798.17(a) or otherwise exempt under Civil Code Section 798.45. However, in calculating a special rent increase under subsection (D) or (E) of this section for the regulated spaces, the net operating income of the park shall be adjusted to reflect only that portion of the park that is subject to this chapter, and a prorated amount of the park's net operating income increase shall be allocated to the individual regulated spaces such that the regulated spaces shall be required to pay only that portion of the maintenance of net operating income rent increase attributable to the regulated spaces. Spaces exempt from rent control shall pay the space rent required pursuant to their individual long-term leases.

D. Maintenance of Net Operating Income Increase (or "MNOI Increase"). A mobile home park owner may petition the hearing officer to increase the park's base year net operating income by 80 percent of the increase in the Consumer Price Index since June 30, 1992, and the date of the petition. For the purpose of this subsection (D), the June 30, 1992, Consumer Price Index shall be the "base year CPI" as defined in subsection (B)(2)(a) of this section; and "current CPI" shall be the "current CPI" as defined in subsection (B)(4) of this section. The petition shall be filed in accordance with this section, CMC [9.05.110](#) and the rules and regulations.

E. Adjustment to Base Year NOI.

1. A mobile home park owner may rebut the presumption that the park's base year net operating income provided a just and reasonable return at that time by presenting evidence that:

a. The park's operating expenses in the base year were unusually high or low. In such

instances, the hearing officer may adjust the calculation of base year NOI by adjusting the expenses to reflect the average of the park's expenses over a reasonable period of time or the average of expenses in comparable mobile home parks in that year.

b. Capital improvements were made during the base year, but were not reflected in increases collected during that year.

c. Unusual repairs were made in the base year due to damage caused by uninsured natural events or vandalism.

d. Other expenses were unreasonably high or low notwithstanding prudent business practices.

e. The rent during the base year was lower than rents being charged in comparable mobile home parks in the city and comparable parks in the surrounding areas due to the fact that it was not established in an arms-length transaction, rent had not been increased during that year or other peculiar circumstances.

f. The rent during the base year was lower than rents being charged for spaces in comparable mobile home parks in the city and comparable parks in the surrounding areas.

g. The rent during the base year was not sufficient to provide a just and reasonable return by providing evidence of the return on investment actually earned by the park in the base year and of the return on investment earned by comparable parks in the city and surrounding areas since the base year.

2. Base Year. For purposes of this subsection (E), "base year" means the fiscal year commencing July 1, 1991, and ending June 30, 1992.

3. Eligibility. If a park has previously received approval of a special rent increase under this subsection (E) (or any predecessor ordinance), such park shall not be eligible for another special rent increase pursuant to this subsection (E).

4. Burden of Proof. The mobile home park owner shall have the burden of proving that one or more of the circumstances listed above existed and of providing the evidence needed to make appropriate increases in base year income and expenses.

5. Procedures and Requirements. The petition shall be filed in accordance with CMC [9.05.110](#) and the rules and regulations.

F. Fair Return Increase.

1. A park owner may rebut the presumption that the MNOI calculations provided in subsection

(D) of this section and/or the modified calculations provided in subsection (E) of this section are sufficient to provide a just and reasonable return by presenting evidence that the rate of return being earned by the mobile home park is not just and reasonable.

2. Burden of Proof. The park owner shall have the burden of proving the park is not earning a just and reasonable return.

3. Procedures and Requirements. A petition for rent increase under this subsection (F) shall be in accordance with CMC [9.05.110](#) and the rules and regulations.

G. Registration Fee. As required by CMC [9.05.060](#)(G), no petition for a special rent increase shall be approved by the city if the park owner is not currently registered and current on payment of his/her monthly registration fee(s) due under CMC [9.05.060](#). [Ord. 410 § 8, 2025; Ord. 316 § 13, 2011; Ord. 96-1 § 10; Ord. 94-9 § 1; Ord. 93-17 § 1; Code 1990 § 1.6.10.]

9.05.110 Petition for rent increase to provide a reasonable return.

Petitions for a special rent increase to provide a reasonable return under CMC [9.05.100](#) shall be submitted in accordance with the following requirements and the rules and regulations:

A. Management shall file a verified petition under penalty of perjury with the city manager for a special rent increase to provide a reasonable return and to maintain net operating income pursuant to CMC [9.05.100](#)(D), (E) or (F). Concurrently with filing the petition, management shall pay the required filing fee adopted or periodically adjusted by resolution of the city council.

B. A petition for an MNOI rent increase under CMC [9.05.100](#)(D) may be filed by itself or concurrently with a petition for a special rent increase under CMC [9.05.100](#)(E) or (F). A petition for an MNOI rent increase based on a readjusted base year NOI under CMC [9.05.100](#)(E) may be filed with a petition for a special rent increase under CMC [9.05.100](#)(D) or (F). A petition for a special rent increase under CMC [9.05.100](#)(F) shall not be filed unless accompanied by a petition for a special rent increase under CMC [9.05.100](#)(D) or (E).

C. The petition shall state the names, addresses and telephone numbers of all affected residents; the current rent of the affected spaces; the proposed increase; the calculations pursuant to CMC [9.05.100](#) to support the proposed increase and a request to the hearing officer to review and approve the proposed increase; and such other information relevant to the petition as determined by the city in accordance with the rules and regulations. All necessary documents and records to support the petitioner's calculations shall be attached to and shall become part of the petition. Seven copies of the petition and supporting documentation and records, an electronic copy of the petition, proof of service of the notice required by subsection (E) of this section, and two sets of stamped envelopes addressed to the affected residents shall be filed with the city manager.

D. Upon receipt of the petition, the city manager shall determine if the petition is complete, in accordance with the following provisions and the rules and regulations:

1. No petition shall be deemed complete until all documents supporting the petitioner's calculations and requested rent increase, required copies of the petition, and all proof of service and posting requirements have been filed with the city manager and the filing fee paid to the city, as required by this section. The city manager shall have 30 days in which to determine the completeness of the petition, and shall notify the park owner in writing within that period of any deficiency in the petition and the additional documentation, information and/or fee necessary for the city manager to deem the petition complete. Procedures for determination whether a petition is complete shall be set forth in the rules and regulations. The park owner shall comply with any requests by the city manager for submittal of additional information or documentation deemed necessary by the city manager to find that the petition is complete, in accordance with the rules and regulations.

2. The applicable subsection under which the petition is submitted, the method or manner of determining the proposed rent increase, and the documents and records submitted in support of the petition must be legible, reproducible, organized and presented in a manner appropriate and acceptable by reasonable accounting standards and must be consistent with the requirements of this section and the rules and regulations. Required documentation to deem the petition complete shall include all documentation that establishes each category, type and amount of income, expense, interest charged or incurred, and the reasonableness of each expense, in accordance with the rules and regulations. The petitioner must, upon request of the hearing officer, show to the hearing officer the original document from which any photocopy was made and all documents, papers, or written memoranda which support or are evidence of claimed income or expenses of any nature, or which are otherwise pertinent to the hearing officer's decision on the petition.

3. Failure to comply with the provisions of this subsection shall be good and sufficient cause to deny the petition if the hearing officer finds that the park's failure to submit a complete petition demonstrates that the park owner failed to meet its burden of proof that a rent increase is warranted under this section.

E. Concurrently with filing the petition, management shall place two complete copies of the petition in the park office and two complete copies of the petition in the park clubhouse for inspection and copying by the park residents and their representative(s). Management shall maintain these copies of the petition, and any modifications or supplemental information or documentation submitted to the city, in those locations until issuance of a final decision by the city on the petition. Management shall also post a notice in the park office and clubhouse, in publicly accessible areas, informing the residents that the petition has been filed with the city, in accordance with the rules and regulations, and shall maintain such notices in the park until issuance of a final decision by the city on the petition.

F. Management shall serve written notice of the filing of the petition on each resident of a space

affected by the petition. The notice shall also advise the residents that copies of the petition and supporting documentation are available for their review and copying at the specified locations in the park; and that the petition and supporting documentation may be reviewed at City Hall. Management shall also serve a copy of the petition and all supporting documentation and records on the designated representatives of the park residents. The representatives shall be selected by the park residents and shall not exceed four persons. Service of the notice and petition may either be in person or by mail to the last known address of each resident and representative. No petition shall be considered as filed until proof of service of such notice and petition is filed with the city manager. The notice and proof of service shall be on forms provided by the city manager.

G. Written notice of the petition shall be mailed by the city to the affected residents on the date on which the petition is determined to be complete, and shall advise them of their right to submit a written response or protest, along with all supporting documentation, to the petition within 30 days of the date of mailing of the notice. The hearing officer shall call a meeting to commence a public hearing within 75 days after the petition has been deemed complete by the city. The city clerk shall publish notice of the public hearing at least 72 hours prior thereto. The hearing officer shall render its decision, in writing, including findings of fact and rulings on all issues presented, within 90 days after the petition is determined to be complete; provided, that the hearing officer may extend the time limits under this subsection for reasonable cause, and failure of the hearing officer to act within the time limits specified herein shall not result in the automatic approval of any petition.

H. The park owner shall also be required to pay a filing fee and deposit the additional costs of the public hearing in accordance with this subsection.

1. Concurrently with filing the petition for a special rent increase, management shall pay the initial filing fee established and amended from time to time by resolution of the city council. Notwithstanding subsection (D) of this section or any other provision of this chapter, no petition for a special rent increase submitted to the city under this section shall be accepted as complete by the city, and no hearing on a special rent increase petition shall be set by the city, if management fails to submit the initial filing fee with the petition, and the failure of management to pay the initial filing fee shall constitute grounds for the city to reject the petition as incomplete and to refuse to further process the petition.

2. Management shall also pay any additional costs of the public hearing, based upon an estimate prepared by the city manager in accordance with the resolution established or amended from time to time by the city council. The estimated costs of the public hearing shall be deposited with the city manager no less than 60 days prior to the hearing. Failure to deposit the costs shall be good and sufficient reason for the city to cancel the hearing and to deem the petition withdrawn by the park owner, and no further action to process the petition shall be taken by the city. As used in this subsection, the term "costs" means all city staff and other expert time incurred by the city in reviewing the petition and presenting the petition to the

hearing officer and city council; copying and duplication costs; and costs of providing public notice. Costs shall be established and periodically adjusted by resolution of the city council.

3. The initial filing fee, and any additional costs deposited by management, may be included in a petition for a temporary rent increase pursuant to CMC [9.05.140](#).

I. Any resident or other interested person wishing to protest or respond to the petition may do so by filing a written protest under penalty of perjury with the city manager, in accordance with the rules and regulations. The written protest shall be filed with the city manager not later than the thirtieth day following the date that notice of the complete petition is mailed to the affected residents. All such protests shall be served on management and proof of such service filed with the city manager, on forms provided by the city, at the time the written protest is filed with the city manager.

J. In seeking a rent increase under any provision of this chapter, the petitioner shall bear the burden of proof. All parties to the public hearing may have assistance in presenting evidence and developing their position from legal counsel, residents, resident or park owner organizations, or experts designated by such parties. In the event that the city retains a certified public accountant or other expert as a designated representative of the hearing officer to examine the petition and supporting material and testify as an expert witness, the cost to the city to employ such an expert shall be a part of the cost of the public hearing. Any and all expenses shall be reasonable.

K. At the conclusion of the public hearing, if the hearing officer finds that an increase as requested in the petition or as modified by the hearing officer is authorized by CMC [9.05.100](#), the hearing officer shall approve the increase as proposed or modified. If the hearing officer finds an increase is not authorized under CMC [9.05.100](#), the hearing officer shall deny the increase. The hearing officer's decision shall be issued in accordance with subsection (G) of this section. The mobile home park owner shall not be permitted more than one increase under CMC [9.05.100](#) in any 12-month period.

L. Upon issuance of the final decision by the hearing officer, the city clerk shall mail, by first class mail, postage prepaid, a copy of the decision of the hearing officer to the park owner and to each park resident, along with an affidavit of mailing. The hearing officer's decision shall be final upon date of mailing of the resolution in accordance with this subsection. [Ord. 410 § 9, 2025; Ord. 316 § 14, 2011; Ord. 96-1 § 11; Ord. 94-9 § 1; Ord. 93-17 § 1; Code 1990 § 1.6.11.]

9.05.120 Appeal.

A. Either party may, and prior to commencing any action in a court of competent jurisdiction shall, appeal any final decision or order of the hearing officer to the city council by filing written notice of the appeal with the city manager not later than 15 days after the date of deposit in the mail of the decision of the hearing officer to the petitioner and affected residents. Appeals shall be filed, processed and heard in accordance with this section and the rules and regulations.

B. Prior to or concurrently with filing the appeal, management shall place copies of the appeal at the park in accordance with CMC [9.05.110\(E\)](#), and shall maintain those copies at the park for inspection and copying by the residents until issuance of a final decision by the city on the appeal.

C. The appellant shall serve written notice of the filing of the appeal, along with any documents supporting the appeal, on the opposing party, and prior to or concurrently with filing of the appeal shall also post notice of filing of the appeal in the park clubhouse and office in publicly accessible areas. If the appellant is a park resident (or park resident representative), notice shall be posted in those areas normally made available for posting of notices by park residents. If the appellant is the park owner, the notice shall also advise the residents and the resident representatives that copies of the appeal and supporting documentation are available for their review and copying at the park in accordance with CMC [9.05.110\(E\)](#), and that the appeal and supporting documentation may be reviewed at City Hall. Service of notice may either be in person or by mail to the last known address of the opposing party. No appeal shall be considered as filed until proof of service of such notice and posting, and supporting documentation, are filed with the city manager, and the cost of the appeal is deposited with the city manager. The cost of the appeal shall be estimated by the city manager. The notice and proof of service and posting shall be on forms provided by the city manager. The city manager shall set the appeal for a public hearing at a regular meeting of the city council to be commenced within 30 days after the appeal is filed. No appeal shall be considered filed until proof of service of such notice, supporting documentation and deposit are filed with the city manager. If the appellant fails to deposit the required fee and all required documentation by the deadline to file an appeal, the appeal shall be deemed withdrawn and no further proceedings shall take place on the appeal.

D. Upon receipt of the complete appeal, the city manager shall provide notice of the appeal hearing to all affected park residents, resident representatives, management and management's representative(s), in accordance with the rules and regulations.

E. As used in this section, the term "costs" means all city staff and other expert time incurred by the city in reviewing the appeal and presenting the appeal to the city council; copying and duplication costs; and costs of providing public notice. The costs shall be set by resolution of the city council as established or amended from time to time.

F. The city council shall affirm the hearing officer's decision if it is supported by substantial evidence, and complies with this chapter and rules and regulations. If the city council finds that the hearing officer's decision is not supported by substantial evidence, or does not comply with the rules and regulations, the city council shall grant the appeal, and may deny the petition, modify the hearing officer's decision on the petition, or refer the petition back to the hearing officer for further proceedings consistent with the city council's decision on the appeal.

G. The appeal hearing shall be conducted in accordance with the rules and regulations. The city

council shall issue its decision in writing, including findings of fact and rulings on all issues presented, within 45 days of the commencement of the public hearing; provided, that the city council may extend the time limits under this subsection for reasonable cause, and failure of the city council to act within the time limit specified herein shall not result in the automatic approval of any petition. The decision of the city council on any appeal shall be final.

H. Upon issuance of the city council's decision pursuant to subsection (G) of this section, the city clerk shall mail, by first class mail, postage prepaid, a copy of the resolution of the city council setting forth its final decision on the appeal, to the park owner and to each park resident, along with an affidavit of mailing. The decision of the city council shall be final on the date of mailing by the city clerk pursuant to this subsection. [Ord. 410 § 10, 2025; Ord. 316 § 15, 2011; Ord. 96-1 § 12; Ord. 94-9 § 1; Ord. 93-17 § 1; Code 1990 § 1.6.12.]

9.05.130 Maximum rent.

A. The maximum permitted rent at any given time for each space shall be the space rent approved by the city under this chapter or any other prior rent control ordinance.

B. A mobile home park owner, or anyone acting on behalf of a mobile home park owner, shall not demand, accept, receive or retain from any resident or prospective resident more than the maximum rent permitted by this chapter. A mobile home park owner, or anyone acting on behalf of a mobile home park owner, shall not increase the rent on any space except in compliance with the provisions of this chapter.

C. A mobile home park owner, or anyone acting on behalf of a park owner, shall not serve written or verbal notice of rent increase on any resident until the rent increase has been approved by the city in writing pursuant to this chapter.

D. A resident may refuse to pay any rent in excess of the maximum permitted rent. The fact that such unpaid rent is in excess of the maximum permitted rent under this chapter shall be a defense in any action brought to recover possession of the mobile home space for nonpayment of rent or to collect the illegal rent.

E. A resident may bring an action in any court of appropriate jurisdiction in which injunctive relief may be granted to recover any rent paid in excess of the maximum permitted rent under this chapter. The prevailing party shall be awarded his or her reasonable attorneys' fees and the court, where applicable, shall be empowered to award treble damages for any rents charged in excess of the maximum permitted by this chapter. [Ord. 96-1 § 13; Ord. 94-9 § 1; Ord. 93-17 § 1; Code 1990 § 1.6.13.]

9.05.140 Prevailing park owner petition for recovery of petition costs incurred before the hearing officer in connection with special rent increase petition.

A park owner who obtains approval of a capital improvement rent increase or special rent increase

from the city may seek approval of a temporary rent increase to reimburse the park owner for the reasonable cost of professional services actually incurred by the park owner in preparing and presenting the petition to the hearing officer under CMC [9.05.110](#) in accordance with this section and the rules and regulations.

A. A request for approval of a temporary rent increase under this section shall be filed as part of a park owner's petition for a capital improvement rent increase under CMC [9.05.090](#)(F) or a park owner's petition for a special rent increase pursuant to CMC [9.05.100](#) and [9.05.110](#), in accordance with the city-approved forms. The hearing officer shall consider the park owner's request at the public hearing at which the underlying petition for a capital improvement rent increase or the underlying petition for special rent increase is considered, and the hearing officer's decision on the temporary rent increase shall be included in its written decision on the petition for a capital improvement rent increase or special rent increase. Any appeal of the hearing officer's decision on a temporary rent increase shall be filed in accordance with CMC [9.05.120](#) in accordance with the city-approved form, and the city council shall consider such appeal concurrently with the appeal of the hearing officer's decision on the underlying capital improvement rent increase petition or special rent increase petition.

B. The park owner shall bear the burden of proof and shall provide the evidence to justify a temporary rent increase submitted under this section, and approval of the petition shall be conditioned upon the park owner's successfully obtaining final approval from the city of a capital improvement rent increase pursuant to CMC [9.05.090](#) or a special rent increase pursuant to CMC [9.05.100](#) and [9.05.110](#).

C. Any temporary rent increase granted by the city shall be amortized over a five-year period with interest at the rate of seven percent per year, compounded monthly, and any increase granted shall remain in effect only during the five-year period. Any such increase shall not be included as part of the monthly space rent but shall be itemized as a separate charge either on each resident's monthly rent statement or on a separate statement. Nothing in this provision shall preclude a park resident from paying the full amount of the temporary rent increase as one lump sum without any payment of interest, following issuance of the city's final decision.

D. Registration Fee. As required by CMC [9.05.060](#)(G), no petition for a temporary rent increase shall be approved by the city if the park owner is not currently registered and not current on payment of his/her monthly registration fee(s) due under CMC [9.05.060](#). [Ord. 410 § 11, 2025; Ord. 316 § 20, 2011.]

9.05.150 Rules and regulations.

The city council may, from time to time, adopt or amend rules, regulations, and/or forms to implement and administer any and all provisions of this chapter by resolution or minute action. The city manager may adopt rules, regulations, guidelines and/or forms not inconsistent with the provisions of this chapter or any rules, regulations, or forms adopted by the city council. [Ord. 316

§ 21, 2011.]

9.05.160 Rental agreements.

Nothing in this chapter shall operate to restrict the right of a resident and the park owner to enter into a written rental agreement, signed by both parties; provided, that no park owner, or anyone acting on behalf of a park owner, shall require, directly or indirectly, that any resident or prospective resident sign a lease or rental agreement with a term in excess of 12 months, or that provides that it shall be exempt from local rent control, as a condition of tenancy in the park or which otherwise requires any resident or prospective resident to waive any of his or her benefits under this chapter. No park owner, or anyone acting on behalf of a park owner, shall deny a tenancy to a prospective purchaser of a mobile home in the park on the ground that the prospective purchaser will not sign such a lease or rental agreement that exempts the space from rent control or otherwise requires the prospective purchaser to waive his or her rights under this chapter. [Ord. 316 § 16, 2011; Ord. 96-1 § 14; Ord. 94-9 § 1; Ord. 93-17 § 1; Code 1990 § 1.6.14. Formerly 9.05.140]

9.05.170 Limitation of actions.

Any action to attack, review, set aside, annul or void any final decision under this chapter shall not be maintained by any person unless such action or proceeding is commenced and service is effected within 90 days of the final decision or within such other period of time required by California Code of Civil Procedure Section 1094.6 as it presently exists or as it may be hereafter amended from time to time. [Ord. 316 § 17, 2011; Ord. 96-1 § 15; Ord. 94-9 § 1; Ord. 93-17 § 1; Code 1990 § 1.6.15. Formerly 9.05.150]

9.05.180 Administrative costs.

The city manager shall, from time to time, calculate the total costs of conducting a meeting of the mobile home rent stabilization hearing officer and appeal to the city council and file such figures in his/her office. Such figures shall be used in determining the deposits and costs for holding a hearing by the hearing officer and appeal to the city council. [Ord. 410 § 12, 2025; Ord. 316 § 18, 2011; Ord. 94-9 § 1; Ord. 93-17 § 1; Code 1990 § 1.6.16. Formerly 9.05.160]

9.05.190 Remedies.

A. Any person violating any of the provisions of this chapter shall be guilty of a misdemeanor punishable by a fine of \$1,000 or imprisonment for a term of six months or both; provided, that where the city attorney determines that such action may be in the best interests of justice, the city attorney may specify in the accusatory pleadings that the offense shall be an infraction.

B. Any park owner, park manager, or any other person acting on behalf of a park owner or park manager, who demands, accepts, receives or retains any money as rent from a resident to which said park owner is not entitled under the provisions of this chapter shall be liable to the resident for any actual damages, hearing fees, attorneys' fees and costs incurred by the resident as a consequence thereof. In addition to all other remedies set forth in this chapter, any person violating

any provision of this chapter shall be liable for an additional penalty of \$500.00 upon a finding that such person willfully violated the provisions of this chapter.

C. The city council may institute a civil action to compel compliance with this chapter.

D. All remedies set forth herein are hereby declared to be cumulative and nonexclusive. [Ord. 316 § 19, 2011; Ord. 96-1 § 16; Code 1990 § 1.6.17. Formerly 9.05.170]

¹ Prior legislation: Ords. 91-1 and 96-3.

