

INSTRUCTIONS/RENT REVIEW COMMISSION
MULTI-FAMILY & MOBILEHOME

In 1984 the City Council established a Rent Review Commission to provide a means of assisting in the resolution of rent disputes between tenants and landlords. To initiate a petition for review by the Rent Review Commission, please read the instructions carefully and complete the attached form.

INSTRUCTIONS TO PETITIONER

Complete the petition and attach all pertinent supporting information. File the original petition and one copy with the City Clerk, City of Camarillo, at 601 Carmen Drive, Camarillo, California 93010. Do not attach original backup documents to your petition because they will not be returned to you.

The hearing will be scheduled within thirty (30) days of the receipt of the petition. Tenants/owners will be notified in writing within five (5) days from the date of filing a petition of a time, date and location of a hearing.

Within ten (10) days of the conclusion of the Rent Review Commission hearing, the commission shall issue its recommendation. The Commission's recommendation will be mailed to the owners and tenants affected.

If you have any questions regarding these procedures, please call Jeffrie Madland, City Clerk at (805) 388-5315.

Attachments:

Petition Form
Additional Signature Pages for Petition
Summary of Ordinance
CMC Chapter 10.50

RENT REVIEW COMMISSION PETITION

1. Petitioner's Name: _____
Address: _____
Phone No.: _____
Email address: _____
2. Name of Complex: _____
Complex Manager's Name: _____
Address: _____
Phone No.: _____
3. Current Rent: _____ New Rent per Notice: _____
Date of Receipt of Notice of Increase: _____
4. Explain why you feel the increase is unjustified or unfair: _____

5. Have you contacted Complex Owner? _____ Complex Manager? _____
6. If yes, what was the response? _____

7. If not, why? _____

Please attach a copy of the Notice of Increase to this petition.

Date

Signature

Additional signature page for Petition if necessary to comply with CMC Section 10.50.060 B which states:

“If the proposed rent increase is to affect a majority of park tenants or tenants, the petition must be signed by more than twenty-five percent of the park tenants or tenants affected by the proposed rent increase. If the proposed rent increase will affect, or has affected a majority of park tenants or tenants within a six-month period, the petition must be signed by more than twenty-five percent of the park tenants or tenants affected by the proposed rent increase.”

[illegible]

Summary of Rent Review Ordinance Multi-Family and Mobile Homes

The Rent Review Commission was established to provide a forum, which may assist in the resolution of rent disputes for certain mobilehomes and apartments in the City of Camarillo. Specifically, the commission is available to address issues relating to apartments in buildings with five or more units that were leased or occupied on or before July 1, 1984, and for mobilehomes located in mobilehome parks with 25 or more spaces.

RENT REVIEW COMMISSION

The commission consists of five members. One member represents mobilehome park tenants or tenants of apartment complexes; three members are persons who are not tenants, park tenants, apartment owners or mobilehome park owners; one member represents owners of mobilehome parks or apartment complexes. Three members of the commission shall constitute a quorum for purposes of conducting a hearing or meeting. The decision shall be by majority vote of the members present.

DISTRIBUTION OF ORDINANCE

Every park owner/apartment owner is required to distribute or cause to be distributed, at his or her own expense, to each park tenant/tenant a full copy of the rent review ordinance and a copy of the summary of the ordinance prepared by the City. Each park owner/apartment owner is to keep evidence of receipt of the summary by every park tenant/tenant in the owner's park/apartment complex.

Every park owner/apartment owner is required to include a section in each rental/lease agreement making reference to the City's Rent Review Commission.

DISCLOSURE OF RENT SCHEDULE

Every owner must disclose to each park tenant/tenant a schedule of rental charges setting forth the current rental charge relating to the proposed controlled rental unit in the apartment park/complex space and the rental charges for that space/unit within the preceding one-year period.

RENT REVIEW PROCEDURES

Advance Notice of Rent Increases At least thirty calendar days before an increase in rent is to become effective, a park owner or apartment owner must provide written notice to park tenants/tenants to be affected by or subject to such increase.

Petitions Park tenants/tenants receiving notice of a proposed rent increase may petition the commission for review of the proposed rent increase. If the rent increase is to affect a majority of park tenants/tenants, the petition must be signed by more than twenty-five percent of the tenants affected by the proposed rent increase.

All petitions must be filed with the commission within thirty calendar days of receipt of such notice of proposed rent increase. Such petitions are to be on a form provided by the

commission and must state the reason for the park tenant's/tenant's claim that the proposed rent increase is unreasonable and unfair.

Notice Within five business days of the commission's receipt of petition for rent review, the commission will notify the park owner or apartment owner named in the petition in writing of receipt of a petition for rent review and the time, date and location of a rent review hearing to be held before the commission. A copy of the notification is to be mailed concurrently to the park or apartment tenants petitioning for rent review. The hearing shall be scheduled no sooner than twenty days and no later than thirty days of the postmark of the commission's notice of hearing.

Submissions by Park or Apartment Owners At least seven days before the date of the hearing, the park owners/owners are required to submit to the commission and the petitioning park tenants/tenants any and all evidence and other documentation demonstrating that the proposed rent increase is reasonable and fair.

Records The commission may require either party to a rent review hearing to provide it with all pertinent books, records and papers. Such documents shall be made available to the parties involved at least seven days prior to the hearing at the commission office.

Recommendations Within ten calendar days of the conclusion of the rent review hearing, the commission is to issue its recommendation and mail a copy of such recommendation to the park owners/owners and park tenants/tenants affected by or subject to the recommendation.

If either party finds the commission's recommendation unacceptable, the matter is subject to judicial review.

The commission is to be notified of the decision of the owner or tenant(s) to accept or reject the recommendation within seven calendar days of the postmark of the commission's notice. Failure of either party to reject within the time specified shall be deemed an acceptance of the commission's recommendations. A rejection of the recommendation must be signed by a majority of the affected park or apartment tenants

Failure to Appear at Hearing Failure of any of the noticed parties to appear at the scheduled hearing does not prevent the commission from conducting the hearing as scheduled and from issuing its recommendation.

Waiting Period Upon recommendation of a denial of a rent increase request by the commission every park owner/owner shall be required to wait a minimum of six months before proposing another request for a rent increase for the same mobilehome dwelling unit or controlled rental unit

Rent Increases-Change of Ownership If the ownership of a mobilehome changes, the rent on the space may be increased without limit, subject to the provisions of Section 10.50.100. The park owner, however, must post in a prominent place in the park where other notices are customarily posted, a written notice stating the maximum amount of rent to be charged for each space upon change of ownership.

Discrimination If a park tenant believes there has been discrimination, the park tenant shall have the right to a hearing before the rent review commission concerning such alleged discrimination. The park tenant must show by a preponderance of the evidence that such illegal discrimination has occurred. The procedures for setting the hearing are outlined in Municipal Code Section 10.50.100 E.

Retaliatory Eviction If a park tenant/tenant is evicted from his or her mobilehome or apartment within three months after the park tenant/tenant has petitioned the commission, there is a presumption that the eviction was retaliatory in any action brought by the park tenant/tenant to regain the right to the mobilehome or apartment. The park or apartment owner or owner's representative is required to provide each park tenant/tenant with a full copy of the Rent Review Ordinance.

Camarillo Municipal Code
Chapter 10.50
Rent Review for Mobilehomes and Apartment
Complexes of Five Units or More

- 10.50.010 - Declarations and findings.
- 10.50.020 - Definitions.
- 10.50.030 - Rent review commission.
- 10.50.040 - Distribution of ordinance.
- 10.50.050 - Disclosure of rent schedule.
- 10.50.060 - Rental review procedures.
- 10.50.080 - Standards for review.
- 10.50.090 - Retroactivity.
- 10.50.100 - Rent increases—Change of ownership.
- 10.50.110 - Enforcement.
- 10.50.120 - Retaliatory eviction.
- 10.50.130 - Newly constructed rental units.

10.50.010 - Declarations and findings.

The city council finds and declares as follows:

- A. Pursuant to studies and hearings conducted by the city council and city staff, the city of Camarillo has determined it necessary and in the public interest to establish a forum to assist in the resolution of disputes that may arise from time to time between tenants and owners of mobilehome parks and tenants and owners of apartment complexes of five or more units.
- B. The state of California has recognized by the adoption of special legislation regulating mobile-home dwellings that there is a significant distinction between the tenants of mobilehome parks and other dwelling units and the city council likewise has recognized that tenants of mobilehome parks, unlike apartment tenants or residents of other rental stock, are in the unique position of having made a substantial investment in a residence, the space for which is rented or leased as distinguished from owned; the removal and/or relocation of a mobilehome from a rented or leased space within a mobilehome park can be accomplished only at substantial cost and inconvenience and with the concurrent ability to find another location; and, in many instances, the removal requires a separation of the mobilehome unit from appurtenances which have been made permanent, thus causing severe damage and depreciation in value to the mobilehome.
- C. There is presently within the city and surrounding areas a shortage of spaces for the location of mobilehomes and of residential apartment rental units.
- D. Because of the shortage, there is a low vacancy rate and rents in some mobilehome parks have been and are presently rising rapidly causing economic hardship to a substantial number of mobilehome park tenants in Camarillo, most of whom are senior citizens on fixed incomes. In addition, because of the shortage of apartment

rental units, rents of apartment units have been and are presently rising rapidly, causing economic hardship to a substantial number of apartment tenants in Camarillo.

- E. It is necessary to establish a means to provide protection to mobilehome park tenants and apartment tenants from unreasonable rent increases while at the same time recognizing the need of mobilehome park owners and apartment owners to receive a just and reasonable return on their property and to receive rent increases sufficient to cover increased cost of repairs, maintenances, service, insurance, upkeep and other amenities.
- F. The rent review commission established by this chapter will provide a forum which may assist in the resolution of rental disputes, to the end that an agreement may be reached for fair and equitable rental rate adjustments in a noncoercive atmosphere.
- G. It is necessary and in the public interest that any rent dispute not resolved by rent review commission action be subject to judicial review.

(Ord. 922 § 1, 1999; Ord. 921 § 1, 1999; Ord. 893 § 1 (part), 1998.)

10.50.020 - Definitions.

The following words or phrases as used in this chapter shall have the following meanings:

- A. "Apartment complex" means an apartment complex containing five or more controlled rental units.
- B. "Commission" means the rent review commission established by Section 10.50.030.
- C. "Commissioners" means commissioners of the rent review commission.
- D. "Controlled rental unit" means a residential rental unit in the city located in an apartment complex containing five or more such units which has been leased to or occupied by a tenant on or before July, 1984.
- E. "Majority" means a simple majority (fifty percent plus one) of all park tenants in a mobilehome park or tenants in an apartment complex.
- F. "Mobilehome park" means an area of land where mobilehome sites are rented, or held out for rent, to accommodate mobilehomes used for human habitation, and which contains twenty-five or more such sites.
- G. "Owner" means an owner, lessor, sublessor or any other person entitled to receive rent for the use and occupancy of any controlled rental unit, or an agent, representative or successor of any of the foregoing.
- H. "Park owner" means the owner, general partners, lessor, operator, manager or designated agent of the mobilehome park.
- I. "Park tenant" means any person or persons as one owner entitled to occupy a

mobilehome dwelling unit pursuant to ownership thereof, or a rental or lease arrangement with the owner of such mobilehome.

- J. "Rent" means consideration, including any bonus, benefits or gratuity demanded or received in connection with the use and occupancy of any habitable building or land, any controlled rental unit or for the transfer of a lease for occupancy.
- K. "Space" means the lot upon which a mobilehome is placed and for which rent is charged.
- L. "Tenant" means any person or persons entitled to occupy a controlled rental unit under a rental or lease agreement with the owner of such controlled rental unit, or pursuant to a month-to-month tenancy.

(Ord. 922 § 2, 1999: Ord. 921 § 2, 1999: Ord. 893 § 1 (part), 1998.)

10.50.030 - Rent review commission.

- A. **Composition.** There shall be in the city a rent review commission. The commission shall consist of five members, all of whom shall serve at the pleasure of the city council without any fixed term or duration. Any and all of such commission members may be removed by the city council at its discretion without cause. One member shall be a representative of park tenants of mobilehome parks in the city and tenants of apartment complexes in the city; one member shall be a representative of park owners of mobilehome parks within the city and owners of apartment complexes in the city; and three members shall be persons who are not tenants, park tenants, owners or park owners. The representative of park tenants and tenants may be either a park tenant or tenant. The representative of park owners and owners may be either a park owner or owner. At any time appointments are to be made, the city council shall request that park tenants, tenants, park owners and owners submit in writing a list of names of suggested representatives. The city council shall appoint one regular member and one alternate member to represent park tenants and tenants and one regular member and one alternative member to represent park owners and owners. In the event that the parties fail to submit sufficient names of representatives, the city council shall select such persons it believes shall represent such interests.
- B. **Vacancies.** If a vacancy shall occur on the commission, the city council shall appoint a qualified person to fill such vacancy in accordance with subsection (A) of this section.
- C. **Powers and Duties.** The commission is empowered to act in an advisory capacity and may take all necessary actions to assist in the settlement of rental disputes between park owners and park tenants, and owners and tenants, including the holding of formal hearings pursuant to Section 10.50.040. In addition to the aforementioned powers, it shall be the duty and responsibility of the commission to prepare and distribute to all owners a summary of the ordinance codified in this chapter, together with a copy of the entire text of the ordinance. Each owner shall thereafter be required to distribute a copy of the summary of the ordinance codified

in this chapter and the ordinance itself to each tenant residing in the owner's apartment complex as provided in Section 10.50.040.

- D. Rules and Regulations. The commission shall establish and follow such rules and regulations, including those which are contained in this chapter, as will further the purposes of this chapter, including but not limited to rules regarding commission procedure and hearing procedure.
- E. Meetings. The commission shall hold such meetings or hearings as may be required to discharge its duties under this chapter.
- F. Quorum. Three members of the commission shall constitute a quorum for the purposes of conducting a hearing or meeting. The decision of the commission regarding any recommendation, solution or settlement of any dispute brought before it shall be by a majority vote of the members present.
- G. Docket. The commission shall maintain and keep in its office a docket of the proceedings conducted before the commission.
- H. Expenses. The city will assume the cost of all the usual and reasonable expenses of the commission such as stationery, postage and telephone costs related to the work of the commission, other than those expenses directly attributable to the holding of rent dispute hearings. The cost of recording and/or transcription of any hearing before the commission shall be divided equally between the petitioning park tenants and park owners or the tenants and owners. The commission may require an appropriate deposit for costs in the event the settlement or resolution of any rent dispute will result in the commission incurring costs and expenses not reimbursed by the city as provided herein.
- I. Commission Report. Once a year, the commission shall submit to the city council, for information purposes only, a status report of the activities of the commission to date.

(Ord. 893 § 1 (part), 1998.)

10.50.040 - Distribution of ordinance.

Every park owner and every owner shall be required to distribute or cause to be distributed, at his or her own expense, to each tenant residing in the owner's apartment complex or park tenant residing in the owner's mobilehome park, a copy of the ordinance codified in this chapter, and a copy of the summary of the ordinance prepared by the city and distributed to each owner and each park owner as provided in Section 10.50.030(C). Every owner and park owner shall distribute a copy of such ordinance and such summary to each tenant and each park tenant within ten days of a tenant or park tenant occupying a unit or space and every owner and park owner shall distribute a copy of such summary at the same time and together with any notice of rent increase. Every owner and park owner shall be required to obtain and keep evidence of receipt of such ordinance and summary by every tenant in the owner's apartment complex and park tenant in the park owner's mobilehome park. Evidence of receipt of such ordinance shall include a document signed

by the tenant or park tenant acknowledging receipt of the ordinance. Such signed documents shall serve as a rebuttable presumption that the owner or park owner has complied with this section as to the tenant or park tenant who signed the receipt.

(Ord. 922 § 3, 1999: Ord. 921 § 3, 1999: Ord. 893 § 1 (part), 1998.)

10.50.050 - Disclosure of rent schedule.

Every owner shall be required to disclose to each tenant a schedule of rental charges setting forth the current rental charge relating to the proposed controlled rental unit in the apartment complex/park space and the rental charges for that unit/park space within the preceding one-year period. The schedule shall be updated as necessary to reflect any and all changes in rental charges for the preceding one-year period.

(Ord. 893 § 1 (part), 1998.)

10.50.060 - Rental review procedures.

- A. Advance Notice of Rent Increase. Not later than thirty calendar days before an increase in rent is to become effective in a mobilehome park or an apartment complex, a park owner or owner shall provide written notice thereof to park tenants and tenants to be affected by or subject to such increase.
- B. Petitions. A park tenant or tenant receiving notice of a proposed rent increase may petition the commission for review of the proposed rent increase. If the proposed rent increase is to affect a majority of park tenants or tenants, the petition must be signed by more than twenty-five percent of the park tenants or tenants affected by the proposed rent increase. If the proposed rent increase will affect, or has affected a majority of park tenants or tenants within a six-month period, the petition must be signed by more than twenty-five percent of the park tenants or tenants affected by the proposed rent increase. All petitions must be filed with the commission within thirty calendar days of receipt of such notice of proposed rent increase. If the proposed rent increase is to affect a majority of park tenants or tenants, the time for filing the petition shall be measured from the date on which all park tenants and tenants to be affected by the increase have received such notice. Such petition shall be on a form provided by the commission and shall state the reason for the tenant's or park tenant's claim that the proposed rent increase is unreasonable and unfair.
- C. Notice. Within five business days of the commission's receipt of a petition for rent review, the commission shall notify the park owner or owner named in the petition in writing of receipt of a petition for rent review and the time, date and location of a rent review hearing to be held before the commission. A copy of the notification to the park owner or owner shall be mailed concurrently to the park tenant or tenant petitioning for rent review and shall serve as notification to such parties of the scheduled hearing. The hearing shall be scheduled no sooner than twenty days and no later than thirty days of the postmark of the commission's notice of hearing.
- D. Submission by Park Owner or Owner. At least seven days before the date of the hearing, the park owner or owner shall submit to the commission the signed receipts

from the affected park tenants or tenants, as required in Section 10.50.040, as evidence that the affected park tenants or tenants received a copy of the ordinance codified in this chapter. If the park owner or owner does not produce such receipts, the thirty-day filing period within which a petition for rent review must be filed, as required by subsection B of this section, shall be extended for a period of sixty days. The information the park owner or owner may submit prior to the hearing may include, but is not limited to the following:

1. The actual operating expenses by category for the mobilehome park or apartment complex for a two-year period ending no more than four months before the proposed effective date of the increase;
2. The anticipated expenses for the mobilehome park or apartment complex for the twelve-month period of the proposed increase, including details of changes in any cost elements;
3. The current and proposed rent schedule for each space in the mobilehome park or controlled rental unit in the apartment complex;
4. A schedule of other fees and income from the mobilehome park or apartment complex;
5. The vacancy rates of each space in the mobilehome park or each controlled rental unit in the apartment complex during the preceding two-year period;
6. The schedule of current leases for spaces or controlled rental units affected by the proposed increase extending beyond the effective date of the increase, showing number of leases expiring each month;
7. Details of any other factors affecting the need for the proposed rent increase.

E. Recommendation. Within ten calendar days of the conclusion of a rent review hearing, the commission shall issue its recommendation and mail a copy of such recommendation to the park owner and park tenants or owner and tenants affected by or subject to the recommendation. The notice shall inform them that if any party finds the commission's recommendation unacceptable, the matter is subject to judicial review. The commission shall be notified of the decision by the park owner and park tenant or the owner and tenant to accept or reject the recommendation within seven calendar days of the postmark of the commission's notice to the parties of its recommendation by a writing or writings signed by all parties affected by the recommendation. Failure of either party to reject within the time specified shall be deemed an acceptance of the commission's recommendations. If the recommendation is to affect a majority of park tenants in a mobilehome park or tenants in an apartment complex, a rejection of the recommendation must be signed by a majority of the affected park tenants or tenants.

F. Records. The commission may require either party to attend a rent review hearing to provide it with all pertinent books, records and papers. Such documents shall be made available to the parties involved at least seven days prior to the hearing at the commission office.

- G. Hearing Procedure. At the hearing, the parties may offer any testimony, documents, written declarations, or other evidence that is relevant to the proposed rent increase; provided, however, that the park owner or owner may not submit such written evidence and other documents, outlined in subsection (D) of this section, which it was required to submit prior to the hearing. Formal rules of evidence shall not be applicable to such proceedings. The commission may require that all testimony at the time of any hearing shall be under oath.
- H. Failure to Appear at Hearing. Failure of any of the noticed parties to appear at the scheduled hearing shall not preclude the commission from conducting the hearing as scheduled and from issuing its recommendation as provided in subsection (E) of this section.
- I. Consolidation. On its own motion, the commission may consolidate petitions received from park tenants of the same mobilehome park or tenants of the same apartment complex with respect to a proposed rent increase and all such petitions may be considered in a single hearing.
- J. Waiting Period. Upon recommendation of a denial of a rent increase request by the commission, or arbitrator's decision if such is applicable, every owner shall be required to wait a minimum of six months before proposing another request for a rent increase for the same mobilehome dwelling unit or controlled rental unit.

This provision shall not apply to an increase of rent upon resale of a mobilehome.

(Ord. 922 § 4, 1999; Ord. 921 § 4, 1999; Ord. 893 § 1 (part), 1998.)

10.50.080 - Standards for review.

In making a decision based on a petition for rent review, the commission shall consider the purposes of this chapter and shall specifically consider all relevant factors including but not limited to the following; (a) increases or decreases in property taxes; (b) unavoidable increases or decreases in operating and maintenance expenses, including utility rates, insurance, government assessments, materials and services; (c) capital improvements, as distinguished from normal repair, replacement and maintenance; (d) increases or decreases in size of the lot or controlled rental unit; (e) substantial deterioration of the lot, other than as a result of ordinary wear and tear; (f) failure on the part of the park owner or owner to provide adequate services, or to comply substantially with application housing, health and safety codes; (g) federal and state income tax benefits; (h) downgrading, reduction or elimination of services; and (i) a fair and just return on the property to the park owner or owner. In considering proposed rent increases, the commission shall not be required to approve a rent increase solely by reason of a change of ownership resulting in increases of cost of debt service or taxes.

(Ord. 922 § 6, 1999; Ord. 921 § 6, 1999; Ord. 893 § 1 (part), 1998.)

10.50.090 - Retroactivity.

- A. The procedures of this chapter are intended to result in a final resolution of a dispute

prior to the effective date of a rent increase. If commission action does not result in a final decision by the effective date of a rent increase, the noticed rent shall be paid provided the amount of the increase shall be placed in an interest-bearing trust account. Any commission recommendation shall be retroactive to the noticed effective date and shall provide for the disbursement of any trust account as a part of any such recommendation.

- B. If a park owner or owner did not provide the required thirty-day notice of the rent increase to the park tenant or tenant, the commission has the authority to recommend refund of any rent increase which was imposed in violation of this chapter.

(Ord. 922 § 7, 1999: Ord. 921 § 7, 1999: Ord. 893 § 1 (part), 1998.)

10.50.100 - Rent increases—Change of ownership.

- A. The rent for a space occupied by a mobilehome dwelling unit which has changed ownership may be increased effective upon the change of ownership without any specific limitation on the amount of the increase, subject to the remaining provisions of this section.
- B. Change of Ownership—Defined. A change of ownership shall be deemed to occur when an existing park tenant transfers all of his or her right, title and interest in his or her mobile dwelling unit and/or space, except when:
 - 1. An existing park tenant acquires a replacement mobilehome dwelling unit and locates the replacement on, and continues to occupy, the same space on which the replaced unit had been located; or
 - 2. When there is a transfer of all right, title and interest in the mobilehome dwelling unit and/or space:
 - a. Between spouses who are tenants of the space on which the mobilehome dwelling unit is located at the time of transfer or
 - b. By gift, devise or bequest.

Nothing herein is meant to abrogate any right of a park owner pursuant to Civil Code Sections 798.74 and 798.78 in the event of a transfer of all right, title and interest in the mobilehome dwelling unit and/or space pursuant to this subsection.

- C. The park owner shall post in a prominent place in the park where other notices are customarily posed, a written notice stating the maximum amount of rent to be charged for each space upon change of ownership.
 - 1. This notice, which shall be dated, may be revised on a periodic basis, but no more frequently than once every four months.
 - 2. The notices shall be no smaller than ten point type.

- D. A park tenant may make written request of the park owner or the park owner's designated representative for a written commitment setting forth the exact amount of rent for the park tenant's space upon change in ownership.
1. The written request shall be by certified or registered mail or personal delivery to the park owner or designated representative.
 2. The park owner or designated representative shall respond in writing to the tenant requesting the written commitment within fifteen days after receiving the request.
 3. The written commitment shall be effective for a period of six months from the date of receipt by the park tenant, notwithstanding subsection (C) of this section. Upon acceptance of a new mobilehome buyer by the park owner, within the six-month rental commitment period, the stated rental commitment shall extend to the close of escrow; provided, that such escrow does not extend ninety days beyond the original six-month commitment period. A park owner's approval of a new buyer is limited to those grounds set forth in Civil Code Section 798.80 et seq.
 4. If there is a written notice posted pursuant to subsection (C) of this section setting forth a maximum rent for the space for which a written commitment is requested, the written commitment shall not exceed the amount specified.
- E. In setting the rents to be effective upon a change of ownership, the park owner shall not discriminate on any basis prohibited by Section 51 of the California Civil Code or other state law, federal law, or based on some retaliatory or punitive motive.
1. If a park tenant believes there to be discrimination in violation of this subsection, the park tenant shall have the right to a hearing before the rent review commission concerning such alleged discrimination. The park tenant must show by a preponderance of the evidence that such illegal discrimination has occurred. If the commission finds, based on a preponderance of the evidence, that such discrimination has occurred, the commission may make a recommendation to reduce the proposed rent increase by that amount it finds is based on the unlawful discrimination.
 2. Petitions must be filed with the commission within fifteen calendar days of receipt of the notice of the proposed rent increase upon vacancy. Such petition shall be on a form provided by the commission and shall state the reason for the park tenant's claim that the proposed rent increase is discriminatory.
 3. Within five business days of the commission's receipt of a petition for review, the commission shall provide written notification to the park owner named in the petition of receipt of the petition for review and the time, date and location of the hearing to be held before the commission. A copy of the notification to the park owner shall be mailed concurrently to the park tenant petitioning for review and shall serve as notification to such parties of the

scheduled hearing date which shall be no later than thirty days after the commission's receipt of the petition.

4. Within ten calendar days of the conclusion of a rent review hearing, the commission shall issue its recommendation and mail a copy of such recommendation to the park owner and park tenant(s) affected by or subject to the recommendation. The notice shall inform them that if any party finds the commission's recommendation unacceptable, the matter is subject to judicial review. The commission shall be notified in writing of the parties' decision to accept or reject the recommendation within seven calendar days of the postmark of the commission's notice to the parties of its recommendation. The notice shall state that failure of either party to reject the commission's recommendation within the time specified shall be deemed an acceptance of the recommendation and such recommendation will be final, subject only to judicial review.
5. The commission may require either party to rent review hearing to provide it with all pertinent books, records, papers or other documents it may find useful. Such documents shall be made available to the parties involved at least seven days prior to the hearing before the commission. If necessary, the commission may continue the hearing in order to provide the parties with an opportunity to gather and review such materials.
6. At the hearing, the parties may offer any testimony, documents, written declarations, or other evidence that is relevant to the proposed rent increase. Formal rules of evidence shall not be applicable to such proceedings. The commission shall require that all testimony at the time of hearing be under oath.
7. Failure of any of the noticed parties to appear at the scheduled hearing shall not preclude the commission from conducting the hearing as scheduled and from issuing its recommendation.
8. On its own motion, the commission may consolidate petitions received from park tenants of the same mobilehome parks with respect to proposed rent increase(s) and all such petitions may be considered in a single hearing.

(Ord. 922 § 8, 1999; Ord. 921 § 8, 1999; Ord. 893 § 1 (part), 1998.)

10.50.110 - Enforcement.

- A. Violation of the provisions of this chapter shall not constitute a crime.
- B. A park tenant/tenant may at any time bring an action in the courts of this state alleging a violation by a park owner/owner of any of the terms of this chapter, including but not limited to the existence of a level of rents in excess of that recommended by the commission and may seek a court order requiring compliance with the provisions of this chapter.

- C. A park owner/owner may at any time file an action in the courts of this state alleging a violation by a park tenant/owner of the provisions of this chapter and may seek a court order directing compliance with the provisions of this chapter.

(Ord. 893 § 1 (part), 1998.)

10.50.120 - Retaliatory eviction.

In any action brought to recover possession of a rental space or controlled rental unit, the court may consider as grounds for denial any violation of any provision of this chapter. Further, the determination that the action was brought in retaliation for the exercise of any rights conferred by this chapter shall be grounds for denial. Any action brought within three months of the determination of a petition filed with the commission shall be presumed to be retaliatory. This presumption affects the burden of proof, and is rebuttable by the park owner or owner.

(Ord. 893 § 1 (part), 1998.)

10.50.130 - Newly constructed rental units.

Newly constructed apartment rental units first occupied after July 1984 shall be exempt from the provisions of this chapter.

(Ord. 893 § 1 (part), 1998.)