

## MOBILEHOME RENT REVIEW BOARD

**Composition:** 3 Members

**Term:** Two Years

**Membership Requirements:** Members of the Board cannot be mobilehome owners, park owners, or park managers. Members of the Board cannot concurrently serve on other City boards, commissions or committees.

**Purpose:** The purpose of the Mobilehome Park Rent Review Board as established in the Mobilehome Park Rent Stabilization Ordinance No. 94-13 is to hear petitions and make determinations related to mobilehome rent increases or reductions in service.

**Meeting Times and Places:** Meetings are held as needed.

**Conflict of Interest Requirements:** The City's Conflict of Interest Code requires Mobilehome Park Rent Review Board members to disclose interests in investments, real property, and income derived within the City of Concord or from sources doing business within the City of Concord. Filings are required within 10 days of assuming office and on an annual basis.

### CONCORD MUNICIPAL CODE, ARTICLE IV, CHAPTER 9(8) Mobilehome Park Rent Stabilization (Section 4993 establishes the Rent Review Board)

#### Section 4990. Purpose and Findings.

A. The State of California has recognized, by the adoption of special legislation regulating tenancies of mobilehome owners in mobilehome parks (Civil Code Section 798 et seq.), that there is a significant distinction between the tenancies of mobilehome owners in mobilehome parks and other types of residential tenancies.

(Ord. 94-13)

B. There is presently, within the City of Concord and surrounding communities, a shortage of rental spaces for the location of mobilehomes, commensurate with the demand. This inequitable market situation has resulted in low vacancy rates and has contributed or threatens to contribute to rapidly escalating rents.

(Ord. 94-13)

C. Compared to conventional home ownership, mobilehome ownership is a lower cost form of home ownership which offers substantial benefits to mobilehome owners and to the community in the form of moderate cost housing. Mobilehome parks in the City represent an important component of the housing stock of the City, especially for senior citizens and persons of low and moderate incomes.

(Ord. 94-13)

D. Mobilehome owners, unlike apartment tenants or residents of other rental units, are in the unique position of having made a substantial investment in a residence which is located on a rented or leased parcel of land. Their investment

commonly includes the purchase of the mobilehome and the cost of installing the mobilehome on its space and installing related improvements such as a foundation, carports, and integrated landscaping.

(Ord. 94-13)

E. In fact, "mobilehomes" are "immobile." The cost of moving mobilehomes is substantial. Park restrictions on the age, size, and/or style of mobile homes typically prevent the entry of mobile homes that are more than a few years old.

Furthermore, vacant spaces are virtually non-existent in the mobile home parks within the metropolitan area. Mobilehomes are rarely moved after their initial placement in a particular park. Removal and/or relocation of a mobilehome from a park space is not a practical alternative to accepting an excessive rent increase in that it can only be accomplished at substantial cost, and in many instances may cause extensive damage to the mobilehome and loss of appurtenances such as integrated landscaping and supporting structures inconsistent with the new location.

(Ord. 94-13)

F. Minimum acreage requirements for parks severely reduce sites available for such development. Land use permit procedures give local zoning boards the discretion to reject applications for the construction of new parks. No new mobilehome parks have been built in Concord in the last twenty years.

(Ord. 94-13)

G. Due to the combination of a lack of vacant spaces and absence of any likelihood that new parks will be created, park owners have a virtual monopoly on the supply of mobilehome park spaces with virtually no possibility for increased competition.

(Ord. 94-13)

H. As a practical matter, mobilehome owners must sell their mobilehomes "in place" and persons who desire to move into mobilehome parks must purchase existing mobilehomes in order to move into a mobilehome park.

(Ord. 94-13)

I. If mobilehome space rents are not regulated, mobilehome owners may experience severe financial hardships since they do not have the option of moving their mobilehomes to spaces within the metropolitan area with lower rents.

If space rents may be increased without limit upon a change in the ownership of a mobilehome, then the value of the mobilehome owners' investments may be severely reduced and mobilehome ownership may become financially unfeasible due to the precarious nature of the investment (e.g. it may not be recaptured upon resale).

(Ord. 94-13)

J. The existence of housing alternatives for mobilehome owners is largely dependent on the maintenance of their equities in their mobilehomes. They can relocate to other types of housing only if they can "relocate" their equity in their mobilehomes.

(Ord. 94-13)

K. Typically, the per space investments of mobilehome owners in their "immobile" homes and associated improvements are substantially greater than the per space investment of mobilehome park owners in the underlying land and the improvements associated with the construction of the park.

(Ord. 94-13)

L. A substantial portion of the residents in mobilehome parks in the City are senior citizens, persons on fixed incomes or persons of low or moderate income. The existing park spaces are predominantly occupied by retired elderly tenants who live on fixed incomes, in many cases their sole income is social security payments. These households would experience significant hardships if their rents were substantially increased.

(Ord. 94-13)

M. In recent years, in some of the mobilehome parks in the City, the rate of rent increases has been substantially in excess of the rate of increase in the cost of living (as measured by the Consumer Price Index).

(Ord. 94-13)

N. Problems associated with rapidly increasing mobilehome rents were brought to the City Council's attention as far back as February, 1979. Mobilehome owners at that time requested that the City adopt a mobilehome rent stabilization ordinance. After investigation and the holding of meetings, several park owners voluntarily agreed to meet with mobilehome owners annually and to cooperate regarding rent increases and other grievances. Because the voluntary agreement was designed to resolve the differences between the park owners and home owners, the request for a mobilehome rent stabilization ordinance was tabled by the City Council.  
(Ord. 94-13)

O. In July of 1983, mobilehome owners again petitioned the City Council for assistance in resolving ongoing problems between mobilehome owners and park owners including excessive rent increases. The mobilehome owners presented a proposed ordinance regulating rents. After study by the City Attorney's office and the Council Committee on Mobilehome Issues, and the holding of several meetings with various concerned parties, public hearings were noticed and held for the adoption of an ordinance regulating mobilehome rents. In October of 1984, after sixteen (16) months of discussion and negotiation, an agreement was reached between the City Council and the park owners which established procedures for resolution of disputes and provided a uniform mechanism for rent increases. The agreement was entered into by the park owners to avoid the adoption of an ordinance regulating rents.  
(Ord. 94-13)

P. In December of 1987, a nine (9) member committee was formed to once again look into solutions for ongoing mobilehome rent issues. A draft accord was developed after lengthy negotiations. The accord went through numerous revisions based on the changing demands of the parties. Negotiations broke down in October of 1989, with the mobilehome owners once again requesting a mobilehome rent stabilization ordinance. In lieu of such an ordinance, in December of 1989 the City Council adopted an urgency ordinance continuing the terms of the previous agreement to January 31, 1990. The agreement was then continued an additional five (5) months.  
(Ord. 94-13)

Q. Once again, in 1991, in response to concerns raised by mobilehome owners including escalating space rents, the City Council explored various alternatives including looking into the enactment of a Mobilehome Park Rent Stabilization Ordinance. A voluntary agreement was reached with a majority of park owners in the City of Concord, whereby the park owners would provide mobilehome owners with negotiated long-term leases. This voluntary agreement was entered into as an alternative to rent control.  
(Ord. 94-13)

R. The existence of the long-term leases have not been effective in remedying the problems between the park owners and the mobilehome owners, and there is evidence that the park owners have in certain instances circumvented the purpose and intent of the leases. In January, 1994 in response to the problems in several mobilehome parks, the City Council appointed a committee to make recommendations to the City Council regarding rent stabilization. This Ordinance 94-13 was proposed following enactment of a temporary moratorium on rent increases.  
(Ord. 94-13)

S. The City Council declares that it is now necessary in the public interest to establish a means by which to resolve the occasionally divisive and harmful impasse between park owners and mobilehome owners. After consideration of numerous factors, including the mandates of State law, regulations which best fit the needs of the City have been selected.  
(Ord. 94-13)

T. After reviewing the evidence presented to the City Council, the City Council finds and declares it necessary, in the public interest, to protect mobilehome owners from unreasonable rent increases and other unreasonable practices by park owners. In fact, park owners have a "captive" market of mobilehome owners who cannot move their dwellings to other spaces.  
(Ord. 94-13)

U. In the absence of mobilehome space rent regulations, park owners would have the power to convert (capitalize) mobilehome values into rental charges, since the mobilehomes are "immobile."  
(Ord. 94-13)

V. At the same time, the City Council finds it necessary to permit rents which will enable park owners to obtain a fair return which is high enough to encourage good management, reward efficiency and discourage the flight of capital.  
(Ord. 94-13)

W. Mobilehome space rent stabilization regulations are consistent with the City's General Plan policy to encourage a variety of housing types, prices and densities within the community, respond to the need to preserve existing housing stock including mobilehomes, increase opportunities for entry to home ownership status and assist in providing housing for low and very low income households.  
(Ord. 94-13)

X. Mobilehome space rent stabilization regulations can assist in protecting affordable housing in combination with City programs and actions designed to reduce costs to the consumer which help to provide a variety of housing types within a range of costs to meet the needs of all income groups.  
(Ord. 94-13)

Y. Mobilehome rent regulations have been enacted in over ninety (90) jurisdictions within the State of California in the past fifteen (15) years. The City Council is not aware of a single mobilehome park which has gone out of business as a result of imposition of mobilehome rent regulations.  
(Ord. 94-13)

Z. The regulations set forth in this chapter are designed to produce stability in rent increases for mobilehome owners while recognizing the rights of mobilehome park owners to receive a just and reasonable return.  
(Ord. 94-13)

AA. The City Council has approved a negative declaration as the appropriate environmental document and finds that the adoption of the ordinance codified in this chapter will not have a significant, substantial or adverse effect on the physical environment of the community because enactment of this chapter involves no deviation from the General Plan and no change in the present use of any property within the City.  
(Ord. 94-13)

**Section 4991. Definitions.** For the purposes of this chapter, unless otherwise apparent from the context, certain words and phrases used in this chapter are defined as follows:  
(Ord. 94-13)

A. **Affected Mobilehome Owners.** All mobilehome owners in a mobilehome park who have been notified by the park owner that a rent increase is to become effective on the same date, or who have been otherwise made aware, in the absence of such notification, that a rent increase (including a reduction in housing service) has or is to become effective on the same date.  
(Ord. 94-13)

B. **Base Space Rent.** The space rent charged and allowed as of January 1, 1994, plus any rent increase allowed thereafter pursuant to this chapter.  
(Ord. 94-13)

C. **Capital Improvements.** The installation of new improvements and facilities or the replacement or reconstruction of existing improvements and facilities which consist of more than ordinary maintenance or repairs.  
(Ord. 94-13)

D. **City Clerk.** The City Clerk of the City of Concord or the Clerk's designee.  
(Ord. 94-13)

E. **Consumer Price Index (CPI).** The Consumer Price Index for all urban consumers for the San Francisco/Oakland/San Jose Area or, if the area designation is revised, for the area which encompasses Concord, (all items) index (1982-1984 equals 100) as reported by the U.S. Bureau of Labor Statistics.  
(Ord. 94-13)

F. **Housing Services.** Includes those services provided and associated with the use or occupancy of a mobilehome space, including but not limited to repairs, insurance, maintenance, replacement, painting, light, heat, water, laundry facilities and privileges, refuse removal, parking, recreation facilities, security service and any other benefits, privileges or facilities for which the park owner expends money or consideration to provide.  
(Ord. 94-13)

G. **Mobilehome.** A structure designed for human habitation which is transportable in one (1) or more sections along a street or highway, whether commonly referred to as a mobilehome, mobilehome coach, manufactured home or as a trailer.  
(Ord. 94-13)

H. **Mobilehome Owner.** Any person owning a mobilehome who has a tenancy or right of use or occupancy of a mobilehome space in a mobilehome park.  
(Ord. 94-13)

I. **Mobilehome Park.** An area of land where two (2) or more mobilehome spaces are rented, or held out for rent, or made available for use, to accommodate mobilehomes used for human habitation.  
(Ord. 94-13)

J. **Mobilehome Park Owner or Park Owner.** The owner, lessor, or operator of a mobilehome park in the City.  
(Ord. 94-13)

K. **Mobilehome Park Rent Review Board or Board.** The three (3) member Board appointed by the City Council of the City of Concord serving as the Mobilehome Park Rent Review Board.  
(Ord. 94-13)

L. **Mobilehome Space or Space.** The site within a mobilehome park intended, designed or used for the location or accommodation of a mobilehome and any accessory structures or appurtenances attached thereto or used in connection therewith where public utilities are provided.  
(Ord. 94-13)

M. **Rental Agreement or Lease.** An agreement entered into between the park management or owner and a mobilehome owner establishing the terms and conditions of a mobilehome park tenancy.  
(Ord. 94-13)

N. **Service Reduction.** Any reduction in housing services which result in a cost savings to park owner without a corresponding reduction in the moneys demanded or paid for space rent. A service reduction may constitute a space rent increase.  
(Ord. 94-13)

O. **Space Rent.** The total consideration, including any bonus, fees, surcharges, benefits or gratuity demanded or received in connection with the use or occupancy of a mobilehome space in a mobilehome park, or the transfer of a rental agreement of such mobilehome, or for housing services provided, and security deposits, but exclusive of any amount paid for the use of the mobilehome as a dwelling unit.

(Ord. 94-13)

P. **Space Rent Increases.** Any additional rent above the Base Space Rent which is demanded of or paid by a mobilehome owner or tenant for a mobilehome space including service reductions.

(Ord. 94-13)

**Section 4992. Application of and Exceptions to Chapter Provisions - Vacancy Control.**

A. All mobilehome spaces within the City shall be subject to the regulations contained herein, except those exempted by the provisions of this section.

(Ord. 94-13)

B. The following mobilehome spaces shall be exempt from the provisions of this ordinance.

(Ord. 94-13)

1. Mobilehome spaces which were constructed on or after January 1, 1990 in accordance with California Civil Code Section 798.45.

(Ord. 94-13)

2. Spaces whose rents are exempted from rent regulation because they are covered by a rental agreement meeting all of the requirements of Section 798.17 of the California Civil Code or are otherwise exempted from rent regulation by either State or Federal law.

(Ord. 94-13)

C. Nothing in this chapter shall operate to restrict the rents charged by a park owner in the case of voluntary termination, abandonment of coach in place, removal as a result of dealer pull-out, or eviction.

(Ord. 94-13)

D. In the case of an in-place sale of a mobilehome the initial maximum space rent to be charged the new mobilehome owner shall be the last space rent charged for that space prior to the sale.

(Ord. 94-13)

**Section 4993. Hearing Process and Mobilehome Park Rent Review Board - Established.** There is hereby created a City of Concord Mobilehome Park Rent Review Board ("Board") and rental dispute hearing process. The Board shall consist of three (3) voting members to be appointed by the City Council. Mobilehome owners, park owners and park managers shall not serve on the Mobilehome Park Rent Review Board. Members shall serve at the pleasure of the City Council for two (2) year terms. Implementing regulations shall be adopted by the City Council as it deems necessary to assist and direct the making of determinations consistent with the purposes of this ordinance.

(Ord. 94-13)

**Section 4994. General Annual Adjustment.** No space rent increases shall be permitted except as authorized by this ordinance.

(Ord. 94-13)

Once every twelve months, the park owner shall be permitted to increase the rent on mobilehome spaces covered by this ordinance sixty (60) percent of the percentage increase of the CPI for the twelve (12) month period ending ninety (90) days before such notice of rent increase is given provided, however, that the annual automatic increase shall be no more than five (5) percent of the base rent charged.

(Ords. 94-13, 97-7)

Except as provided in this chapter, any space rent increase, after January 1, 1994, which exceeds sixty (60) percent of the percentage increase of the CPI for the twelve (12) month period ending ninety (90) days before notice of such rent increase is given; or five (5) percent, whichever is less, above the base space rent; or any housing service reduction without a corresponding decrease in space rent shall be subject to review under the hearing process.

(Ords. 94-13, 97-7)

**Section 4995. Space Rent Increases - Limit on Annual Increases.** The space rent of any mobilehome space may not be increased more than once in any twelve (12) month period.

(Ord. 94-13)

**Section 4996. Notice of Special Rent Increase.** Any owner whose mobilehome park is subject to the provisions of this chapter **and** who seeks to increase rent in excess of the amount allowed as a general annual adjustment, or to reduce housing services without a corresponding reduction in space rent shall be required to file a Notice of Special Rent Increase with the City Clerk. The park owner shall provide a copy of the Notice of Special Rent Increase to all mobilehome owners subject to such rental increase. Concurrent with the filing of the Notice of Special Rent Increase the park owner shall file a declaration under penalty of perjury stating the amount of the rent increase sought, the current space rent, and that a copy of the Notice was delivered personally or by mail to each affected mobilehome owner. The names and addresses of all affected mobilehome owners shall be listed. Suggested forms are attached as Appendices B through D set out at the end of this chapter.

(Ords. 94-13, 97-7)

**Section 4997. Hearing Process - Submission of Petition by Mobilehome Owners.**

A. The rental dispute hearing process may be invoked by written petition of mobilehome owners representing ten (10) percent of the mobilehome spaces affected by a rent increase. The petition shall be filed with the City Clerk.

(Ord. 94-13)

B. In the petition the mobilehome owners shall designate an individual to serve as the mobilehome owner representative for the purposes of receipt of all notices, correspondence, decisions and findings of fact required in this chapter. Service of notice upon the designated mobilehome owner representative will constitute adequate and sufficient notice to the mobilehome owners who signed the petition. Failure to designate a mobilehome owner representative will render the petition incomplete and the petition will not be accepted for filing.

(Ord. 94-13)

C. The petition shall contain the printed name and address (i.e., space number) of each mobilehome owner whose rent is being increased, the date said mobilehome owner was given notice by the park owner, and the signature of each petitioning mobilehome owner. Appended to the petition shall be a copy of the notice given by the park owner (see Appendix A for suggested form of petition).

(Ord. 94-13)

1. For the purpose of counting petition signatures only, each mobilehome space for which a rent increase was noticed shall count as one (1) unit, regardless of the number of persons living in the mobilehome on said space.

(Ord. 94-13)

2. For the purpose of counting petition signatures only, any person over the age of 18 living in a given mobilehome may sign a petition on behalf of that mobilehome unit.

(Ord. 94-13)

**Section 4998. Petitions - Form.** The application for review must be filed on a petition form prescribed by the City Council or its designee and must be accompanied by such supporting material as the City Council or its designee shall prescribe including, but not limited to, a copy of the park owner's notice of space rent increase. The application shall be

made under penalty of perjury and supporting documents shall be certified or verified as requested by the City. Allegations of service reductions shall be submitted in writing. The burden of proof regarding such service reductions shall be on the person alleging such reductions. Suggested forms are attached hereto as Appendices A through C.

(Ord. 94-13)

**Section 4999. Notice - Filing Requirements.** A notice by a park owner for a Special Rent Increase must be filed ninety (90) calendar days prior to the effective date of the increase stated in the notice to the affected mobilehome owners. The notice must be accompanied by a statement, signed by the park owner under penalty of perjury that there are no outstanding Health and Safety Code violations in the mobilehome park. An affected mobilehome owner shall have thirty (30) calendar days after receipt of notice of a space rent increase from the park owner, or one (1) year from the date a housing service reduction goes into effect without a corresponding rent reduction, to file a petition for a hearing pursuant to Section 4997.

(Ords. 94-13, 97-7)

**Section 5000. Space Rent Increases - Notice.**

A. Whenever a park owner notifies a mobilehome owner of a proposed General Annual Adjustment or Special Rent Increase pursuant to this chapter, the park owner shall also notify the mobilehome owner by the same type of notice or, at the park owner's option, in the same notice, in a conspicuous manner, of the mobilehome owner's right to utilize the rental dispute hearing process and shall provide the following:

(Ord. 94-13)

1. A current copy of this chapter (provided, however, that if a copy has previously been provided and there have been no changes made since then, this requirement is waived);

(Ord. 94-13)

2. A statement that a copy of the Chapter was provided to the mobilehome owner; and

(Ord. 94-13)

3. The business address and telephone number of the City Clerk.

(Ord. 94-13)

B. All notices shall be given on the same day each calendar year although increases may take effect on different dates. The purpose of this requirement is to avoid the possibility of multiple disputes over rent increases in the same park within a given year. This Subsection 5000 B does not apply to notices of increases pursuant to existing leases.

(Ord. 94-13)

C. A list of all mobilehome owners (with their respective space numbers) receiving notice of rent increase concurrently or within the prior thirty (30) days will be made available to any noticed mobilehome owner within three (3) days of written request therefor to the park owner.

(Ord. 94-13)

**Section 5001. Space Rent Increases - Effective Date.** In the event that a petition is properly and timely filed by mobilehome owners pursuant to Section 4997, that portion of a requested rental increase (and only that portion) which exceeds the sixty (60) percent increase in CPI limitation described in this chapter or five (5) percent, whichever is less, shall not take effect unless and until such time as such increase or portion thereof is allowed after hearing pursuant to the provisions of this chapter.

(Ord. 94-13)

**Section 5002. Hearing - Procedures.** A hearing shall be conducted within forty-five (45) calendar days from the date the petition as described in this chapter is received by the City Clerk, or within such additional time as may be mutually agreed upon by all parties to the hearing. The parties shall be given notice of the hearing at least twenty (20) calendar days

prior to the date set for the hearing. The notice period shall commence upon deposit of the notice in the regular first class mail to the parties. Materials to be considered at the hearing must be made available to both parties to the hearing at least fifteen (15) calendar days in advance of the hearing. Extensions of time for the hearing process may be mutually agreed upon by both parties with the concurrence of the City.

(Ords. 94-13, 97-7)

**Section 5003. Hearing Fee.** Pursuant to fees established by resolution of the City Council, a reasonable fee shall be charged the park owner for the cost of holding a Special Rent Increase hearing, and a reasonable fee shall be charged the petitioning mobilehome owners for a Housing Service Reduction hearing.

(Ord. 94-13)

The fee is intended to pay all costs of the City incurred in conducting proceedings on the petition, including without limitation, City staff time, noticing, audit costs, accountant costs, postage, costs of in-house or outside services reasonably required to make the record.

(Ord. 94-13)

If the amount of the fee exceeds the actual costs incurred, the balance shall be refunded to the payor within thirty (30) calendar days following completion of the proceedings.

(Ord. 94-13)

If a rent increase petition is granted in whole or in part, the Board may in its discretion allow the cost of the petition filing fee to be passed through to the affected mobilehome owners in addition to the justifiable rent increase. If the rent increase is denied, no part of the hearing fee may be passed through to the mobilehome owners. If a housing service reduction petition is granted in whole or in part, the Board may in its discretion allow the cost of the petition filing fee to be assessed against the park owner.

(Ord. 94-13)

**Section 5004. Hearing - Conduct.** The hearing shall be conducted by the Board. Any party or their counsel may appear and offer such documents, testimony, written declaration or other evidence as may be pertinent to the proceeding. A record of the proceedings shall be prepared by the City Clerk who shall maintain it for a period not to exceed two (2) years.

(Ord. 94-13)

**Section 5005. Hearing - Determination.** Based upon the evidence presented at the hearing, the Board shall make a determination whether or not, in light of all the evidence presented, the proposed rent increase is reasonable under the circumstances, in accordance with the maintenance of net operating income formula as set out herein, or any other factor necessary to provide the park owner with a fair return. The burden of proof regarding such reasonableness shall be on the owner unless otherwise indicated. Provided, however, in the case of a housing service reduction petition brought by mobilehome owners where the owner did not first petition for the increase, the determination shall be made based solely on whether or not the housing service reduction resulted in a cost savings to the park owner.

(Ord. 94-13)

**Section 5006. Hearing - Notification.** Within fifteen (15) calendar days following the conclusion of the hearing, the Board shall make a determination in writing whether or not the proposed increase or any portion thereof is reasonable under the circumstances or not, and shall make written findings of fact upon which such determination is based. The City Clerk shall cause copies of the determination and the findings to be mailed by regular first class mail to the parties.

(Ords. 94-13, 97-7)

**Section 5007. Increase Determined Not Reasonable - Remedies.** Any rental or housing service charge increases which have been collected by mobilehome park owners pursuant to an increase which is the subject of a petition for hearing and which is later determined by the Board to be excessive, shall, within ninety (90) calendar days be either

returned to the mobilehome owners or credited to future rental charges at the option of the mobilehome owner. In no event, shall the time period for repayment exceed ninety (90) calendar days for carrying out the decision of the Board. (Ord. 94-13)

**Section 5008. Appeal to City Council.**

A. The determination of the Board shall be appealable to the City Council in accordance with the provisions of Section 2902 of this Code except that the hearing on Appeal shall consist solely of a review of the administrative record and inquiry as to whether the Board proceeded without or in excess of its jurisdiction and whether there was any prejudicial abuse of discretion. Abuse of discretion is established if the Board did not proceed in accordance with this ordinance and amendments thereto, its decision is not supported by the findings or the findings are not supported by the weight of the evidence.

(Ord. 94-13)

B. It is the intent of this section to set forth the manner of appeal from decisions of the Mobilehome Park Rent Review Board. Any party disputing the final conclusions and findings of the City Council may seek review of them pursuant to Sections 1094.5 and 1094.6 of the California Code of Civil Procedure.

(Ord. 94-13)

**Section 5009. Determination - Applicability.** The determination made under the provisions of this chapter shall be effective with respect to all affected mobilehome park spaces, unless the mobilehome owner of such space has a written lease with the park owner meeting the requirements of Civil Code Section 798.17 which otherwise sets forth the rights and obligations of the parties with respect to rent.

(Ord. 94-13)

**Section 5010. Specification of Charges.** For any rent increase approved pursuant to proceedings conducted in compliance with the provisions of this chapter, the mobilehome park owner shall, when demanding any space rent which includes such allowed amounts, specify with particularity that amount along with a citation as to the authority for that amount and a demonstration of its calculation. Any notice of termination of tenancy served by the mobilehome park owner upon a mobilehome owner on the basis of a failure to pay rent which includes such allowed charges, shall similarly show such charges and the authority for their imposition.

(Ord. 94-13)

**Section 5011. Special Rent Increase - Presumption and Owner's Right to Petition.** It is expected that a rent increase within the limits of Section 4994 will provide the park owner with a fair and reasonable return. However, in the event a rent increase in the amounts specified in Section 4994 does not provide the park owner with a fair and reasonable return, the park owner may request an increase in excess of said amounts by filing a Notice of Special Rent Increase in accordance with the provisions of Sections 4996 and 5012 through 5020.

(Ords. 94-13, 97-7)

**Section 5012. Presumption of Fair Base Year Net Operating Income.** For the purposes of determining the Special Rent Increase necessary to provide the park owner with a fair and reasonable return, it shall be presumed that the Net Operating Income, as described below, received by the park owner in the base year, provided the park owner with a fair and reasonable return.

(Ord. 94-13)

**Section 5013. Base Year.** Base year means the 1993 calendar year.

(Ord. 94-13)

**Section 5014. Determination of Base Year Net Operating Income.** The base year Net Operating Income shall be determined by subtracting the actual operating expenses for the base year from the gross income realized during the base year.

(Ord. 94-13)

**Section 5015. Rebuttal of Fair Net Operating Income Presumption.** The park owner shall provide evidence of gross income, operating expenses, and the determination of net operating income for the base year and current year. All figures shall be certified by the park owner under penalty of perjury as true and correct and with respect to expenses permitted under Section 5018 and income used to determine Gross Income under Section 5017. Any party to the hearing may present evidence to rebut the presumption of fair and reasonable return based upon the base year Net Operating Income as set forth in Section 5013 and the Board may adjust said Net Operating Income accordingly if at least one of the following findings is made:

(Ords. 94-13, 97-7)

A. The park owner's operating expenses in the base year were unusually high or low in comparison to other years. In such instances, adjustment may be made in calculating operating expenses so the base year operating expenses reflect average expenses for the property over a reasonable period of time. The Board shall consider the following factors in making this finding:

(Ord. 94-13)

1. Extraordinary amounts were expended for necessary maintenance and repairs;

(Ord. 94-13)

2. Maintenance and repair was below accepted standards so as to cause significant deterioration in the quality of services provided;

(Ord. 94-13)

3. Other expenses were unreasonably high or low in comparison to prudent business practices;

(Ord. 94-13)

4. Costs of debt service paid during the base year, where the proceeds of the debt were used for capital improvements or rehabilitation in the mobilehome park.

(Ord. 94-13)

B. The gross income during the base year was disproportionate. In such instances, adjustments may be made in calculating gross income consistent with the purposes of this chapter. The Board shall consider the following factors in making this finding:

(Ord. 94-13)

1. The gross income during the base year was lower than it might have been because some mobilehome owners were charged reduced rent;

(Ord. 94-13)

2. The gross income during the base year was significantly lower than normal because of the destruction of the premises and/or temporary eviction for construction or repairs.

(Ord. 94-13)

C. The rents charged by the park owner in the Base Year were significantly below the rents for mobilehome spaces in the City with comparable amenities, because of unique or extraordinary circumstances.

(Ord. 94-13)

**Section 5016. Current Net Operating Income.** The Net Operating Income as of the date of filing a notice requesting an increase in excess of the amounts specified in Section 4994 shall be determined by:

(Ords. 94-13, 97-7)

A. Annualizing the rents in effect as of the date of filing to determine the annualized gross income;

(Ord. 94-13)

B. Determining the operating expenses during the immediately preceding calendar or fiscal year;  
(Ord. 94-13)

C. Subtracting the operating expenses determined pursuant to Subsection B from the annualized gross income.  
(Ord. 94-13)

#### **Section 5017. Calculation of Gross Income.**

A. For the purposes of determining the Net Operating Income, Gross Income shall be the sum of the following:  
(Ord. 94-13)

1. Gross rents calculated as gross rental income at one hundred (100) percent occupancy, adjusted for uncollected rents as provided in Subsection B of this section:  
(Ord. 94-13)

2. Income from any laundry facilities and parking fees;  
(Ord. 94-13)

3. All other income or consideration received or receivable in connection with the use or occupancy of the mobilehome space.  
(Ord. 94-13)

B. Gross rents shall be adjusted for uncollected rents due to vacancy and bad debts to the extent such are beyond the control of the owner. No such adjustment shall be greater than three (3) percent of gross rents unless justification for a higher rate is demonstrated by the owner.  
(Ord. 94-13)

#### **Section 5018. Calculation of Operating Expenses.**

A. For the purposes of determining Net Operating Income, operating expenses shall include the following:  
(Ord. 94-13)

1. Reasonable costs of operation and maintenance;  
(Ord. 94-13)

2. Utility costs to the extent they are not paid by the residents;  
(Ord. 94-13)

3. Park owner-performed labor compensated at reasonable hourly rates;  
(Ord. 94-13)

a. No park owner-performed labor shall be included as an operating expense unless the park owner submits documentation showing the date, time and nature of the work performed.  
(Ord. 94-13)

b. There shall be a maximum allowed under this provision of five (5) percent of gross income unless the park owner shows greater services were performed for the benefit of the mobilehome owners.  
(Ord. 94-13)

4. License and registration fees required by law to the extent such are not otherwise paid by the residents;  
(Ord. 94-13)

5. Seventy-two (72) percent of the costs of capital improvements plus a reasonable rate of interest on seventy-two (72) percent of the capital improvement costs where all of the following conditions are met:  
(Ord. 94-13)

a. The capital improvement is made at a direct cost of not less than One Hundred Dollars (\$100.00) per affected space or at a total direct cost of not less than Five Thousand Dollars (\$5,000.00), whichever is lower;  
(Ord. 94-13)

b. The costs, less any insurance proceeds or other applicable recovery, are averaged on a per space basis for each space actually benefited by the improvement;  
(Ord. 94-13)

c. The costs are amortized over a period of not less than sixty (60) months;  
(Ord. 94-13)

d. The costs do not include any additional costs incurred for property damage or deterioration resulting from any unreasonable delay in the undertaking or completion of any repair or improvement;  
(Ord. 94-13)

e. If the capital improvement is an upgrading rather than a replacement of an existing structure or facility, the cost shall only be allowed as an expense if the upgrading is required by law, or at least one resident of fifty (50) percent of the mobilehomes in the park has agreed to the improvement in writing in advance.  
(Ord. 94-13)

6. Real property taxes and assessments to the extent they are not covered by Civil Code Section 798.49.  
(Ord. 94-13)

B. Operating expenses shall not include the following:  
(Ord. 94-13)

1. Mortgage principal or interest payments or other debt service costs or ground lease payments; provided, however, that involuntary increases over the base year amounts occurring as a result of a financing transaction or agreement entered into prior to January 1, 1993, may be considered as operating expenses. For example: refinancing necessitated by the termination of a loan with a balloon payment, or increased costs incurred as a result of a variable interest rate loan used to finance acquisition of the mobilehome park. Increased interest or ground lease payments shall be permitted to be considered as an operating expense only where the park owner can show that the terms were reasonable and consistent with prudent business practices when entered into and under current the circumstances remain consistent with prudent business practices;  
(Ord. 94-13)

2. Any penalties, fees or interest assessed or awarded for violation of any provision of this chapter or of any other provision of law;  
(Ord. 94-13)

3. Legal fees except as specified in Subsection C of this section;  
(Ord. 94-13)

4. Political contributions;  
(Ord. 94-13)

5. Any expenses for which the owner has been or will be reimbursed by any discount, security deposit, insurance payment or settlement, judgment for damages, settlement or any other method or device;  
(Ord. 94-13)

6. Avoidable and unnecessary expense increases since the base year;  
(Ord. 94-13)
7. Depreciation;  
(Ord. 94-13)
8. Expenses which are excessive in relation to the customary and reasonable costs of such items;  
(Ord. 94-13)
9. Expenses related to the sale or conversion of the mobilehome park;  
(Ord. 94-13)
10. The costs of capital improvements associated with the purchase and/or installation of separate meters or service unless the park owner can demonstrate that such improvements benefit the mobilehome owners;  
(Ord. 94-13)
11. Expenses for utilities when the income for the utilities is not calculated as part of rental income in determining income herein.  
(Ord. 94-13)

C. Legal expenses allowed in the calculation of operating expenses shall include: attorneys' fees and costs incurred in connection with successful good-faith attempts to recover rents owing, successful good-faith unlawful detainer actions not in derogation of applicable law, and legal expenses necessarily incurred in dealings with respect to the normal operation of the park to the extent such expenses are not recovered from adverse or other parties. Attorneys' fees incurred in relation to the administrative or judicial proceedings in connection with this chapter are not allowable as operating expenses.  
(Ord. 94-13)

#### **Section 5019. Calculation of Fair and Reasonable Return for Special Rent Increase.**

A. It shall be presumed that the base year Net Operating Income adjusted by sixty (60) percent of the percentage increase or decrease in the Consumer Price Index since the base year yields a fair return. The Board shall make a determination whether the park owner will receive a fair return under this standard.  
(Ords. 94-13, 97-7)

B. Base Year Consumer Price Index shall be the CPI level in the sixth (6) month of the base year. The applicable percentage increase or decrease in the Consumer Price Index shall be determined by comparing the base year CPI with the CPI level on the filing date of the current owner petition.  
(Ords. 94-13, 97-7)

C. In evaluating whether or not the park owners are receiving a fair return on their investment, the Board shall consider other relevant factors without limitation.  
(Ords. 94-13, 97-7)

#### **Section 5020. Determination of Allowable Special Rent Increase.**

A. The Board shall set the Special Rent Increase in the amount required to provide the park owner with a fair and reasonable return.  
(Ord. 94-13)

B. In determining the Special Rent Increase required to provide the park owner with a fair and reasonable return, the following shall be determined:  
(Ord. 94-13)

1. The fair and reasonable return in accordance with Section 5019;  
(Ord. 94-13)
2. The gross income required to produce the fair and reasonable return;  
(Ord. 94-13)
3. The rent increase needed to produce the required gross income.  
(Ord. 94-13)

**Section 5021. Violation - Penalty.**

A. **Penalty.** No person shall demand, accept, receive or retain any rent in excess of the amounts allowed under this chapter. Any person may file a complaint regarding an alleged violation of this chapter with the City Clerk. The City Attorney is authorized to, in his/her discretion, investigate and prosecute those complaints that are determined to merit prosecution. Any person found to have wilfully demanded, accepted, received or retained any rent in excess of the amounts allowed under this chapter is guilty of a misdemeanor.  
(Ord. 94-13)

B. **Civil Action.** Any person who wilfully demands, accepts, or retains any payment of rent, in violation of the provisions of this article shall be liable in a civil action to the person from whom payment is demanded, accepted or retained for damages in the sum of three (3) times the amount by which payment or payments demanded, accepted or retained exceed the maximum rent which could lawfully be demanded, accepted or retained.  
(Ord. 94-13)

C. **Waiver of Rights.**

1. Any waiver or purported waiver by a mobilehome owner of rights granted under this chapter prior to the time when said rights may be exercised shall be void as contrary to public policy, except as provided in this section.  
(Ord. 94-13)

2. It shall be unlawful for a park owner to require or attempt to require, as a condition of tenancy in a mobilehome park, a mobilehome owner, or prospective mobilehome owner to waive in a lease or rental agreement, the rights granted to a mobilehome owner by this chapter.  
(Ord. 94-13)

3. It shall be unlawful for a park owner to deny or threaten to deny a tenancy in a mobilehome park to any person on account of such person's refusal to enter into a lease or rental agreement or any other agreement under which such person would waive the rights granted to a tenant by this chapter.  
(Ord. 94-13)

4. Nothing in this section shall preclude a mobilehome owner or tenant, or prospective tenant, from entering into a lease or rental agreement provided that such lease or rental agreement is not procured by a requirement that it be entered into as a condition of tenancy in the mobilehome park, and is not procured under a threat of denial of tenancy in the mobilehome park.  
(Ord. 94-13)

**Section 5022. Permissible Reasons for Eviction.** A tenant may refuse to pay any rent in excess of the maximum rent established pursuant to this chapter. The fact that the unpaid rent is in excess of the maximum rent shall be a defense in any action brought to recover possession of a mobilehome space for nonpayment of rent or to collect the illegal rent.  
(Ord. 94-13)

**Section 5023. Mandatory Mediation of Non-Rental Disputes.**

A. **Procedure Separate from Arbitration of Rent Disputes.** This section is provided to enable mobilehome owners and park owners to resolve disputes when there is no concurrent issue concerning a rent increase which is subject to the rent dispute resolution process. If at any time while the non-rental dispute remains unresolved there is a rent dispute, then the non-rental dispute issues shall be resolved separately in accordance with this section and shall not be consolidated with the rent dispute proceeding.

(Ord. 94-13)

B. **Notice of Objection.** One (1) or more mobilehome owners in a mobilehome park, or the mobilehome park owner, may at any time file a written objection with the other, as to maintenance, capital improvement, housing services, or any other concern related to the physical condition or living condition of the mobilehome park.

(Ord. 94-13)

C. **Informal Meeting.** Within ten (10) days after service of the written objection from a mobilehome owner, the mobilehome park owner shall set a time and place for a meeting to be held on the mobilehome park premises, giving the mobilehome owner at least five (5) days' notice of the time and place at which the park owner will be available to meet with the mobilehome owner to discuss the objection. In the case of a written objection filed by the park owner, a time and place for discussion shall be set forth in the notice. The purpose of this meeting shall be to allow the parties the opportunity to resolve any differences they may have concerning non-rental disputes. The meeting may be continued to another time and place agreeable to the parties. The parties may agree to consolidate more than one (1) notice of objection in the same discussion.

(Ord. 94-13)

D. **Petition for Formal Mandatory Mediation.** If the informal meeting does not resolve the dispute to the satisfaction of one (1) or more of the parties, the dissatisfied party or parties (mobilehome owner and/or park owner) may, within ten (10) days of the date of the meeting, file with the City Clerk a petition for mediation of non-rent dispute. A reasonable petition filing fee intended to defray the costs of the mediator and the hearing costs shall be established by resolution of the City Council. The filing fee, or a request for waiver of the fee together with supporting affidavit showing the need for the waiver, shall be submitted with the petition.

(Ord. 94-13)

E. **Assignment of Mediator and Hearing Date.** Upon receipt of the petition, the Board shall assign a mediator. The Board shall set a date for the mediation hearing no sooner than ten (10) or later than twenty-one (21) days after the mediator is assigned. The parties shall be notified immediately in writing by the City Clerk of the date, time and place of the mediation hearing. So far as possible, the Board shall set the date and time of the mediation hearing shall be set at the convenience of the parties.

(Ord. 94-13)

F. **Mediation Hearing.**

1. The parties may appear at the mediation and offer oral and documentary evidence. The parties may designate a representative or representatives to appear for them at the hearing. Such designation shall be in writing, and in the case of a mobilehome owner, the designation may be included on the petition form. The mediator may grant or order one (1) continuance for not more than ten (10) days from the date of the initial mediation hearing. The petitioner shall have the initial burden of proving the merit of each item in dispute. Upon the determination of the mediator that a prima facie case has been made on a particular issue in dispute the burden of proof shall be upon the other party to rebut the claim.

(Ord. 94-13)

2. At any time during the mediation hearing process the mediator may, upon a determination of lack of good faith, or if the parties reach an impasse, or upon a determination that further mediation is impracticable, or not likely to be of further value, terminate the proceeding. The parties shall be notified of this decision in person, if possible, or forthwith in writing if the decision is made outside the presence of the parties.

(Ord. 94-13)

3. In the event that the parties agree to a resolution of the disputed non-rental issues, the mediator shall prepare a memorandum of agreement for the signature of the parties. This agreement shall constitute a legally enforceable contract. Failing execution of a memorandum of agreement by all parties within ten (10) days of the hearing at which agreement is first reached, no executed memorandum of agreement shall be deemed valid or enforceable and the parties shall proceed to best-offer mediation or termination of the proceeding as determined by the mediator.

(Ord. 94-13)

4. The mediator may request each party to submit a best offer in writing within five (5) days of the initial mediation hearing or the continued hearing, if any, if agreement is not reached at that hearing. Failure of any party to submit a best offer shall be deemed to be a rejection of mediation as to that party, and the mediation proceeding shall be terminated therewith. Upon receipt of a best offer from each party, the mediator shall determine the resolution of the dispute which is reasonable. The determination of the mediator shall be based upon all the provisions of this chapter and shall be made within ten (10) days after submittal of the parties' best offers. The mediator shall forthwith communicate this determination and the reasons for it in writing by mail to the parties and the Board. The determination of the mediator is final and binding unless one or more of the parties within ten (10) days files a written rejection of the mediator's determination, in which case the mediation process is terminated.

(Ord. 94-13)

5. The record of the mediation shall be filed by the mediator with the City Clerk. Such record shall be admissible evidence in any subsequent rent dispute proceeding.

(Ord. 94-13)

**Section 5024. Extension of Time - Mutual Agreement.** By written agreement of the parties or upon application to the Board and for good cause shown, the time frames provided for under this chapter may be extended.

(Ord. 94-13)

**Section 5025. Duty of Park Owner to Provide Copy of Chapter.** It shall be the duty of every park owner to provide a copy of this chapter, with Appendix E attached as the front page and Appendix G as the second page, to each resident mobilehome owner or prospective resident mobilehome owner at least three (3) working days prior to the signing of any lease or rental agreement. All mobilehome owners and prospective mobilehome owners shall sign two (2) copies of Appendix F acknowledging receipt of a copy of the Chapter. The park owner shall keep a signed copy of the Chapter.

(Ord. 94-13)

It shall be the duty of every park owner to provide, upon request, a copy of Appendix E to each and every mobilehome owner tenant seeking to sell his or her mobilehome.

(Ord. 94-13)

A single copy of the Chapter shall be provided to each park owner by the City for reproduction by the park owner. Whenever the Chapter is amended, the City shall send an updated copy of the Chapter to each park owner.

(Ord. 94-13)

**Section 5026. Duty of Mobilehome Owner to Provide Copy of Appendix E.** It shall be the duty of every mobilehome owner seeking to sell his or her mobilehome, to provide a copy of Appendix E to each prospective buyer of the mobilehome. The mobilehome owner shall be provided a copy of Appendix E by the park owner pursuant to Section 5025.

(Ord. 94-13)

**Section 5027. Administrative Fee.** An administrative fee may be imposed for the purpose of defraying the cost of administration of this ordinance. The fee is to be established by resolution of the City Council and may be determined by the City (on an annual basis) from all or part of the costs incurred in the administration of this ordinance, in the prior calendar or fiscal year based on the general costs of administration, including City staff time, costs of drafting the

ordinance, preparation of notices, postage, copying, etc. The administrative fee shall be apportioned equally to all mobilehome spaces in the City except those exempt from local rent control pursuant to Civil Code Section 798.17.

(Ord. 94-13)

The administrative fees imposed by this section shall be paid by the park owner within 45 days from the date of billing by the City.

(Ord. 94-13)

The park owners may pass through fifty (50) percent of the administrative fees assessed against them to the mobilehome owners. The pass through shall be apportioned equally among the affected mobilehome spaces and shall be amortized over a twelve (12) month period. The administrative fee passed through shall be itemized on the rent notices and shall not be included as part of the base rent upon which future rent increases are based. The amount shall be deleted from the space rent once the pro-rata share of administrative fees has been collected.

(Ord. 94-13)

**Appendix A**  
**PETITION PROTESTING SPECIAL RENT INCREASE**

We, the undersigned, home owners at \_\_\_\_\_

Mobilehome Park in Concord, California, having been served with a Notice of Special Rent Increase by the Park owner, hereby protest the increase and request voluntary negotiations between the owner and the following committee of home owners pursuant to the provisions of Article IV, Chapter 9(8) of the Concord Municipal Code;

(Insert names, addresses and telephone numbers of proposed tenant committee.)

<b>Name(Printed)</b>	<b>Space No.</b>	<b>Date Notice Received</b>	<b>Signature</b>
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A copy of the owner's notice is annexed to this petition.  
(Ords. 94-13, 97-7)

**Appendix B**  
**PROOF OF SERVICE BY MAIL, IF SIGNED IN CALIFORNIA**

I am a citizen of the United States and a resident of \_\_\_\_\_ County, California. I am over the age of 18 years and I am not a party to this matter. My business address is \_\_\_\_\_  
\_\_\_\_\_.

On \_\_\_\_\_, I served the within \_\_\_\_\_ on the \_\_\_\_\_ in this matter by placing a true copy thereof enclosed in a sealed envelope with postage thereon, fully prepaid, in the United States mail at \_\_\_\_\_ addressed as follows:

I declare under penalty of perjury that the foregoing is true and correct.

Executed at \_\_\_\_\_, California on \_\_\_\_\_.

\_\_\_\_\_  
Print Name

\_\_\_\_\_  
Signature

(See California Code of Civil Procedure Section 2015.5 for proper form to use if proof of service is signed outside California.)  
(Ord. 94-13)



**Appendix D**  
**OWNER'S NOTICE OF SPECIAL RENT INCREASE**

I, the owner of \_\_\_\_\_ Mobilehome Park in Concord, California, pursuant to the terms of Ordinance No. 94-13 hereby notify you of a Special Rent Increase in the amount of \$\_\_\_\_\_.

Date:

\_\_\_\_\_  
Signature of Owner

**NOTE:** This Notice is to be filed with the City Clerk and must include a document showing that the tenants have been notified of the increase. This type of notice is found in Appendices B and C to this chapter.  
(Ords. 94-13, 97-7)

**Appendix E**  
**CITY OF CONCORD**  
**MOBILEHOME PARK RENT STABILIZATION ORDINANCE**

**NOTICE**

Pursuant to Concord Municipal Code Section 5000, the owner, lessor, operator or manager of a mobilehome park in the City of Concord is required to provide to each tenant or prospective tenant a current copy of the Concord Mobilehome Park Rent Stabilization Ordinance (Article IV, Chapter 9(8) of the Concord Municipal Code), with a copy of this Appendix attached as the front page, prior to the signing of any lease or rental agreement. All tenants or prospective tenants are required to sign two (2) copies of Appendix F acknowledging receipt of the Ordinance.

Pursuant to Concord Municipal Code Section 5026, the tenant seeking to sell his or her mobilehome shall provide a copy of this Appendix to each prospective buyer of the mobilehome.

**IMPORTANT NOTICE**

- 1. The City of Concord has enacted a Mobilehome Park Rent Stabilization Ordinance.**
- 2. You do not have to sign a lease or rental agreement with a term longer than twelve (12) months in order to be able to live in this park.**
- 3. If you choose to enter into a lease or rental agreement with a term longer than twelve (12) months, your space will not be covered by the provisions of the Mobilehome Park Rent Stabilization Ordinance.**

In order to fully understand the provisions of the ordinance you should consult a complete copy of the ordinance. The following, however, is a summation of certain pertinent provisions of the ordinance.

**UNDER THE ORDINANCE**

- 1) You may receive an annual rent increase no more than 60% of the San Francisco/Oakland/San Jose Consumer Price Index (CPI). A park owner who seeks to increase rents above that amount must notify the City Clerk of the proposed Special Rent Increase. Park tenants may require a special hearing before the Mobilehome Park Rent Review Board before an annual rental increase larger than 60% of the CPI may take effect.
- 2) An increase in rent is prohibited, with certain exceptions, when there is an in-place sale of a mobilehome. The last rent charged the previous tenant is the new tenant's initial rent.  
(Ords. 94-13, 97-7)

**Appendix F**  
**CITY OF CONCORD**  
**MOBILEHOME PARK RENT STABILIZATION ORDINANCE**

I, \_\_\_\_\_, hereby acknowledge receipt of a copy of the Concord Mobilehome Park Rent Stabilization Ordinance, Article IV, Chapter 9(8) of the Concord Municipal Code.

\_\_\_\_\_  
Signature  
(Ord. 94-13)

\_\_\_\_\_  
Date

**Appendix G  
CITY OF CONCORD  
MOBILEHOME PARK RENT STABILIZATION ORDINANCE  
NOTICE**

IMPORTANT NOTICE TO HOMEOWNER REGARDING THE PROPOSED RENTAL AGREEMENT FOR \_\_\_\_\_ MOBILEHOME PARK. PLEASE TAKE NOTICE THAT THIS RENTAL AGREEMENT CREATES A TENANCY WITH A TERM IN EXCESS OF TWELVE (12) MONTHS. BY SIGNING THIS RENTAL AGREEMENT, YOU ARE EXEMPTING THIS MOBILEHOME SPACE FROM THE PROVISIONS OF THE CITY OF CONCORD RENT CONTROL LAW. THE CITY OF CONCORD AND THE STATE MOBILEHOME RESIDENCY LAW (CALIFORNIA CIVIL CODE SECTIONS 798 ET SEQ.) GIVE YOU CERTAIN RIGHTS. BEFORE SIGNING THIS RENTAL AGREEMENT YOU MAY CHOOSE TO SEE A LAWYER.

UNDER THE PROVISIONS OF STATE LAW, YOU HAVE A RIGHT TO BE OFFERED A RENTAL AGREEMENT FOR ONE (1) TERM OF TWELVE MONTHS, OR (2) A LESSER PERIOD AS YOU MAY REQUEST, OR (3) A LONGER PERIOD AS YOU AND THE MOBILEHOME PARK MANAGEMENT AGREE. YOU HAVE THE RIGHT TO REVIEW THIS AGREEMENT FOR THIRTY (30) DAYS BEFORE ACCEPTING IT OR REJECTING IT. IF YOU SIGN THE AGREEMENT YOU MAY CANCEL THE AGREEMENT BY NOTIFYING THE PARK MANAGEMENT IN WRITING OF THE CANCELLATION WITHIN SEVENTY-TWO (72) HOURS OF YOUR EXECUTION OF THE AGREEMENT. IT IS UNLAWFUL FOR A MOBILEHOME PARK OWNER OR ANY AGENT OR REPRESENTATIVE OF THE OWNER TO DISCRIMINATE AGAINST YOU BECAUSE OF THE EXERCISE OF ANY RIGHTS YOU MAY HAVE UNDER THE CITY OF CONCORD RENT CONTROL LAW, OR BECAUSE OF YOUR CHOICE TO ENTER INTO A RENTAL AGREEMENT WHICH IS SUBJECT TO THE PROVISIONS OF THAT LAW.

I hereby declare under penalty of perjury under the laws of the State of California that I gave a copy of this notice to

\_\_\_\_\_

on \_\_\_\_\_, 19\_\_\_\_.

By: \_\_\_\_\_

I acknowledge receipt of this notice on

\_\_\_\_\_, 19\_\_\_\_.

\_\_\_\_\_  
Tenant and/or Mobilehome Owner

(Ord. 94-13)