CHAPTER 25. MOBILE HOME RENT STABILIZATION

Sec. 5-25.01. Findings and purpose.

There is a shortage of vacant and available mobile home spaces in the City of Thousand Oaks resulting in a critically low vacancy factor. Many mobile home tenants are on fixed incomes and, if displaced as a result of their inability to pay increased rents, must relocate at a substantial loss or expense, and, in addition, as a result of such housing shortage they may be unable to find decent, safe and sanitary new housing at affordable rent levels. Aware of the difficulty in finding alternative decent housing, some tenants attempt to pay requested and uncontrolled rent increases, but as a consequence, must expend less on other necessities of life. This situation has had a detrimental effect on substantial numbers of renters in the City, especially creating hardships on senior citizens on fixed incomes, and low- and moderate- income households.

The City causes data to be collected through the annual registration statements submitted by mobile home landlords, which confirms a mobile home space and housing shortage continues to exist in the City, the vacancy rate in mobile home parks remains critically low and the deregulation of rents at this time could lead to exorbitant rent increases and aggravation of the crisis, problems and hardships which existed prior to the adoption of the program. This housing shortage necessitates the continuation of the mobile home rent stabilization program. Therefore, it is necessary and reasonable to continue to regulate rents so as to safeguard tenants from excessive rent increases and at the same time provide landlords with a just and reasonable return on their rental spaces.

(§ 2, Ord. 1254-NS, eff. January 23, 1996)

Sec. 5-25.02. Definitions.

The following words and phrases, whenever used in this chapter shall be construed as defined in this section.

“Average per space capital improvement cost” means an amount determined by dividing the cost of the capital improvement by the total number of mobile home unit rental spaces in the mobile home park with respect to which the cost was incurred.

“Average per space rehabilitation cost” means an amount determined by dividing the cost of the rehabilitation, less any offsetting insurance proceeds, by the total number of mobile home unit rental spaces in the mobile home park with respect to which the cost was incurred.

“Base year” means the figure employed when determining allowable automatic adjustment to rent pursuant to Section 5-25.05 of this article, as follows:

(1) Prior to November 1, 2011, the base year shall be 1986.

(2) From November 1, 2011 through October 31, 2015, the base year shall be 2005.

(3) From November 1, 2015 through October 31, 2020, the base year shall be 2010.

(4) From November 1, 2020 through October 31, 2025, the base year shall be 2015.

(5) Thereafter, on November 1 at five (5)-year intervals, the base year shall increase by five (5) years from the previous base year.

(6) For rental spaces vacated, as defined in Section 5-25.05.2, from January 1, 2005 and thereafter and eligible for decontrol/recontrol pursuant to this chapter, the base year shall be the year in which the space is re-rented and shall remain so until the base year is reset to a later year, as determined by reference to subsections (1) through (5) above. The following are examples: Coach A is sold June 15, 2008 and subject to decontrol and recontrol on that same date. The base year for Coach A is 2008 from June 15, 2008 until October 31, 2015. Starting November 1, 2015 the base year for Coach A shall be 2010, pursuant to subsection (3), above. Coach B is sold on March 1, 2012 and rent is decontrolled and then recontrolled on that same date. The base year for Coach B is 2012 from March 1, 2012 through October 31, 2020. Starting November 1, 2020, the base year for Coach A shall be 2015, as provided in subsection (4), above.

“Capital improvement” means the addition, replacement, or eligible major repair, of an improvement to a rental space(s) or the common areas or amenity of the mobile home park provided such new improvement has a useful life of two (2) years or more, and exceeds Two Thousand and no/100ths ($2,000) Dollars, including but not limited to, roofing, carpeting, draperies, stuccoing the outside of a building, air conditioning, security gates, swimming pool, sauna or hot tub, fencing, garbage disposal, washing machine or clothes dryer, dishwasher, recreational equipment permanently installed on the premises, streets, driveways, curbs and gutters, sidewalks, water, wastewater, and other utility systems, and other similar improvement, and may include the actual interest cost incurred by the landlord to finance the improvement, so long as the terms and interest rate of such financing are commercially reasonable and negotiated at arm's length. To be considered eligible, a major repair must increase the useful life of the improvement by at least two (2) years and exceed Two Thousand and no/100ths ($2,000) Dollars in cost.

“Commission” means the Rent Adjustment Commission of the City of Thousand Oaks.

“Decontrolled space” means any space formerly subject to the Rent Stabilization Ordinance, as amended, which was vacant on or after June 26, 1981, and such vacancy occurred on or after May 1, 1981 by reason of the tenants' voluntary vacation of that space or the tenants' eviction for nonpayment of rent.

“Housing services” means services connected with the use or occupancy of a mobile home rental space including, but not limited to, utilities (including cable T.V., light, heat, water and telephone), ordinary repairs or replacement and maintenance, including painting. This term shall also include the provision of elevator service, laundry facilities and privileges, common recreational facilities, janitor service, resident manager, refuse removal, furnishings, parking, and any other benefits, privileges or facilities.

“Index” means the figure employed when determining allowable rent increases under Section 5-25.05. Prior to November 1, 2017, the index shall be calculated as seventy-five (75%) percent of the Los Angeles-Riverside-Orange Co. Consumer Price Index for all urban consumers for the year ending April 1, rounded to the nearest tenth. Commencing November 1, 2017, the index shall be calculated as one hundred (100%) percent of said Consumer Price Index, rounded to the nearest tenth.

“Landlord” means an owner, lessor or sublessor (including any person, firm, corporation, partnership, or other entity) of a mobile home park, who receives or is entitled to receive rent for the use of any mobile home rental space, or the agent, representative or successor of any of the foregoing.

“Maximum adjusted rent” means the maximum rent plus any rent increase subsequently imposed pursuant to Sections 5-25.05, 5-25.05.1, 5-25.05.2, and 5-25.06. Said amount shall be

rounded to the nearest dollar and shall not include any administrative adjustment for capital improvement and/or rehabilitation granted pursuant to Section 5-25.06.

"Maximum base rent" means the highest legal monthly rent which was in effect for the rental space or spaces on November 1 of the base year. The temporary rent increase authorized by Section 5-25.05.1(a)(3) of this chapter shall not count toward the calculation of maximum base rent. Any increase subsequently effected pursuant to Section 5-25.05 shall be computed against the maximum base rent.

"Maximum rent" the highest legal monthly rate of rent which was in effect for the rental space during any portion of the month of June 1980. If a rental space is not rented during said month, then it shall be the highest legal monthly rate of the rent in effect between June 1, 1979 and May 31, 1980. If a rental space was not rented during either of the above periods, then it shall be the rent charged for an equivalent space that was rented during the month of June 1980, or if not so rented then, during the period between June 1, 1979 and May 31, 1980.

"Mobile home" means a single dwelling unit structure designated or designed for human habitation, transported over the highways to a permanent occupancy site, and installed on the site either with or without a permanent foundation.

"Mobile home park" means a parcel of land where five or more mobile home spaces are rented or leased out for mobile homes used as residences. "Mobile home park" does not include developments which sell lots for mobile homes or manufactured housing, or which provide condominium ownership of such lots, even if one or more homes in the development are rented or leased out.

"Mobile home tenant or resident" means any person entitled to occupy a mobile home which is located within a mobile home park.

"Rehabilitation work" means any rehabilitation or repair work done on or in a rental space or common areas of the housing complex containing the rental space and which work was done in order to comply with an order issued by the Community Development Department, the Health Department, or the Fire Department, or to repair damage resulting from fire, earthquake or other natural disaster.

"Rent" means the consideration, including any bonus, benefits or gratuity, demanded or received by a landlord for or in connection with the use or occupancy of a rental space, or the assignment of a lease for such a space including, but not limited to, any monies demanded or paid for parking, furnishings, housing services of any kind, subletting or security deposits.

"Rental space," except as provided below, includes underlying land and mobile homes thereon, whether rent is paid for the mobile home and the land upon which the mobile home is located, or rent is paid for the land alone. The term shall not include:

(1) Four or fewer mobile homes located on the same lot or parcel.

(2) Mobile homes located in nonprofit cooperative parks owned and controlled by a majority of the residents.

(3) Mobile homes which a governmental unit, agency or authority owns, operates or manages which are specifically exempt from municipal rent regulations by state or federal law or administrative regulations. Accommodations to which rental assistance is paid pursuant to 24 CFR 882 ("HUD Section 8 Federal Rent Subsidy Program) may be exempted wholly or partially from the terms of this chapter on an individual basis by written application to the City Manager and after notice to the tenant and landlord involved.

(4) Mobile homes located in a mobile home park for which a certificate of occupancy was first issued after June 30, 1980.

(5) Nonprofit mobile home parks. Mobile home parks operated by an organization exempt from federal income taxes under Section 501(c)(3) of the Internal Revenue Code provided that the gross income derived therefrom does not constitute unrelated business income as defined in Section 512 of the Internal Revenue Code.

"Tenant" means a tenant, subtenant, lessee, sublessee, or any other person entitled to use or occupancy of a mobile home rental space.

"Vacancy" means when a tenant voluntarily vacates a mobile home rental space or when a tenant is evicted for nonpayment of rent. A vacancy shall not exist when the tenant sublets or assigns his interest in the rental space, including the subletting or sale of a mobile home coach which remains on the same space within a mobile home park. If a mobile home is removed from the space, the space is decontrolled until re-rented to a new tenant and thereafter is subject to all the provisions of this chapter.

(§ 2, Ord. 1254-NS, eff. January 23, 1996 as amended by § 2, Ord. 1559-NS, eff. September 6, 2011)

Sec. 5-25.03. Rent Adjustment Commission.

(a) Creation and organization of the Rent Adjustment Commission. The "Rent Adjustment Commission of the City of Thousand Oaks" is hereby created. The Commission shall consist of five seated members comprised of one landlord, one tenant and three individuals who are neither landlords nor tenants of a residential rental property. Three alternate commissioners may be appointed by the City Council to the Commission, comprised of one landlord, one tenant, and one individual who is neither a landlord nor a tenant of a residential rental property. The seated members and alternates shall be appointed and removed by the Council, all serving at the Council's pleasure. If at any time during the term of a seated member or alternate member, the member becomes a landlord or tenant of residential rental property, or ceases to be same in conflict with his/her Commission designation, the office or position of that member shall immediately become vacant and a new appointment made thereto.

The term of office or assignment for each member of the Commission shall be for the period of time from their appointment to the time that this section is no longer in effect. The Commission shall designate one of its members as a chairperson and one of its members as vice-chair, which officers shall hold office for one year and until their successors are elected.

(b) Commission action and procedure. Each of the five seated Commissioners shall be entitled to one vote. Three members shall constitute a quorum for purposes of conducting a meeting. The decisions of the Commission shall be determined by a majority vote of the seated members present. An alternate Commissioner may only become a seated Commissioner for purposes of Commission action or decision in the absence of the Commissioner appointed as a seated member of the Commission or if the seated member asks to be excused. In the event of such absence, an alternate Commissioner shall be seated only in accordance with his/her designation as a landlord, tenant, or nonlandlord/nontenant. In no event shall more than five votes be cast for any action or decision of the Commission.

(c) Powers and responsibilities. The Commission shall have the power and be responsible for carrying out the provisions of this chapter and the provisions of any ordinance regulating rents in apartment complexes. It shall have the authority to issue orders and promulgate policies, rules and regulations to effectuate the purposes of this chapter. It may make such studies and investigations, conduct such hearings, and obtain such information as it deems necessary to

promulgate, administer and enforce any regulation, rule or order adopted pursuant to this chapter. The City Manager shall designate employees to furnish staff support to the Commission.

Every year the Commission may render to the City Council a written report of its activities pursuant to the provisions of this Chapter along with such comments and recommendations as it may choose to make. The Commission shall meet as often as necessary to perform its duties.

(d) Compliance with Brown Act. The meetings of the Commission shall be held within the city and open to the public. Such meetings shall be conducted in accordance with the items contained in a posted agenda and conducted in compliance with the state Brown Act.

(§ 2, Ord. 1254-NS, eff. January 23, 1996)

Sec. 5-25.04. Restrictions on rents.

No landlord shall demand, accept or retain more than the maximum rent or the maximum adjusted rent for a mobile home rental space permitted pursuant to this chapter or to regulations or orders adopted pursuant to this chapter, nor shall any landlord effect a prohibited rent increase through the reduction of housing services.

All landlords shall maintain records setting forth the maximum adjusted rent, the maximum base rent and the current rent being charged for each rental space. This information shall be disclosed to the City upon the City's request. Each landlord who demands or accepts a rent higher than the maximum adjusted rent or demands or accepts a fee or surcharge shall inform the tenant or any prospective tenant of the rental space, in writing, of the factual justification for the fee, surcharge or difference between said maximum adjusted rent and the rent which the landlord is currently charging or proposes to charge.

(§ 2, Ord. 1254-NS, eff. January 23, 1996)

Sec. 5-25.05. Automatic adjustments to rent.

The maximum adjusted rent for any occupied rental space may be increased without permission of the City as follows:

(a) For a rental space which at any time after August 1, 1980 has not had a rent increase for a period of twelve (12) consecutive months or more, the maximum adjusted rent may be increased in an amount, as set forth in subsection (b) below, and as limited by subsection (c) below:

(b) Automatic annual adjustment.

(1) For the year November 1, 2011 through October 31, 2012 no automatic annual adjustment shall be permitted.

(2) For all other years, the automatic increase shall be determined by multiplying the maximum base rent by the index.

(c) Notice of increases. Notice of any increase in rent pursuant to this section shall be given in accordance with the Civil Code of the State of California.

(d) Notice of index. After review of pertinent information from the U.S. Bureau of Labor Statistics, the Community Development Director or designee shall determine the index for each year, and notify each landlord by mail of his or her determination.

(§ 2, Ord. 1254-NS, eff. January 23, 1996 as amended by § 3, Ord. 1559-NS, eff. September 6, 2011)

Sec. 5-25.05.1 Special Supplemental Rent Adjustment.

The special supplemental rent adjustment is intended to serve in lieu of administrative adjustments for just and reasonable return under Section 5-25.06(b) for a period of ten (10) years from the date this ordinance becomes effective. The special supplemental rent adjustment is subject to the following requirements:

(a) For the Ranch Mobile Home Park, the maximum adjusted rent may be increased as follows:

(1) For spaces where the coach is unoccupied as of the effective date of this ordinance, per space per month rents may be increased in the amount of One Hundred Ninety-one and 95/100ths ($191.95) Dollars.

(2) For spaces where the coach is occupied as of October 1, 2011, per space per month rents may be increased according to the following phase-in schedule:

October 1, 2011: $27.42

October 1, 2012: $27.42

October 1, 2013: $27.42

October 1, 2014: $27.42

October 1, 2015: $27.42

October 1, 2016: $27.42

October 1, 2017: $27.42

(3) In addition, for spaces where the coach is occupied as of October 1, 2011, a temporary increase in per space per month rent may be implemented in the following amounts (said amounts being an interest component on the supplemental rent pursuant to subsection (a)(2), above), during the following time periods:

October 1, 2011 through September 30, 2012: $6.58 October 1, 2012 through September 30, 2013: $5.48 October 1, 2013 through September 30, 2014: $4.39 October 1, 2014 through September 30, 2015: $3.29 October 1, 2015 through September 30, 2016: $2.19 October 1, 2016 through September 30, 2017: $1.10

(b) For all mobile home parks except Ranch Mobile Home Park, the maximum adjusted rent may be increased by One Hundred and no/100ths ($100) Dollars per space per month, to be implemented in accordance with the following phase-in schedule:

November 1, 2011: $16.67

November 1, 2012: $16.67

November 1, 2013: $16.67

November 1, 2014: $16.67

November 1, 2015: $16.67

November 1, 2016: $16.67

(c) That portion of the special supplemental increases not yet implemented as authorized by subsections (a) and (b) above shall not apply to spaces that have been fully decontrolled and recontrolled after November 1, 2011, pursuant to Sections 5-25.05.2(d) and (f) of this chapter.

(d) Notice of increases. Notice of any increase in rent pursuant to this section shall be given in accordance with the Civil Code of the State of California. If an increase has been noticed prior to the effective date of the ordinance adopting this section, said notice shall be construed as a valid notice to increase rents in an amount not to exceed the increase permitted by this section.

(e) Rent deferral program related to special supplemental increase. No special supplemental increase authorized by this section may be imposed for any space at any time, unless the mobile home park owner has offered tenants therein a rent subsidy program meeting the following criteria:

(1) The rent subsidy shall comprise a deferral of all or part of the special supplemental rent increase authorized above, as specified by a qualifying tenant.

(2) In order to qualify for a subsidy, a resident tenant must file a written application including all necessary supporting information, and an attestation to its truthfulness, with the park owner and must meet the following requirements:

(i) The tenant must have lived in the park continuously since June 30, 2011;

(ii) The tenant must be current in rent and not in violation of any park rules;

(iii) The tenant's annual household income must be at or below the “very low income” level for Ventura County, as defined by the State of California;

(iv) The tenant shall provide relevant information and documentation requested by the park owner as reasonably necessary to determine tenant's entitlement to the rent subsidy (for example, copy of Federal income tax return and net worth statement).

(3) Any tenant that meets the criteria in subsection (2), above, shall be presumed entitled to the subsidy provided for herein. The park owner may rebut the presumption of eligibility and, if owner makes a determination of non-eligibility, then owner shall give the tenant a written response stating the reasons for rejection. The park owner bears the burden in cases of denial of the subsidy. In granting or denying the deferral, the guiding principle will be that in no event shall a tenant be forced from the mobile home park due to an inability to pay the unimplemented supplemental rent increase.

(4) The owner shall keep an accurate accounting of all deferred rent for each tenant, and shall provide each tenant receiving a rent deferral with an annual accounting thereof.

(5) As a condition of the rent deferral, the owner may require the tenant to repay to the owner any rent deferred, upon sale of the tenant's coach.

(6) No interest shall be charged or due upon repayment of deferred rent.

(7) As a condition of deferring rent, the park owner may require that the deferred rent be secured by a non-interest-bearing lien on the tenant's coach.

(f) Notice of “very low income” range. After review of pertinent information from the State of California, the Community Development Director or designee shall determine the “very low income range” for Ventura County as defined by the State of California for each year, and notify each landlord by mail of his or her determination. Rent subsidy eligibility shall be based on the information provided pursuant to this subsection.

(g) There shall be a moratorium on filing of applications for administrative rent adjustment under Section 5-25.06(b) (“Just and Reasonable Return”) of this chapter until August 18, 2021, unless a material provision of this ordinance is subsequently amended, or invalidated by court order, or if the City takes any action that has the effect of significantly depriving or impairing a mobile home park owner of the benefits of this revised ordinance.

(§ 4, Ord. 1559-NS, eff. September 6, 2011)

Sec. 5-25.05.2 Vacancy decontrol/recontrol.

The following provisions apply to any rental space that is vacated, voluntarily or as the result of eviction, or to the replacement of any coach on a rental space.

(a) In all mobile home parks, except Ranch Mobile Home Park, for a new tenant occupying an existing coach, the maximum adjusted rent for the space may be increased upon re-rental as follows:

(1) By fifteen (15%) percent, if the space is re-rented prior to November 1, 2017.

(2) By ten (10%) percent, if the space is re-rented on or after November 1, 2017.

(b) In the Ranch Mobile Home Park, for a new tenant occupying an existing coach, the maximum adjusted rent for the space may be increased to an amount equal to ten (10%) percent higher than the sum of the following:

(1) The current maximum adjusted rent for the space, plus

(2) Any portion of the special supplemental rent increase allowed under Section 5-25.05.1 (a)(2) that has not yet been taken.

(c) Notwithstanding subsections (a) and (b) above, no increase shall be permitted if the new tenant is an immediate family member of the existing tenant. For purposes of this section, the term “immediate family member” shall include a parent, grandparent, child, sibling, stepparent, stepchild, or step-sibling only.

(d) For a new tenant bringing a coach onto and occupying an empty rental space, or replacing the existing coach, the maximum adjusted rent may be increased to any amount upon the re-rental of the space.

(e) For a change of coach by an existing tenant who has been a resident of the park at least one (1) year, no increase in rent shall be permitted.

(f) For a change of coach by an existing tenant who has been a resident less than one (1) year, the maximum adjusted rent may be increased to any amount.

(g) Thereafter, as long as the rental space continues to be rented by one (1) or more of the same persons, no other rent increase shall be imposed except as provided in this chapter.

(h) Notice of increases. Notice of any increase in rent pursuant to this section shall be given

in accordance with the Civil Code of the State of California. If an increase has been noticed but not effected prior to the effective date of the ordinance codified in this chapter, said notice shall be construed as a valid notice to increase rents in an amount not to exceed the increase permitted by this section.

(§ 5, Ord. 1559-NS, eff. September 6, 2011)

Sec. 5-25.06. Administrative adjustments to rent.

(a) Capital improvements and rehabilitation. The Community Development Director shall have the authority to grant rent adjustments for capital improvement and rehabilitation work subject to the procedures set forth below for a rental space or spaces located in the same park upon receipt of an application for adjustment filed by the park owner of the rental space or spaces. In Resolution No. 2011-046, adopted on July 12, 2011, the City Council has defined useful life categories for capital improvements and eligible rehabilitation work. Rent increases approved under this section shall be calculated on a per space per month basis and shall be amortized over the useful life of the improvement as set forth in such Resolution and apportioned equally among the total number of rentable spaces in the park. An increase granted under this subsection 5-25.06(a) shall remain in effect only during the amortization period of the improvement. All applications for rent adjustments to reimburse the owner for capital improvements or rehabilitation work shall be governed by the procedures and requirements of this subsection (a) and not subsection (b).

(1) General requirements. A rent increase for purposes of reimbursing a park owner for a capital improvement or rehabilitation work shall be approved, if all of the following requirements are met, and the application for said rent increase otherwise complies with the provisions of this subsection 5-25.06(a):

(i) The expenditure has been made within five (5) years of the date of filing the application.

(ii) Work for which reimbursement is requested has been performed by a licensed contractor, where required by law.

(iii) The owner submits copies of the contract for the work, cancelled checks, paid invoices, and such other documentation as may be necessary in order to verify the costs incurred for the specific work for which reimbursement is sought.

(2) Individual tenant space improvements. No increase shall be allowed when the improvement was discrete to the interior of a tenant's rental space and said improvement was not necessary to safeguard the landlord's property from deterioration or loss in value, unless the tenant has given express written consent to said increase.

(3) Special requirements. If the rent increase application is for the purpose of reimbursing a park owner for a new improvement, or for replacement of an improvement before the end of its useful life, then the rent increase shall not be approved unless the park owner obtains approval of a majority of tenants voting on the matter in conformance with the following requirements, and also submits satisfactory evidence with the application that demonstrates compliance with said requirements:

(i) All of the tenants whose rent would be increased have been provided notice of the nature of the improvement, its total cost, the rental increase (both monthly amount and duration) that will be requested, their right to vote on the issue of whether the improvement should be eligible for a City-approved rent increase in order to reimburse the owner for its cost, and the time and manner in which an election on the matter will be held;

(ii) The notice was given at least ninety (90) days prior to submittal of the application to the City;

(iii) The election required by subsection (i) above has been held by secret written ballot with each space affected by the proposed increase entitled to cast one (1) and only one (1) ballot, and the ballot itself shall recite the specific information required in the notice;

(iv) A majority of ballots have been cast in favor of the improvement being eligible for reimbursement through a rent increase, as attested jointly by a representative of the park owner and a representative of the tenants, based on personal inspection and count of the ballots. If the tenant representative refuses to attest to the vote, then owner may attest and submit all ballots cast along with said attestation as proof of the vote;

(v) The owner shall provide documentation of number of ballots cast and the names and space numbers of those persons casting ballots in the election.

(4) Special requirements exception. The special requirements set forth in subsection 5-25.06(a)(3) above shall not apply to applications for a rent increase to reimburse a park owner for replacement or renovation work before the end of an improvement's useful life, if it is demonstrated to the satisfaction of the Community Development Director or hearing officer, as applicable, that the work was necessary due to conditions of force majeure (floods, fire, earthquakes, or other Acts of God) or other good cause.

(5) Application filing procedure. Applications for rent adjustments under this subsection shall be submitted to the Community Development Department on forms provided for that purpose, and shall be accompanied by a filing fee of Twenty and no/100ths ($20) Dollars plus Five and no/100ths ($5) Dollars per space affected by the proposed increase. The Department shall notify the applicant of its determination whether the application is complete within thirty (30) days of receipt. If the application is not complete, the Department shall identify information that is missing and required for a complete application. If the Department fails to so notify the applicant within thirty (30) days of receipt, then the application shall be deemed complete.

(6) Notice to tenants by landlord. Upon the Community Development Department determining an application is complete, or if the application is deemed complete pursuant to subsection 5-25.06(a)(5) above, the landlord shall provide a notice to each tenant whose rent would be increased that an application has been filed, the nature of the work for which reimbursement is sought, and the amount and duration of rent increase requested. The park owner shall make available to tenants for inspection a copy of the complete application, including all supporting information and documentation, and upon a tenant's request shall provide a copy at a reasonable direct cost of copying.

(7) Tenant opportunity to object. Tenants affected by the proposed rent increase may submit objections regarding the application to the Community Development Department, along with supporting information that evidences noncompliance with the provisions of this section and/or City Council Resolution No. 2011-046 adopted on July 12, 2011.

(8) Consideration by Community Development Director. If the Community Development Director receives no objections, or no objections that are supported by evidence of non-compliance, from any tenant within thirty (30) days after the application is complete, and can make all of the findings required by Section 5-25.06(a)(12) of this chapter, the Community Development Director may approve the application, in whole or in part, without hearing. The Community Development Director shall notify the applicant of the decision in writing no later than forty-five (45) days after the application is accepted as complete or deemed complete, and the decision shall state the amount and duration of the approved increase, effective date, and recite the findings required by subsection 5-25.06(a)(12) of this chapter, if applicable.

(9) Consideration by hearing officer. Except for applications or parts thereof approved by the Community Development Director pursuant to subsection 5-25.06(a)(8) above, all other applications or parts thereof shall be decided by a hearing officer following a hearing. The hearing shall take place no later than sixty (60) days after the application is complete. The hearing officer shall consider the information provided in the application, any information submitted by tenants affected by the requested rent increase, the provisions of the Resolution referenced in Section 5-25.06(a) above, and any other factors the hearing officer deems to be relevant to the purposes of these provisions. The City Manager may provide additional procedural rules for consideration of applications under this subsection.

(10) Notice of hearing. Notice of any hearing required pursuant to this subsection shall be given by mailing at least fourteen (14) days prior to the hearing, to the applicant and to all tenants whose rent would be increased. The notice shall state the date, time, and location of the hearing.

(11) Decision of hearing officer. The hearing officer shall render a decision on the application in writing to the park owner and Community Development Director no later than thirty (30) days after the hearing date. The hearing officer's decision shall state the amount and duration of the approved increase, effective date, and reasons for the decision, and the findings required by subsection 5-25.06(a)(11) of this chapter, if applicable. The park owner shall post a copy of the decision at the Park Office in a conspicuous location.

(12) Findings for approval. A rent increase for purposes of reimbursing a park owner for a capital improvement or rehabilitation work shall be

approved, if all of the following findings have been made:

(i) The work for which a rent adjustment is requested and the application submitted by the landlord meet the applicable requirements of subsections 5-25.06(a)(1) through 5-25.06(a)(5), above.

(ii) Landlord has given notice to tenants as required by subsection 5-25.06(a)(6), above.

(iii) The type of capital improvement or rehabilitation work and its useful life are listed in and comply with the provisions of the Resolution referenced in Section 5-25.06(a) above. If the particular capital improvement or rehabilitation work is not listed in said Resolution, then a determination of the useful life has been made based on similar items listed in the Resolution and/or other competent evidence.

(13) Effective date. Any rent adjustment granted under this section shall become effective after the landlord has received the decision from the Community Development Director or hearing officer, as applicable, and upon providing such notice of the approved increase to tenants whose rent is adjusted pursuant to the decision as may required by the Civil Code of California.

(14) Finality of decision. The decision of the Community Development Director or hearing officer, as the case may be, shall be final, and no appeal of that decision may be taken by any party to the City Manager, Rent Adjustment Commission, City Council or any other officer of the City.

(15) Required annual meeting. Park owners shall meet with tenants at least once in each calendar year to review and discuss future capital expenditure needs and plans, as well as upcoming potential applications for rent increases to reimburse for capital expenditures.

(b) Just and reasonable return.

(1) Commission adjustments. The Commission shall have the authority, in accordance

with such guidelines as the Commission may establish, to grant increases in the rent for a rental space or spaces located in the same mobile home park, upon receipt of an application for adjustment filed by the landlord and after notice and hearing, if the Commission finds that such increase is in keeping with the purposes of this chapter and that the maximum rent or maximum adjusted rent otherwise permitted pursuant to this chapter does not constitute a just and reasonable rent on the rental space or spaces. The following are factors, among other relevant factors as the Commission may determine, which may be considered in determining whether a rental space yields a just and reasonable return:

(i) Property taxes;

(ii) Reasonable operating and maintenance expenses;

(iii) The extent of capital improvements made to the common area or spaces as distinguished from ordinary repair, replacement and maintenance;

(iv) Living space, and the level of housing services;

(v) Substantial deterioration of the rental spaces other than as a result of ordinary wear and tear; and

(vi) Failure to perform ordinary repair, replacement and maintenance; and

(vii) Financing costs on the property if such financing was obtained prior to April 1, 1980 and if it contains either a balloon payment or variable rate provision.

(2) Anti-speculation provision. If the only justification offered for the requested rent increase on the landlord's application is an assertion that the maximum rents or maximum adjusted rents permitted pursuant to this chapter do not allow the landlord a return sufficient to pay both the operating expenses and debt service on the rental space or spaces or on the mobile home park containing the rental space or spaces, a rent adjustment will not be permitted pursuant to this subsection to a landlord who acquired an interest in the rental space or spaces after January 1, 1980.

(c) Procedures.

(1) All applications for rent adjustment shall be submitted to the City Manager and shall include, among other things, the mailing addresses and space numbers of the space or spaces for which an adjustment is requested. Each application shall be accompanied by a filing fee of Twenty and no/100ths ($20.00) Dollars plus Five and no/100ths ($5.00) Dollars per space affected by the proposed increase. The City Manager shall determine whether an application is complete within thirty (30) days of submittal. The applicant shall produce at the request of the City Manager or Commission such records, receipts and reports as may be necessary to make a determination on the adjustment request. Failure to produce such requested items shall be sufficient basis for the termination of the rent adjustment proceedings. All applications for rent adjustment, together will all oral and written evidence presented in support thereof, shall be under oath or penalty of perjury.

(2) Within ten (10) days of the determination by the City Manager that the application is complete, the City Manager shall set a date for a hearing and determination. The City Manager shall notify the tenant or tenants of the subject space or spaces by mail of the receipt of such application, the amount of the requested increase, the landlord's justification for the request, and the place, date and time of the hearing on the adjustment request. The hearing shall be set no less than ten (10) days and no more than forty-five (45) days after the date of mailing such notice.

(3) The hearing shall be conducted in accordance with the rules of procedure which the

Commission may choose to adopt. In the event that the Commission does not adopt such rules of procedure, the hearing shall be conducted in general accordance with the City Council Manual of Procedure, Ordinance 488-NS. At the time of the hearing, the landlord and/or affected tenants may offer such documents, testimony, written declarations or evidence as may be pertinent to the proceedings.

(4) A determination with written findings in support thereof shall be made within seventy-five (75) days from the determination that the application for rent adjustment may be granted for less than, but not for more than, the amount requested.

(5) Copies of the findings and determination of the Commission shall be mailed by the City Manager to the applicant and all affected tenants.

(§ 2, Ord. 1254-NS, eff. January 23, 1996, as amended by § 6, Ord. 1559-NS, eff. September 6, 2011)

Sec. 5-25.07. Evictions.

(a) A landlord may bring an action to recover possession of a rental space only upon one of the following grounds:

(1) The tenant has failed to pay the rent to which the landlord is entitled.

(2) The tenant has violated an obligation or covenant of the tenancy, other than the obligation to surrender possession upon proper notice, and has failed to cure such violation after having received written notice thereof from the landlord.

(3) The tenant is committing or permitting to exist a nuisance in or is causing damage to, the rental space or to the appurtenances thereof, or to the common areas of the park containing the rental space, or is creating an unreasonable interference with the comfort, safety, or enjoyment of any of the other residents of other mobile homes in the park, and has failed to cure such violation after having received written notice thereof from the landlord.

(4) The tenant is using or permitting a rental space to be used for any illegal purpose.

(5) The tenant, who had a written lease or rental agreement which terminated on or after the effective date of this ordinance, has refused, after written request or demand by the landlord, to execute a written extension or renewal thereof for a further term of like duration with similar provisions and in such terms as are not inconsistent with or violative of any provisions of this chapter.

(6) The tenant has refused the landlord reasonable access to the space for the purpose of making repairs or improvements, or for the purpose of inspection as permitted or required by the lease or by law, or for the purpose of showing the rental space to any prospective purchaser or mortgagee.

(7) The person in possession of the rental space at the end of a lease term is a subtenant not approved by the landlord.

(8) The landlord seeks in good faith to recover possession so as to demolish or perform other work necessitating the removal of the rental space from rental housing use, except that if the landlord seeks to recover possession for the purpose of converting the space into a stock cooperative, the landlord must have complied with the notice requirements of Government Code section 66427.1 and applicable City ordinances.

(9) The landlord seeks in good faith to recover possession in order to permanently remove the rental space from rental housing use.

(b) If the dominant intent of the landlord in seeking to recover possession of a rental space is retaliation against the tenant for exercising his/her rights under this chapter, and if the tenant is not in default as to the payment of rent, the landlord may not recover possession of a rental space in any action or proceeding or cause the tenant to quit involuntarily.

(c) Before a landlord can use tenant violation of a covenant or obligation of tenancy as grounds for

eviction, the landlord must have provided the tenant with a written statement of the respective covenants and obligations of both the landlord and tenant prior to such alleged violation, and such statement must have set forth the particular covenant or obligation subsequently alleged to have been violated.

(d) In any action by a landlord to recover possession of a rental space, the tenant may raise, as an affirmative defense, any of the grounds set forth in Subsections (a), (b), and (c) of this section.

(e) In the event it should be determined that any provision of this section is in conflict with California law relative to landlord/tenant relationships, including eviction of tenants, then, and in that event, any rental space which becomes vacant following eviction for any reason other than nonpayment of rent, shall not be re-rented at a rent in excess of the maximum adjusted rent as defined herein.

(§ 2, Ord. 1254-NS, eff. January 23, 1996)

Sec. 5-25.08. Remedies.

Any person who demands, accepts or retains any payment of rent in excess of the maximum rent or maximum adjusted rent in violation of the provisions of this chapter, or any regulations or orders promulgated hereunder shall be liable in a civil action to the person from whom such payment is demanded, accepted or retained for damages of three times the amount by which the payment or payments demanded, accepted or retained exceed the maximum rent or maximum adjusted rent which could be lawfully demanded, accepted or retained together with reasonable attorney’s fees and costs as determined by the court, together with a civil penalty not to exceed the sum of Five Hundred and no/100ths ($500.00) Dollars.

(§ 2, Ord. 1254-NS, eff. January 23, 1996)

Sec. 5-25.09. Refusal of a tenant to pay.

A tenant may refuse to pay any rent in excess of the maximum rent or maximum adjusted rent permitted pursuant to this chapter or regulations or orders adopted hereunder. The fact that such rent is in excess of maximum rent or maximum adjusted rent shall be a defense in any action brought to recover possession of a rental space or to collect the illegal rent.

(§ 2, Ord. 1254-NS, eff. January 23, 1996)

Sec. 5-25.10. Prior Ordinances.

This chapter is derived from Ordinances 747-NS and 755-NS as amended by Ordinances 782-NS, 787-NS, 805-NS, 831-NS, 838-NS, 846-NS, 933-NS, 1040-NS, 1216-NS, and 1254-NS. This chapter shall control to the extent a conflict exists between it and any former law to the

contrary.

(§ 2, Ord. 1254-NS, eff. January 23, 1996, as amended by § 7, Ord. 1559-NS, eff. September 6, 2011)

Sec. 5-25.11. Appeals.

Any dispute, contention, or disagreement relative to interpretation, application or enforcement of this chapter or any provisions thereof, shall be submitted to the City Council for determination in accordance with the provisions of section 1-4.01 through section 1-4.05 of the Thousand Oaks Municipal Code, provided that all decisions of the City Manager shall first be appealable to and ruled on by the Commission.

(§ 2, Ord. 1254-NS, eff. January 23, 1996)

Sec. 5-25.12. Registration.

(a) Purpose. The purpose of the registration requirement is to enable the City to monitor rents under this chapter and to provide for the assessment of fees to assist in the financing of the reasonable and necessary expenses of the implementation and administration of the mobile home rent stabilization program within the City of Thousand Oaks.

(b) Registration. On or before January 1 of each year, a landlord shall furnish to the Community Development Department, upon a form provided by said Department, information indicating the maximum base rent and maximum adjusted rent for each rental space in the complex as of November 1 of the prior year. Such spaces shall be individually designated by their space number and mailing address. Additionally, the landlord shall indicate when the rent for each individual space was last increased pursuant to Sections 5-25.05, 5-25.05.1, and 5-25.05.2.

(c) Registration fee. By January 1 of each year, the landlord shall submit to the Community Development Department, a registration fee in the amount of Ten and no/100ths ($10) Dollars for each controlled rental space in landlord's park. This section shall not apply to any space which will not receive an increase in rent pursuant to Section 5-25.05 in any year for which the fee is due, provided that the landlord identify each space which will not receive such an increase by indicating “no increase” in the “Comments” section of the Registration Form (Section 5-25.12 (b)), above.

(§ 2, Ord. 1254-NS, eff. January 23, 1996, as amended by § 8, Ord. 1559-NS, eff. September 6, 2011)