

ANALYSIS

This ordinance amends Title 8 (Consumer Protection, Business and Wage Regulations) of the Los Angeles County Code relating to Division 3 (Housing) by: 1) repealing Chapter 8.57; and 2) adding Chapter 8.57 (Mobilehome Rent Stabilization). (Los Angeles County Code, Chapter 8.57, Sections 8.57.010 through 8.57.170).

This ordinance: 1) prohibits mobilehome space rent increases beyond what is permitted in this Chapter, except those defined as exempt, located in the unincorporated areas of the County of Los Angeles (County); 2) prohibits more than one rent increase in any twelve (12) month period; and 3) ensures landlords receive a fair return on mobilehome space rents consistent with the County's procedures and guidelines.

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By



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BT:guh

Requested: 06/30/19
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ORDINANCE NO. _____

An ordinance repealing Chapter 8.57 (Mobilehome Park Regulation), and adding Chapter 8.57 (Mobilehome Rent Stabilization).

The Board of Supervisors of the County of Los Angeles ordains as follows:

SECTION 1. Chapter 8.57, entitled Mobilehome Park Regulation, is repealed.

SECTION 2. Chapter 8.57, entitled "Mobilehome Rent Stabilization," is added to read as follows:

Chapter 8.57 Mobilehome Rent Stabilization

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8.57.010 Short Title.

This Chapter shall be known as "Mobilehome Rent Stabilization."

8.57.020 Declaration of Purpose and Findings.

A. There are presently low vacancy rates in mobilehome parks across the County of Los Angeles (County), leading to a shortage of available spaces for the location of mobilehomes.

B. On average, Mobilehome Owners, are substantially older, with approximately 79% of them over 45 years of age, more likely to rely on public subsidies, more likely to have a disability, and generally more economically and physically vulnerable than residents of rental housing. Because of these vulnerabilities, Mobilehome Owners generally have little leverage in negotiating mobilehome space rent with Mobilehome Park Owners. Additionally, the high cost of moving mobilehomes and the potential for damage resulting therefrom, the requirements relating to the installation of mobilehomes including permits, landscaping and site preparation, the lack of alternative mobilehome spaces, and the substantial investment of mobilehome owners in such homes leave Mobilehome Owners at a disadvantage.

C. The County Board of Supervisors finds and declares that it necessary to protect Mobilehome Owners from unreasonable space rent increases, and recognizes

the need of Mobilehome Park Owners to receive a fair return on their property, and rental income sufficient to cover increases in the costs of repairs, maintenance, insurance, employee services, additional amenities, and other costs of operation.

8.57.030 Definitions.

The following terms shall have the meaning provided below when used in this Chapter, whether plural or singular:

- A. "Board" means the County of Los Angeles Board of Supervisors.
- B. "Capital Improvement" means the addition, substantial repair or replacement of any improvement to a Mobilehome Space or property within the geographic boundaries of a Mobilehome Park which materially adds to the value of the Mobilehome Park and appreciably prolongs its useful life or adapts it to new uses, and which is of the same type of improvement as those allowed to be amortized over the useful life of the improvement in accordance with the Internal Revenue Code and its regulations. Normal routine maintenance and repair to maintain a facility or improvement in good repair does not constitute a Capital Improvement.
- C. "Code" means the Los Angeles County Code.
- D. "County" means the County of Los Angeles.
- E. "CPI" means Consumer Price Index for all urban consumers of the Los Angeles-Riverside-Orange County, California area, or any successor designation of that index that may later be adopted by the United States Department of Labor. Calculation of the CPI percentage will be determined by the County and outlined in its procedures and/or guidelines.

F. "Department" means the County's Department of Consumer and Business Affairs.

G. "Housing Services" means all services provided by a Mobilehome Park Owner related to the use or occupancy of a Mobilehome Space, including water and sewer, natural gas, electricity, refuse removal, management and administration (including employee salaries and fringe benefits), maintenance and repairs, recreation facilities, laundry facilities, parking, security services, insurance and the payment of property taxes, governmental assessments, and other costs reasonably attributable to the operation of the Mobilehome Park. The term "Housing Services" shall not include legal fees or mortgage payments, whether for principal, interest, or both.

G. "Los Angeles County Development Authority" or "LACDA" shall refer to the agency that is acting on behalf of the County or the Department in administering this Chapter.

H. "Mobilehome" shall have the definition set forth in California Civil Code section 798.3, as it may be amended from time to time.

I. "Mobilehome Park" means any area of land in the unincorporated area of the County where two or more Mobilehome Spaces are rented, or held out for rent, to accommodate Mobilehomes used as residences.

J. "Mobilehome Owner" means a person who owns a Mobilehome and is also renting a Mobilehome Space in a Mobilehome Park under a Rental Agreement with the Mobilehome Park Owner, which may include the use of services of the Mobilehome Park and other amenities.

K. "Mobilehome Residency Law" means California Civil Code sections 798 through 799.11, as it may be amended from time to time.

L. "Mobilehome Space" means 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 whether or not the Mobilehome space is permitted pursuant to State or local law.

M. "Mobilehome Park Owner" means the owner, lessor, operator or manager of a Mobilehome Park in the unincorporated County who receives, or is entitled to receive, rent for the use and occupancy of any Mobilehome Space, and the agent, representative or successor of any of the foregoing.

N. "Rent" means consideration paid for the use or occupancy of a Mobilehome Space or for Housing Services provided, or both, but does not include:

1. Any amount paid for renting the Mobilehome unit;
2. Security deposits;
3. User fees for services or facilities which may be utilized at the option of the Mobilehome Owners and are expressly not included as Rent in the Rental Agreement;
4. Utility charges for those Mobilehome Parks which bill Mobilehome Owners separately whether or not the Mobilehomes are individually metered; and
5. Any pass-through authorized pursuant to this Chapter.

O. "Rental Agreement" means a lease or other agreement between the Mobilehome Park Owner and Mobilehome Owner establishing the terms and conditions of the Tenancy.

P. "Rental Housing Oversight Commission" or "Commission" means the Commission created by the Board pursuant to Code Chapter 8.64 to oversee the implementation of this Chapter.

Q. "Service Reduction" means any decrease or diminution in the level of Housing Services provided by the Mobilehome Park on or after February 13, 2018, including but not limited to, services the Mobilehome Park Owner is required to provide pursuant to:

1. California Civil Code section 1941 *et. seq.*, as it may be amended from time to time;
2. The Mobilehome Residency Law;
3. The Mobilehome Parks Act, California Health and Safety Code section 18200 *et seq.*, as it may be amended from time to time;
4. The Mobilehome Park Owner's implied warranty of habitability, which cannot be contractually excluded or waived;
5. A Rental Agreement between the Mobilehome Park Owner and the Mobilehome Owner;
6. The level of service as implied by the condition of improvements, fixtures, and equipment, and their availability for use by the Mobilehome Owner at the time of execution of the Rental Agreement with the Mobilehome Park Owner; and

7. Applicable rules or regulations of the Mobilehome Park.

R. "Tenancy" means the right of a Mobilehome Owner to use a Mobilehome Space within a Mobilehome Park on which to locate, maintain, and occupy a Mobilehome, site improvements, and accessory structures for residence, including the use of the Housing Services and facilities of the Mobilehome Park.

8.57.040 General Applicability of Chapter.

A. This Chapter shall be effective April 1, 2020 and apply to all Mobilehome Park Owners and Mobilehome Owners in Mobilehome Parks within unincorporated areas of the County, unless otherwise exempted by State law or the provisions of this Chapter.

B. This Chapter also applies to Mobilehome Spaces containing recreation vehicles, as defined in California Health and Safety Code section 18010, as it may be amended from time to time, in which the owners of such recreational vehicles have been residing on the Mobilehome Space for nine (9) or more consecutive months.

8.57.050 Permitted Rent Increases for Mobilehome Parks.

A. A Mobilehome Park Owner may impose an annual Rent increase for any Mobilehome Park, as allowed in this Section, on or after February 13, 2018.

B. A Mobilehome Park Owner may not impose an annual Rent increase if the Mobilehome Park is not registered with the Department or is delinquent in registration payments required pursuant to Section 8.57.080.

C. Annual Rent Increases shall be limited as specified below:

1. Seventy-five percent (75%) of the change in the average CPI over the previous twelve (12) month period ending in September; or
2. Three percent (3%) of the Rent charged at the time of increase, whichever is greater.

D. Only one Rent increase may be imposed on a Mobilehome Owner in any twelve (12) month period, unless otherwise permitted by the Department pursuant to this Chapter. In no event shall a Rent increase exceed eight percent (8%) per each twelve (12) month period.

E. All Mobilehome Spaces within the unincorporated County shall be exempt from this Section, except the following:

1. Mobilehome Spaces that meet the requirements of the Mobilehome Residency Law, or are otherwise expressly exempt under State or federal law.
2. Newly constructed Mobilehome Spaces which were initially held out for Rent on or after January 1, 1990, per California Civil Code section 798.45.
3. Mobilehome Spaces Rented for non-residential uses.
4. Mobilehome Spaces owned, managed, or operated by a government agency.

F. Rent Increases Upon Vacancy.

1. A Mobilehome Park Owner is permitted to charge a new Rent for a Mobilehome Space as provided in this Section, whenever either of the following events occurs:

a. The termination of the Tenancy of the affected Mobilehome Owner in accordance with the Mobilehome Residency Law; or

b. The voluntary, permanent removal of a Mobilehome by a Mobilehome Owner from a Mobilehome Space. A removal of the Mobilehome from the Mobilehome Space due to fire, earthquake or water damage, or for the purpose of upgrading the Mobilehome, shall not constitute a voluntary removal of the Mobilehome.

2. Upon the sale of a Mobilehome in a Mobilehome Space, a Mobilehome Park Owner may implement an increase of the Rent for that Mobilehome Space for a Rental Agreement subject to this Chapter in an amount equal to up to ten percent (10%) of the Rent for that Mobilehome Space then in effect.

G. Allowable Rent Following Expiration of an Exempt Lease. In the event a Mobilehome Space was previously exempt under a Rental Agreement pursuant to California Civil Code section 798.17, the Rent for purposes of calculating the annual adjustment, shall be the Rent in effect as of the date of expiration of the Rental Agreement.

H. Allowable Rent Increases upon "In Place" Transfer of Mobilehome Ownership.

1. For leases that are not exempt under the provisions of this Chapter, upon the closure of an "in-place" sale, transfer or other conveyance of a Mobilehome subject to this Chapter, the Mobilehome Park Owner may increase the Rent by ten percent (10%) of the annual Rent paid by the prior Mobilehome Owner.

2. No Rent increase under an existing Rental Agreement subject to this Chapter may be imposed pursuant to this Section when either:

a. An existing Mobilehome Owner or resident replaces an existing Mobilehome with another Mobilehome, occupying the same Mobilehome Space under an existing Rental Agreement subject to the provisions of this Chapter;

b. Title to the Mobilehome passes to one or more person(s) who, at the time of the title transfer, (i) was/were also lawful, authorized resident(s) of the Mobilehome, or (ii) were/are a spouse, registered domestic partner, children, grandchildren, parents, or grandparents of the Mobilehome Owner and the Mobilehome remains in the same Mobilehome Space; or

c. A Rent increase was previously imposed pursuant to this Section within the twelve-month (12) period preceding the most recent proposed Rent increase.

I. Mobilehome Owner's Right of Refusal. A Mobilehome Owner may refuse to pay an increase in Rent which is in violation of this Chapter. Such refusal to pay shall be a defense in any action brought to recover possession of a Mobilehome Space or to collect the Rent increase.

8.57.060 Application for Rent Adjustments.

A. Mobilehome Park Owner's Application for Fair Return. A Mobilehome Park Owner, subject to Section 8.57.050, may file an application with the Department for a Rent adjustment for individual Mobilehome Spaces in accordance with this Section and its procedures and/or guidelines.

1. The Park Owner shall have the burden to prove the necessity of a fair return increase.

2. Application Procedure.

a. The application shall be in a form provided by the Department, signed upon penalty of perjury, and must be accompanied by any applicable fee.

b. An application for a Rent adjustment must include the following:

(i) The specific Rent adjustment requested increase.

(ii) Copies of any books, records and papers deemed pertinent in review of the application; and

(iii) Other documentations required by the Department.

c. Application fees. The Department may set a reasonable per Mobilehome Space fee based upon the expenses of processing the application to be paid by the party at the time of the filing.

d. The Department shall have the authority to deem an application complete.

3. Notices Upon Filing of Application.

a. Within five (5) calendar days after submission of a Mobilehome Park Owner's Application for Fair Return to the Department, the Park Owner shall serve each affected Mobilehome Owner with a notice of said application, via personal service or certified mail, return receipt requested. The Park Owner must

provide the application with all supporting documents, reasonably available to each affected Mobilehome Owner that shall be provided at the Mobilehome Park Owner's expense.

b. Within ten (10) calendar days after service on the affected Mobilehome Owner, the Park Owner shall file with Department, a proof of service, signed under penalty of perjury, stating that a copy of the notice of application was served upon all such Mobilehome Owners.

4. Fees and costs incurred by a Park Owner to make an application for a Rent increase pursuant to this Section are not allowable as operating expenses and may not be passed on to Mobilehome Owners. Such fees and costs include, but are not limited to, attorney fees, accountant fees, and other similar professional services costs.

5. Standard for Approving an Application for Rent Adjustment.

a. The Department shall approve an application for a Rent adjustment if the Department determines the adjustment is necessary and appropriate to ensure the Park Owner receives a fair and reasonable return on the Park Owner's investment in the property, will not unduly threaten the housing stability of Mobilehome Owners affected by the petition, and complies with all provisions of this Chapter.

b. The Department may approve a lesser Rent adjustment if the Department determines the lesser Rent adjustment more appropriately ensures a fair return on the Park Owner's investment and does not unduly threaten the housing

stability of Mobilehome Owners affected by the application, and complies with all provisions of this Chapter.

6. All Rent adjustment increases authorized may become effective only after:

a. Park Owner has provided written notice of the Rent increase for the Mobilehome Space in accordance with Civil Code Section 798.30, as may be amended;

b. Park Owner has registered the property pursuant to Section 8.57.080; and

c. Park Owner makes the completed application with all supporting documents, reasonably available to each Mobilehome Owner, which may be copied at park Owner's expense.

B. Mobilehome Owner's Application for Rent Adjustment. A Mobilehome Owner, subject to Section 8.57.050, may apply with the Department for a Rent adjustment as a result of a Service Reduction in Housing Services.

1. Application.

a. The application shall be made in a form provided by the Department and shall be accompanied by any applicable fee.

b. The application must include the following information:

(i) The affected Mobilehome Spaces;

(ii) The prior level of service established by the Park Owner for that Mobilehome Owner's Mobilehome Space and common Housing Services and facilities used by that Mobilehome Owner;

(iii) The specific changes in the prior level of Housing Services and facilities comprising the alleged Service Reduction in Housing Services;

(iv) The date the Service Reduction was first noticed by the Mobilehome Owner;

(v) The date of notice to the Park Owner of the alleged Service Reduction, and if such notice was given and whether the notice was given orally or in writing;

(vi) When and how the Park Owner responded to the Mobilehome Owner's notice, if notice was given;

(vii) Whether the condition was improved or corrected, and if so, when and how;

(viii) The status of the condition as of the date the complaint is signed;

(ix) Where such Service Reduction was the result of a vote of a majority of the affected Mobilehome Owners; and

(x) Such other information as requested by the Department.

2. Notices Upon Filing Application.

a. Within five (5) calendar days after submission of a Mobilehome Owner's Application for Rent Adjustment to the Department, the Mobilehome Owner shall serve the Park Owner, via personal service or certified mail, return receipt requested, with a notice that an application for approval of decrease has been filed with the Department.

b. Within ten (10) calendar days after service on the Park Owner, the Mobilehome Owner shall file with Department, a proof of service, signed under penalty of perjury, stating that a copy of the notice of application for rental decrease was served upon such Park Owner.

3. Standard for Approving Application for Rent Reduction. The Department shall approve an application for a Rent reduction as a result of a Service Reduction if the application complies with all provisions of this Chapter and the Department finds:

- a. The Service Reduction was material,
- b. Deprived the Mobilehome Owner of a Housing Service to which the Mobilehome Owner was entitled to pursuant to a Rental Agreement; or
- c. By established practice such that the Mobilehome Owner reasonably understood that the Housing Service was included as part of the Rental Agreement without additional cost.

C. The Department may consider any and all evidence submitted by the Mobilehome Owner or Park Owner in making its determination. Either the Mobilehome

Owner or Park Owner may contest the Department's decision regarding approval or disapproval of the rental decrease by requesting a hearing before the Commission in accordance with Section 8.57.120.

D. Notwithstanding any other provision of this Section, the Department may refuse to hold a hearing and/or grant an individual Rent adjustment for a Mobilehome Park if a determination has been made with regard to the Rent adjustment for such Mobilehome within the previous six (6) months by either the Department and/or the Commission.

8.57.070 Capital Improvements Pass-Through.

A. A Park Owner must obtain permission from the County to pass through to the Mobilehome Owner Capital Improvements costs under this Section. Any Capital Improvement shall be identified separately and listed on Rent statements along with their date of expiration. A pass-through is not considered Rent.

B. In order to qualify for a pass-through, the Park Owner must be in compliance with this Section and must have registered his or her Mobilehome Park pursuant to Section 8.57.080 and paid all applicable registration fees.

C. No cost recovery pursuant to this Section may be approved, if the amount allowed to be a pass-through plus any Rent increase for that year, would result in an increase in more than eight-percent (8%) of the Rent for the prior year, subject to this Chapter.

D. Pass-throughs of Capital Improvement costs shall be subject to the following pre-conditions and limitations:

1. The improvement shall primarily benefit the majority of Mobilehome Owners rather than Park Owner and be a functional improvement serving primarily the Mobilehome Owners.

2. The improvement shall have a life expectancy of five (5) years or more and must be treated as a Capital Improvement for Federal and State income tax purposes and may not be deducted for such tax purposes as expenses.

3. The improvement shall be permanently fixed in place.

E. Capital Improvement Cost Recovery

1. A Park Owner can only recover up to fifty percent (50%) of the Capital Improvements costs from Mobilehome Owners, subject to this Chapter.

2. A Park Owner must cease collecting Capital Improvement costs when Park Owner recovers the costs permitted by the Department pursuant to this Chapter.

F. Calculation of the Capital Improvements Cost Pass-Through Formula

1. Fifty percent (50%) of the Capital Improvement costs paid by the Park Owner.

2. Divided by the total number of Mobilehome Spaces in the Mobilehome Park that have benefitted from the Capital Improvement;

3. Divided by one hundred twenty (120) months unless otherwise determined by the Department.

G. Capital Improvements do not include the following:

1. Normal routine maintenance and repair, including, but not limited to routine maintenance or repair of a street or driveway by means of patching a seal coat for slurry seal.

2. Costs of maintenance and repair, as opposed to replacement.

3. Costs of replacement if the replacement was necessary because of the Park Owner's failure to carry out said maintenance responsibilities, as determined by the Department.

4. Costs to maintain physical improvements in the common facilities in good working order and condition pursuant to California Civil Code section 798.15.

5. Additions or replacements made to bring the Mobilehome Park into compliance with a provision of the State or local law where the Mobilehome Space has not been in compliance with said provision from the time of its original construction or installation and such provision was in effect at the time of such construction or installation.

H. Application for Recovery of Capital Improvements Costs

1. A Park Owner must submit an application for recovery of Capital Improvement costs with the County, in a form approved by the Department, for review and determination, after the Park Owner completes the Capital Improvement(s) in the Mobilehome Park.

2. Said application must contain the following information and be accompanied by copies of relevant supporting documentation:

- a. A description of the completed Capital Improvement;
 - b. A copy of all estimates, contracts, bills, invoices, canceled checks and other documentation reasonably necessary to establish the reasonable cost of the Capital Improvement and the cost of financing the Capital Improvement;
 - c. The proposed amortization period to be used, if the period differs one hundred twenty (120) months;
 - d. A list of the Mobilehome Owners that will be affected by or benefit from the Capital Improvement;
 - e. The formula used to calculate the pro rata share of each Mobilehome Owner;
 - f. The monthly cost to each affected or benefiting Mobilehome Owner;
 - g. The commencement and completion dates of the Capital Improvements; and
 - h. Such other information as the Department may request.
- I. Notice to Mobilehome Owners.
- 1. Park Owner must provide notice within ten (10) days to affected Mobilehome Owners of his or her application with the Department.
 - 2. Notice must include copies of the Park Owner's application and shall be mailed or personally delivered to all affected Mobilehome Owners, together with a notice of the projected monthly cost to be passed through for each Mobilehome Space.

3. Notice must state that the complete documentation supporting the application can be reviewed at the Mobilehome Park office during regular business hours.

4. Proof of mailing or personal delivery of the notice to the Mobilehome Owners shall be required before the application will be deemed complete by the Department.

J. Objection by Mobilehome Owners.

1. Mobilehome Owners shall have thirty (30) days from the post-marked or personal delivery date of the required notice to file an objection, with the County, to the Park Owner's application for recovery of Capital Improvement cost.

2. If fifty-percent (50%) or more of the affected Mobilehome Owners file an objection with the Department, within the thirty (30) day requirement in this Section, the Department shall review the application, together with the objections, and within sixty (60) days of the expiration of the 30-day objection period, file a recommendation with the Commission regarding the approval, modified approval, or denial of the application. The Commission shall conduct a hearing on the recommendation pursuant to Section 8.57.120 and approve, modify, or deny the petition consistent with the standard set forth in subsection N of this Section.

K. Park Owner shall make available for examination within ten (10) business days of the written request of any Mobilehome Owner copies of bills for property taxes, any government required services charges, copies of insurance policies and records of insurance payments, and the books and records of the Park Owner relating to costs of

the Capital Improvements to verify any increases or decreases sought by the Park Owner under this Section.

L. Department shall be permitted by Park Owner, during reasonable business hours, to visit the Mobilehome Park and confirm the Capital Improvement was completed and that the Capital Improvement cost amount is justified. Park Owner is responsible for the Capital Improvement and confirming that it is in compliance with all Federal, State or local laws.

M. Standard for Approving Capital Pass-through.

1. The Department shall approve an application for a capital pass-through if the Department determines the capital improvement costs are reasonable based on the prevailing costs of such improvements, considering the following:

- a. The unique features on the site affecting the cost;
- b. That the costs incurred were necessary and appropriate to complete the capital improvement; and,
- c. That the proposed amortization of the capital improvements and all other aspects of the application comply with the provisions of this Chapter.

2. The Department may approve a Capital Improvement cost recover or amortization schedule different than that proposed by the Mobilehome Park Owner if the Department finds the different cost or amortization schedule is necessary to comply with the provisions of this Chapter, provided the approved capital improvement cost shall not be greater than that requested by the Park Owner.

8.57.080 Park Owner Registration.

A. Within ninety (90) days of the effective date of this Chapter, and on or before September 30 of each year thereafter, a Park Owner must register all Mobilehome Spaces in the Mobilehome Park as of February 13, 2018. Park Owner will contact Department if there are any subsequent changes to the Mobilehome Park.

1. Registration must be completed on a form approved by the Department.

2. The Department shall be responsible for accepting annual registrations.

B. Registration must include, but not limited to, the following information:

1. Rent for each Mobilehome Space in the Mobilehome Park and the date of the last Rent increase for the Mobilehome Space.

2. The name(s), business address(es), business telephone number(s) of each Park Owner in the Mobilehome Park and the nature of such ownership interest.

3. The number of Mobilehome Spaces in the Mobilehome Park.

4. The name and address to which all required notices will be sent.

5. A map of the Mobilehome Park.

6. The name and mailing address of each Mobilehome Owner resident.

7. A description of Housing Services provided by the Park Owner.

C. Rental Registration Fee. Each Park Owner must pay an annual rental registration fee for each Mobilehome Space in their Mobilehome Park.

1. The amount of said fee shall be determined by the Board and be sufficient to cover operating costs for this Chapter, including but not limited to administrative time and costs, legal fees and costs, and any other expense incurred to implement, administer, and enforce this Chapter.

2. The fee must be paid no later than the time of registration unless otherwise determined by the Department.

3. Pass-Through of Rental Registration Fee. The Park Owner may pass-through said fee to the Mobilehome Owners residing in their Mobilehome Park who are subject to this Chapter in twelve (12) equal monthly installments starting September 1 of each year.

a. Said pass-through must be shown separately on the monthly Rent statement.

b. The pass-through amount for each Mobilehome Owner shall be an amount equal to fifty percent (50%) of the total annual registration fee for the respective Mobilehome Space.

c. Said pass-through is not considered rent.

4. Park Owner must provide to the Department the amount of said pass-through to the Mobilehome Owners residing in their Mobilehome Park.

8.57.090 Notice to Mobilehome Owners.

A. A Mobilehome Owner shall be offered a Rental Agreement for: (1) a term of twelve (12) months, or (2) a lesser period as the Mobilehome Owner may request, or

(3) a longer period as mutually agreed upon by both the Mobilehome Owner and the Park Owner or its management.

B. No Rental Agreement shall contain any terms or conditions with respect to charges for Rent, utilities, or incidental reasonable service charges that would be different during the first twelve (12) months of the Rental Agreement from the corresponding terms or conditions that would be offered to the Mobilehome Owners on a month-to-month basis.

C. No Rental Agreement for a term of twelve (12) months or less shall include any provision which authorizes automatic extension or renewal of, or automatically extends or renews, the Rental Agreement beyond the initial term for a term longer than twelve (12) months at the sole option of either the Park Owner or the Mobilehome Owner.

D. No Rental Agreement for a Mobilehome shall contain a provision by which the Mobilehome Owner waives his or her rights under the provisions of the Mobilehome Residency Law. Any such waiver shall be deemed contrary to public policy and void.

E. Neither a Mobilehome Owner nor a prospective Mobilehome Owner shall be required to sign a Rental Agreement that is exempt from the provisions of this Chapter.

F. Prior to, or at the time of agreeing to Rent a Mobilehome Space to a new Mobilehome Owner in a Mobilehome Park, the Park Owner must provide each new Mobilehome Owner with a copy of the Mobilehome Residency Law.

G. Park Owner shall provide a notice, which conforms to the following language and printed in at least 12-point boldface type, to the Mobilehome Owner at the time a Rental Agreement is presented creating a Tenancy with a term greater than twelve (12) months:

**IMPORTANT NOTICE TO PROSPECTIVE MOBILEHOME OWNER
REGARDING THE PROPOSED RENTAL AGREEMENT FOR TENANCY.**

PLEASE TAKE NOTICE THAT THIS RENTAL AGREEMENT CREATES A TENANCY WITH A TERM IN EXCESS OF 12 MONTHS. BY SIGNING THIS RENTAL AGREEMENT, YOU ARE EXEMPTING THIS TENANCY FROM THE PROVISIONS OF THE MOBILEHOME RENT STABILIZATION ORDINANCE OF THE COUNTY OF LOS ANGELES FOR THE TERM OF THIS RENTAL AGREEMENT. THE MOBILEHOME RENT STABILIZATION ORDINANCE (COUNTY OF LOS ANGELES CODE CHAPTER 8.57) AND THE STATE MOBILEHOME RESIDENCY LAW (CALIFORNIA CIVIL CODE SECTION 798, *et seq.*) GIVE YOU CERTAIN RIGHTS, INCLUDING THE RIGHT TO A TENANCY OF 12 MONTHS OR LESS THAT IS NOT EXEMPT FROM THE PROVISIONS OF THE MOBILEHOME RENT STABILIZATION ORDINANCE. BEFORE SIGNING THIS RENTAL AGREEMENT, YOU MAY WANT TO CONSULT AN ATTORNEY. YOU MAY CANCEL THE RENTAL AGREEMENT BY NOTIFYING THE PARK MANAGEMENT IN WRITING OF THE CANCELLATION WITHIN 72 HOURS OF YOUR EXECUTION OF THE RENTAL AGREEMENT. IT IS UNLAWFUL FOR A MOBILEHOME PARK OWNER OR ANY AGENT OR REPRESENTATIVE OF THE PARK OWNER TO DISCRIMINATE OR RETALIATE AGAINST YOU FOR EXERCISING OF ANY RIGHTS YOU MAY HAVE UNDER THE MOBILEHOME RENT STABILIZATION ORDINANCE OF THE COUNTY OF LOS ANGELES, OR BECAUSE OF YOUR CHOICE TO ENTER INTO A RENTAL AGREEMENT THAT IS SUBJECT TO THE PROVISIONS OF THAT ORDINANCE.

H. The notice described above must be translated into the primary language of the Mobilehome Owner and must contain a place for the prospective Mobilehome Owner to acknowledge receipt of the notice and shall also contain an acknowledgment signed under penalty of perjury by the person offering the Rental Agreement that the

notice has been given to the prospective Mobilehome Owner in accordance with the previous subsection. A copy of the notice executed by the person offering the Rental Agreement shall be provided to the prospective Mobilehome Owner.

I. A prospective Mobilehome Owner may cancel a Rental Agreement by notifying the Park Owner or its management in writing of the cancellation within seventy-two (72) hours of the execution of the Rental Agreement.

J. Park Owner shall post a notice containing the material provisions of this Chapter. The notice shall be provided by the Department and shall be posted in the Park Owner's on-site management office.

8.57.100 Retaliatory Eviction.

A. No Park Owner may retaliate against a Mobilehome Owner for the Mobilehome Owner's assertion or exercise of rights under this Chapter in any manner, including but not limited to:

1. Threatening to bring or bringing an action to recover possession of a Mobilehome Space;
2. Engaging in any form of harassment that causes a Mobilehome Owner to quit the Mobilehome Space;
3. Preventing a prospective Mobilehome Owner from freely exercising his or her legal options to choose a month-to-month rental agreement;
4. Decreasing Housing Services;
5. Increasing the Mobilehome Space Rent; or

6. Imposing or increasing a security deposit or any other charge payable by a Mobilehome Owner.

B. Mobilehome Owners have a right to organize an association without hindrance from the Park Owner to exercise the rights provided under the provisions of this Chapter.

C. In any action brought to recover possession of a Mobilehome Space by a Park Owner, the court may consider, as grounds for judgment in favor of the Mobilehome Owner, any violation of any provision of this Chapter by the Park Owner.

D. A determination that the action brought to recover possession of a Mobilehome Space was brought in retaliation for the exercise of any rights conferred by this Chapter shall be grounds for judgment in favor of the Mobilehome Owner.

E. Any action to recover possession of a Mobilehome Space by a Park Owner brought within one (1) year of an application filed with the Department by the Mobilehome Owner pursuant to this Chapter shall be presumed to be retaliatory. This presumption affects the burden of proof, and is rebuttable by the Park Owner.

F. Any action brought by a Mobilehome Owner for a violation of this Section must be brought in a court of competition jurisdiction. In a civil suit, a Park Owner found to violate this Section shall be liable to the aggrieved Mobilehome Owner. A prevailing Mobilehome Owner in a civil action shall be awarded attorneys' fees and costs. No administrative remedy need be exhausted prior to filing suit pursuant to this Section.

8.57.110 Procedures and/or Guidelines.

The Director may develop and publish procedures and/or guidelines to aid in the implementation of this Chapter, which procedures and/or guidelines must be approved by the Board of Supervisors.

8.57.120 Administration Determination and Appeals to the Rental

Housing Oversight Commission.

A. Administration Determination

1. The Department shall review and evaluate applications pursuant to this Chapter.
2. The Department may request documents, interview affected parties, and gather necessary evidence to review and make appropriate findings.
3. The conclusions and findings of the Department shall be reviewable by the Commission. The decision of the Commission shall be final.

B. Authorization. Any party dissatisfied by the Department's final decision pursuant to this Chapter may request an appeal of that decision to the Commission, unless otherwise prohibited by this Chapter.

C. Time Limit. A party must file a request to review before the Commission within fifteen (15) days of the Department's final decision. The Commission shall have no authority to consider matters not filed within fifteen (15) days of the Department's final decision.

D. Filing of Appeals. An appeal shall be filed with the secretary or clerk of the Commission on the prescribed form, along with any accompanying appeal fee, and shall state specifically whether the basis of the appeal is that:

1. The determination or interpretation is not in accord with the purposes of this Chapter;
2. It is claimed that there was an error or abuse of discretion;
3. The record includes inaccurate information; or
4. The decision is not supported by the record.

E. Procedures for Appeals.

1. Hearing Dates. The Commission may delegate the setting of hearing dates to its secretary or clerk.
2. Public Hearing. The appeal hearing shall be conducted at a hearing open to the public. At the hearing, the Commission shall review the record of the decision and hear testimony of the party requesting the appeal, representatives of the Department, and any other interested party.
3. Application and materials. At an appeal hearing, the Commission shall consider only the application that was the subject of the Department's final decision.

F. Decision and Notice.

1. After the hearing, the Commission shall either:
 - a. Affirm, modify, or reverse the Department's decision and specify the specific reasons for its decision; or

b. Refer the matter back to the Department for further review.

2. Decisions shall be rendered within thirty (30) days of the close of the hearing. If the Commission fails to act within thirty (30) days of the close of the hearing, the Department's decision shall be deemed affirmed.

3. The secretary or clerk of the Commission shall mail the Commission's decisions to the parties within ten (10) days after it is rendered.

G. Final decision. The decision of the Commission shall be final and not subject to further appeal.

8.57.130 Administrative Fines.

A. Administrative Fines. Any Park Owner or Mobilehome Owner who violates any provision of this Chapter, or Department's procedures and/or guidelines, is subject to an administrative fine not to exceed \$1,000.

B. Remedies are Cumulative. Each day that a violation continues shall constitute a separate and distinct offense. The remedies set forth in this Section are cumulative and in addition to any other penalty provided by law, including any remedies which may be sought in a civil action. The provisions of this Chapter shall not be construed as limiting any party's right to obtain relief to which he or she may be entitled at law or in equity.

C. Notices of Violation and Administrative Fine. If the Department determines that a Park Owner or Mobilehome Owner has violated this Chapter, or Department's procedures and/or guidelines, the Department may issue Notices of

Violation and Administrative Fine in accordance with the authority and procedures set forth in Code Chapter 1.25.

D. Administrative Appeals and Judicial Review.

1. Administrative Appeal. Any Park Owner or Mobilehome Owner who receives a Notice of Administrative Fine may request an administrative hearing before a hearing officer in accordance with Code Chapter 1.25.

2. Judicial Review of Hearing Officer Decision. Any Park Owner or Mobilehome Owner may seek judicial review of a hearing officer's decision pertaining to the imposition of an administrative fine in accordance with Code Chapter 1.25.

8.57.140 Remedies.

A. Civil Remedies. County Counsel is authorized to bring a civil action and/or proceeding in a court of competent jurisdiction for violation of this Chapter, or any Department's procedures and/or guidelines, for civil penalties, injunctive, declaratory and other equitable relief, restitution and reasonable attorneys' fees and costs and may take such other steps as necessary to enforce this Chapter.

B. Civil Penalty. Any person violating any of the provisions, or failing to comply with any of the requirements of this Chapter, may be liable for a civil penalty, not to exceed \$1,000 for each violation.

C. Criminal Penalty. Any person violating any of the provisions or failing to comply with any of the requirements of this Chapter, shall be guilty of a misdemeanor and punished by a fine of not more than \$1,000.00, or by imprisonment in the County jail for a period of not more than six (6) months, or by both.

D. Each violation of any provision of this Chapter, and each day during which any such violation is committed, permitted or continued, shall constitute a separate offense.

8.57.150 Education and Outreach.

The Department shall have the authority to contract, in accordance with County contracting rules and procedures, with community based organizations for them to assist in the education and outreach related to this Chapter.

8.52.160 Waiver Prohibited.

Any waiver of rights under this Chapter shall be void as contrary to public policy.

8.57.170 Severability.

If any provision of this Chapter or the application thereof to any person, property, or circumstance is held to be invalid, such invalidity shall not affect other provisions or applications of this Chapter which can be given effect without the invalid provisions or application, and to this end, the provisions of this Chapter are declared to be severable.

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