

Frequently Asked Questions about the Mobile Home Rent Stabilization Ordinance

1. What is the Mobile Home Rent Stabilization Ordinance?

On September 28, 2021, the City Council of the City of Mountain View adopted the Mobile Home Rent Stabilization Ordinance (“MHRSO”), to protect mobile home residents from unreasonable rent increases, while at the same time protecting the rights of park owners and mobile home landlords to receive a fair return on their property and rental income sufficient to cover increases in the costs of operating the Park. The MHRSO also provides just cause eviction protections for mobile home renters.

The MHRSO is effective as of October 28, 2021. For the complete text of the MHRSO, please click on this link: mountainview.gov/mobilehomes

2. Who is covered?

The MHRSO covers the rental of a Mobile Home Space and the rental of a Mobile Home in Mobile Home Parks in the City of Mountain View.

The following Mobile Home Spaces are exempt:

1. A lease is in effect for longer than 12 months that was entered into before February 13, 2020 until the earlier of (i) the expiration of the lease or (ii) January 1, 2025 (798.17(b) MRL).
2. A mobile home is not used as a primary residence (798.21 MRL).

3. What are the key provisions of the MHRSO?

- a. The MHRSO establishes a Base Rent which is the rental rate in effect on March 16, 2021. For tenancies that started after March 16, 2021, the Base Rent is the initial rent in effect at the start of the tenancy.
- b. The MHRSO limits rent increases to **ONE (1) per 12 months**, starting on September 1, 2022. A rent adjustment may occur in one of three ways:
 - An **Annual General Adjustment of rent (“AGA”)** will be adopted each year equal to 100% of the CPI (for All Urban Consumers, San Francisco, Oakland, Hayward Region (“CPI”). Rent increases pursuant to this Annual General Adjustment shall be no less than 2% or no more than 5%.
 - **Banked Increases**, allowed AGA increases which were not previously charged, may be added to the current AGA in subsequent years, up to a maximum of 10% in any year.
 - Mobile Home Park Owners and Mobile Home Park Residents may **file an individual petition** to request individual upward and downward rent adjustments.
- c. The MHRSO limits the reasons for which a Mobile Home Landlord can issue termination notices to Mobile Home Renters (“Just Cause” evictions), including: failure to pay rent, breach of lease, nuisance, criminal activity or failure to give the Landlord access. Necessary repairs, owner move-in, withdrawal of the mobile home from the rental market and demolition are also just causes for eviction and in these instances a Mobile Home Landlord may be required to provide tenant relocation assistance, or where applicable, offer first right of return to a terminated Mobile Home Renter, once the Tenant Relocation Assistance Ordinance has been amended to include Mobile Home Renters. Mobile Home Owners are covered by the California Mobilehome Residency Law.
- d. The MHRSO grants the Rental Housing Committee with duties and tasks to implement and enforce the MHRSO. Members of the Rental Housing Committee are Mountain View residents, appointed by the City Council.

4. What is Base Rent and what are the allowed rent levels?

Mobile Home Park Owners or Mobile Home Landlords cannot charge more than the Base Rent plus any allowed increases as of the effective date of the MHRSO. Rent increases can only be imposed once per 12 months, starting on September 1, 2022.

Base Rent needs to be set at the following levels:

- If a space or mobile home tenancy was in *existence on or before March 16, 2021*, the Base Rent is the amount of rent in effect on March 16, 2021;
- If a space or mobile home tenancy started *after March 16, 2021*, the Base Rent is the initial rent in effect at the start of the tenancy.

5. What is the Rent Roll Back?

As of the effective date of the Ordinance, rent cannot exceed the Base Rent. If the existing rent is higher than the Base Rent on October 28, 2021, the rent must be rolled back to the Base Rent and any amounts paid by the tenant above the Base Rent between March 16, 2021 and the date of the rent rollback must be repaid to the tenant.

6. What is a lawful rent increase?

Annual General Adjustment of Rent (“AGA”)

Base Rent can only be increased once per 12 months following the Annual General Adjustment (“AGA”) as set by the Rental Housing Committee. The AGA is set by using 100% of the increase in the Consumer Price Index of the San Francisco –Oakland-Hayward Area from February to February of each year as determined by the Department of Labor’s Bureau of Statistics.

A Mobile Home Park Owner or Mobile Home Landlord may apply the AGA to a tenancy when

- i. at least 12 months have passed since the last rent increase
- ii. the annual Rental Housing Fees have been paid
- iii. the property has been registered with the City
- iv. the owner is otherwise in compliance with the provisions of the MHRSO
- v. the tenant has been served with a written 30 or 60 day notice as required by state law.

Individual Rent Increase Petitions

Aside from the AGA, a rent increase can also be requested by a Mobile Home Park Owner or Mobile Home Landlord through filing of an individual petition to request an upward adjustment of rent subject to a fair return of investment methodology or request a Capital Improvement pass through.

7. What is “banking” of a rent increase?

If a Mobile Home Park Owner or Mobile Home Landlord does not use all allowed rent increases (AGAs), the remaining amount may be “banked” for future use. If a Mobile Home Park Owner or Mobile Home Landlord decides to charge any of the previously banked rent increases and consequently the total rent increase exceeds the Annual General Adjustment (AGA) for any given year, the total rent increase, including banked increases, cannot exceed 10% in any given year. Mobile Home Park Owners/Landlords must file banked increase statements with the RHC, forms for which will be found online.

Tenants who received a banked increase, may file a Petition, if any banked rent increase causes an undue hardship.

8. How often can rent be raised?

Rent can be raised once (1) **per twelve-month period**, whether this is an Annual General Adjustment of rent, a previously Banked Rent Increase or a rent increase based on a decision by a hearing officer with regard to an individual petition.

9. What is included in Rent?

Periodic payments for the use of a Mobile Home Space or the occupancy of a Mobile Home and any Communal Facilities and Housing Services.

Not included:

- Incidental Charges (Civil Code §§ 798.31 and 798.32)
- Separately billed Utility Fees (Civil Code § 798.41)
- Local Government fees/charges (Civil Code § 798.37)

10. What is a petition?

The MHRSO allows Mobile Home Park Owners/Landlords and Mobile Home Owners/Tenants to file petitions to adjust rent levels. The filing of a petition usually results in the matter being scheduled for a hearing. There are several types of petitions:

a. Petitions filed by Mobile Home Park Owners/Landlords

1. A Mobile Home Park Owner or Mobile Home Landlord may file a petition to increase rents in order to maintain a fair rate of return, which petition will be based on a maintenance of net operating income.
2. A Mobile Home Park Owner/Landlord can also request a pass through of certain capital improvements. Capital Improvement costs need to be amortized and cannot exceed 50% of the total costs. The pass throughs are temporary (for the amortization time period), are not considered rent and are limited to 5% of Base Rent.

Capital Improvements must

- Primarily benefit mobile home owners
- Be a functional improvement
- Have a life expectancy of 5 years or more
- Be permanently fixed in place

b. Petitions filed by Mobile Home Owners/Tenants

A petition seeking to decrease the rent level for a space or mobile home for any of the following four reasons:

1. Existing rent is in excess of lawful rent;
2. Failure to maintain the property in compliance with health and safety or building codes;
3. Reduction or elimination of Housing Services or Communal Facilities;
4. Undue hardship if a banked increase is charged.

Please contact the Mountain View Rental Housing Helpline for confidential counseling and information services. Bilingual assistance is available upon request. Email: MVrent@mountainview.gov. Services are also provided during weekly office hours or on Zoom at www.mountainview.gov/rspofficehours, Tuesdays 10am-1pm.

11. What is a “Just Cause” eviction?

The MHRSO provides Mobile Home Tenants with eviction protections. A Mobile Home Park Owner/Landlord is not permitted to terminate a Mobile Home Tenant's tenancy except for the following reasons even if a fixed term lease expires (expired leases automatically turn into month-to-month tenancies). A termination notice can only be issued for the following nine specific reasons (just causes):

1. Failure to pay rent
2. Breach of lease
3. Nuisance
4. Criminal activities
5. Failure to give access
6. Temporary vacancy due to necessary/substantial repairs
7. Owner move-in
8. Withdrawal units from market
9. Demolition

Mobile Home Owners who pay space rent, are covered by Just Cause regulations in the California Mobilehome Residency Law.

12. Noticing requirements under the MHRSO

Mobile Home Park Owners/Landlords need to provide the following types of notices:

- a. **“Notice of Rent Increase”**: Allowable rent increases pursuant to MHRSO shall become effective only after the landlord provides at least a 30/60 days advance written Notice of Increase of Rent pursuant to state law.
- b. **“Notice of Previously Banked Rent Increase greater than the AGA”**: If a requested rent increase contains more than the Annual General Adjustment, the Notice must identify the increase in monthly rent due, including the actual increase as well as a calculation of the dollar increase as a percentage of the rent due immediately prior to the imposition of the rent increase. Forms are available online.
- c. **“Notice to Cease”**. A written notice that gives a Mobile Home Tenant the opportunity to cure an alleged violation or problem concerning a Breach of Lease, a Nuisance, a Criminal Activity or Failure to Give Access, before serving a termination notice. This notice needs to provide the telephone number for the Rental Housing Committee: 650-903-6136.
- d. **“Termination Notice”**. A written notice in accordance with state law detailing the specific reason or “just cause” for termination.

13. What is Vacancy Control/Vacancy Decontrol?

Upon the start of a new tenancy of a mobile home space (this usually happens when the mobile home is purchased), the rent increase is limited to 100% CPI (vacancy control), unless:

- A legal termination occurred in compliance with MRL
- The mobile home was abandoned, or
- A commercial purchaser replaces a mobile home

Upon the start of new tenancy of a mobile home, the Mobile Home Park Owner/Landlord can set the initial rent at market rate (vacancy decontrol).

14. What is the annual Space Rental Fee?

The MHRSO authorizes the Rental Housing Committee to finance the program’s reasonable and necessary expenses, including, without limitation, engaging any staff as necessary to ensure implementation of the MHRSO, by charging Mobile Home Park Owners and Mobile Home Landlords an annual space rental fee, in amounts deemed reasonable by the Committee in accordance with applicable law. The Committee is also empowered to request and receive funding when and if necessary, from any available source, including the City, for the program’s reasonable and necessary expenses.

15. How can I learn more about the MHRSO?

Phone:	650-903-6136
Email:	MVrent@mountainview.gov
Online:	mountainview.gov/mobilehomes
Updates:	Sign up at: www.mountainview.gov/rspnews
Walk-in Office Hours:	El Casita, 298 Escuela Ave., Mountain View
Online Office Hours:	Tuesdays 10am-1pm mountainview.gov/rspofficehours