

AN ORDINANCE OF THE CITY OF HEMET, STATE OF CALIFORNIA,  
ESTABLISHING A HEMET CITY RENT REVIEW COMMISSION  
FOR MOBILEHOMES

As a result of a ballot initiative approved by the majority of the duly registered voters of the City of Hemet during a special election in the year 1979, the people of the City of Hemet do ordain as follows:

SECTION 1. There is presently within the City of Hemet and the surrounding areas, a shortage of spaces for the location of mobilehomes. Because of the shortage, there is a low vacancy rate, and rents have been for several years, and are presently, rising rapidly and causing concern amongst a substantial number of Hemet residents. Because of the high cost of moving mobilehomes, the potential for damage, resulting therefrom, the requirements relating to the installation of mobilehomes, including permits, landscaping and site preparation, the lack of alternative homesites for mobilehome residents and the substantial investment of mobilehome owners in such homes, the people of the City of Hemet find and declare it necessary to protect the owners and occupiers of mobilehomes from unreasonable rent increases while at the same time, recognizing the need of the park owners to receive a "fair return" on their investment and rental increases sufficient to cover the increased cost of repairs, maintenance, insurance, upkeep and additional amenities.

SECTION 2. Definitions.

(a) "Board". The Hemet City Rent Review Commission for Mobilehomes established by Section 4 of this ordinance.

(b) "Commissioners". Commissioners of the Hemet City Rent Review Commission for Mobilehomes.

(c) "Space Rent". The consideration, including any bonus, benefits or gratuity demanded or received in connection with the use and occupancy of a

SECTION 3. Applicability. The provisions of this ordinance shall apply to any rental mobilehome park which is located within the city limits of Hemet.

SECTION 4. Rent Review Commission

(1) There is hereby created within the City of Hemet, a rent review commission, consisting of five members, the membership of which shall be appointed by the City Council to serve at the Council's pleasure.

(2) One member shall be a mobilehome park tenant and shall be selected by the council from a list of no more than three applicants supplied through an association composed of mobilehome tenants.

(3) One member shall be a mobilehome park owner, operator or manager and shall be selected by the council from a list of no more than three applicants supplied through an association composed of mobilehome park owners.

(4) The third, fourth and fifth members shall be neither mobilehome park tenants, owners, operators nor managers and shall be selected by the council from a list of applicants at large.

(5) Each member shall be a full time resident within the City of Hemet.

(6) Commissioners shall serve for terms of 3 years except that of those members first appointed by the council, the members who are the at large members shall be appointed for terms of one year, two years and three years respectively, the member who is the park owner, operator or manager for a term of three years, and the member who is the mobilehome tenant for a term of three years. A member chosen to fill a vacancy created other than by expiration of a term, shall be appointed for the unexpired term of the member whom he is to succeed. A member of the commission shall be eligible for reappointment until he or she may have served two full terms without interruption. A vacancy in the commission shall not impair the right of the remaining members to exercise the powers of the commission. Four members shall constitute a quorum provided that the tenant member and the owner member are present. Three affirmative votes are required for a ruling or decision.

(7) Commissioners shall not be compensated for their service on the

(1) To meet from time to time as requested by the City Manager of the City of Hemet or upon the filing of a petition as hereinafter described, and to utilize city offices and/or facilities as needed.

(2) To receive, investigate, hold hearings on and pass upon the petitions of mobilehome tenants as set forth in this ordinance.

(3) To make or conduct such independent hearings or investigations as may be appropriate to obtain such information as is necessary to carry out their duties.

(4) To adjust maximum rents either upward or downward upon completion of their hearings and investigations, or any sum in between.

(5) To adopt, promulgate, amend and rescind administrative rules to effectuate the purposes and policies of the ordinance.

(6) To maintain and keep at City Hall, rent review hearing files and dockets listing the time, date and place of hearings, the parties involved, the addresses involved and the final disposition of the petition.

(7) To assess such amounts of money against the petitioners or respondents upon the conclusion of hearing, as may be reasonably necessary to compensate the members of the commission in accordance with the provisions set forth in Section 4 (7) not to exceed the total sum of three hundred dollars (\$300.00).

#### SECTION 6. Initiation of Commission Review and Hearing Process.

(1) Upon the written petition of more than fifty (50%) percent of the tenants of any mobilehome park, who will be or have been within a ninety (90) day period subject to a rental or service charge increase, the commission shall hold a hearing no sooner than ten (10) days and no later than thirty (30) days at a place and time to be set by the commission, to determine whether or not the rental or service charge increase is so great as to be unconscionable or an unreasonable increase. A reasonable continuance may be granted if stipulated to by both parties or at the commission's discretion.

(2) The petition shall be accompanied by a cash deposit in the sum of three hundred dollars (\$300.00), all or any part of which may be assessed against the petitioners for costs pursuant to Section 5 (7). The balance if

all or part of which may be assessed against the respondents for costs pursuant to Section 5 (7). The balance if any shall be refunded upon the conclusion of the hearing and submission of findings by the commission.

(4) All rent review hearings shall be open to the public.

(5) All parties to a hearing may have assistance in presenting evidence or in setting forth by argument their position, from an attorney or such other person as may be designated by said parties.

(6) In the event that either the petitioner or the respondent should fail to appear at the hearing at the specified time and place, the commission may hear and review such evidence as may be presented and make such decisions just as if both parties had been present.

(7) The commission shall make a final decision no later than ten (10) days after the conclusion of its hearing on any petition. No rent adjustment shall be granted unless supported by the preponderance of evidence submitted at the hearing. All parties to a hearing shall be sent a notice of the board's decision and a copy of the findings upon which the decision is based.

(8) Pursuant to the findings, the commission shall require the mobile-home park owner to (a) reduce the rental or service charges to a rate to be determined by the commission, (b) continue the rental or service charges as they existed under the former lease or rental arrangement, or (c) to increase the rental or service charges to a rate set by the commission or to the rate requested by the park owner.

(9) Any rental or service charge increases which have been collected by a mobilehome park owner pursuant to an increase which is the subject of a petition for hearing and which is later determined by the commission to have been excessive, shall be either returned to the tenants or credited to future rental charges.

(10) In evaluating the rent increase proposed or effected by the park owner, the commission shall consider increased costs to the owner attributable to increase in utility rates and property taxes, insurance, governmental

SECTION 7. Separability. If any section, subsection, sentence, clause, phrase or portion of this ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct and an independent provision and such decision shall not affect the validity of the remaining portions thereof.

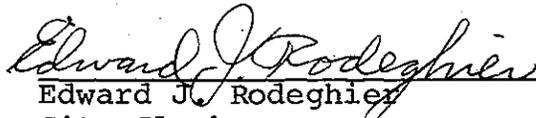
SECTION 8. This ordinance shall continue in force until such time as it is deemed no longer necessary by the City Council and such action approved by a majority of the voters of the City of Hemet.

SECTION 9. This ordinance shall take effect within ten (10) days of election date and with the rental rates of mobilehome parks in effect as of December 20, 1978, the date of public notice.

STATE OF CALIFORNIA )  
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COUNTY OF RIVERSIDE )     ss  
                                  )  
CITY OF HEMET            )

I, Edward J. Rodeghier, duly elected City Clerk for the City of Hemet, California, hereby certify that Ordinance 772 was passed by a majority of the voters for said City on May 22, 1979.

Said vote was declared by the City Council for said City on May 29, 1979, and pursuant to California Elections Code Section 4013 went into effect June 8, 1979, as a duly enacted ordinance of the City of Hemet, California.

  
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Edward J. Rodeghier  
City Clerk

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