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November 6, 2017

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City Council
c/o Jennifer Shankland
City Clerk/Deputy City Manager/Rent Administrator
City of Yucaipa
94272 Yucaipa Blvd.
Yucaipa, CA 92399-9950

**Re: Biennial Review of Mobilehome Rent Stabilization Ordinance and Resolution
Objection to Staff Agenda Report Recommendation No. 1**

Dear Mayor and Members of the City Council:

We represent Calanda Real, LP ("Calanda"), the owner of Lakeview Mobile Estates. Calanda appreciates the changes that Staff made to Staff's Policy Recommendation #1 as previously contained in the Mobilehome Rent Review Commission Staff Report. The prior language would have required the Commission to apply a cost shifting mechanism that would have punished reasonable park owner resort to alternative rent increase calculation methodologies approved by California courts, and thus would have chilled park owner constitutional rights to petition government.

However Calanda remains concerned that the language that has the potential to chill the constitutional right to petition government has merely shifted now to the Rules and that, as it may be applied (in line with Staff suggestion at a subsequent rent increase hearing), the language still has the potential to chill the constitutional right to petition government using accepted alternative rent increase calculation methodologies. Calanda suggests that better draftsmanship of the proposed language would avoid chilling the right to petition and still achieve the apparent intent of City Staff to dissuade incorrect application of accepted methodologies.

Policy Recommendation #1 would add to Administrative Rule § 6.0004(B)(10) the following language: "including but not limited to the amount of the Applicant's requested special rent adjustment and supporting methodologies contained in the Applicant's special rent adjustment application, the amount of the special rent adjustment granted by the Commission, the methodology used by the Commission in determining the approved special rental adjustment, and the percentage difference between the Commission approved special rent adjustment and the amount of the Applicant's claims under YMC 15.20.100."

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Yucaipa City Council

Re: Objection to Staff Policy Recommendation #1 for RSO

November 6, 2017

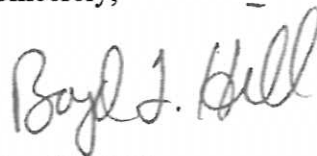
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Under the Rule addition, as proposed, Staff may still assert its influence on the Commission to cut reasonable park owner cost reimbursement, even if the park owner reasonably argues for a lawful and accepted rent increase calculation methodology that staff didn't favor, and thereby cause the Commission to punish park owners who do not accept staff proposed methodologies that may not be appropriate to the situation and that may provide less than a constitutional just and reasonable return under the circumstances. The City Council and Commission should be trusted to lawfully exercise their discretion rather than potentially be influenced by Staff overreach.

Calanda suggests that the language added to Administrative Rule § 6.0004(B)(10) be simplified to state instead: including but not limited to whether the amount of the Applicant's requested special rent adjustment is supported by lawful and accepted ~~and supporting~~ methodologies contained in the Applicant's special rent adjustment application, ~~the amount of the special rent adjustment granted by the Commission, the methodology used by the Commission in determining the approved special rental adjustment, and the percentage difference between the Commission approved special rent adjustment and the amount of the Applicant's claims under YMC 15.20.100.~~

Calanda does not object to the above language as edited by Calanda, but reserves its right to object to the language currently drafted by Staff without those edits as that language may be applied at any future rent increase hearing.

Sincerely,



Boyd L. Hill

cc: Calanda Real LP c/o Andrew Rottenbacher*
Julie Paule, WMA *
Peter Herzog, MHET*
*by email only

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