

**CITY OF YUCAIPA
MOBILEHOME RENT REVIEW COMMISSION**

THIS IS A STAND-ALONE DOCUMENT INTENDED TO SUMMARIZE BASIC PROCEDURES OF THE YUCAIPA MUNICIPAL CODE §15.20 AND TO ESTABLISH AN ORDER FOR PRESENTATION OF WITNESSES AND GENERAL TIME LIMITS FOR ORAL TESTIMONY DURING RENT ADJUSTMENT HEARINGS. APPLICANTS AND RESIDENTS ARE ENCOURAGED TO REFER TO YUCAIPA MUNICIPAL CODE §15.20 REGARDING SUBSTANTIVE ISSUES. EXCEPT WITH REGARD TO THE ORDER OF PRESENTATION OF WITNESSES AND TIME LIMITS SET FORTH IN SECTION B, BELOW, THE YUCAIPA MUNICIPAL CODE §15.20 SUPERSEDES THIS DOCUMENT.

**RULES AND PROCEDURES FOR CONDUCT OF
MOBILEHOME RENT PUBLIC HEARINGS**

The following Rules and Procedures for Conduct of Mobilehome Rent Public Hearings are adopted pursuant to Yucaipa Municipal Code (YMC) §15.20.120 of the City’s Mobilehome Rent Stabilization Ordinance and related Resolutions, to provide an orderly procedure for the review of rent adjustment applications, and for the conduct of rent adjustment hearings:

A. APPLICATION, HEARING AND APPEAL DEADLINES

1. The City encourages a Resident Meeting prior to submittal of an application to discuss the proposed application. YMC §15.20.100 (D) and Resolution No. 2011-52, §7.0004(E).
2. The applicant shall submit at least five (5) copies of each such application to the City, along with an electronic copy (jpeg or pdf format). Resolution No. 2011-52, §1.0008(B).
3. At the time the Applicant or appeal is filed, the applicant or appellant shall also post in three (3) conspicuous places in the park, a notice and a complete copy of the application or appeal. YMC §15.20.105 (A) and Resolution No. 2011-52, §1.0008(B).
4. The application must include an affidavit or declaration signed by the Applicant under penalty of perjury. Resolution No. 2011-52, §1.0008(B)
5. The application fee for an MNOI Increase Application, Capital Improvement Rent Increase Application, Rent Decrease Application or Appeal Application is \$1,750 per application, which shall be paid prior to the application being declared complete. Resolution No. 2011-52, §1.0030(D), §4.0003, §5.0002 and §7.0004(B).
6. Upon receipt of an application, the rent administrator shall within thirty (30) days mail written notice to the applicant advising him or her whether the application is complete. YMC §15.20.105(B).
7. A hearing of the commission shall be held not later than 60 days from the date the NOI application is determined complete. YMC §15.20.110(A).
8. Written notice of the application or appeal shall be mailed by the rent administrator to the affected residents or park owner on the date on which it is determined to be either complete or incomplete. YMC §15.20.105(E).

9. Five (5) copies of any written opposition, along with an electronic copy (jpeg or pdf), to the Rent Administrator and one copy to the applicant within twenty (20) days of the date notice of the application is mailed by the city. Resolution No. 2011-52, §1.0008(C) and YMC § 15.20.105(E)(i)(ii).

10. Written opposition shall be personally served or mailed to the applicant or the applicant's local representative no later than the same day as the filing of the written opposition to the RA, along with an affidavit or declaration, signed under penalty of perjury and containing all information and certifications required by the City-approved form, certifying such service has been made and that all representations set forth in the opposition are true and correct. Resolution No. 2011-52, §1.0008(C)(2)(c).

11. All reports, communications, resolutions, contract documents, proposals, expert reports, applications, oppositions, appeals, and other documents or matters to be submitted to the Commission in connection with its hearing on the application, shall be delivered to the Rent Administrator not later than 12:00 noon on the day which is fourteen (14) days preceding the Commission meeting (excluding the day of the meeting). The Agenda shall be delivered to the Commissioners on the sixth (6th) calendar day preceding the meeting to which it pertains (excluding the day of the meeting), and shall be made available to the public after delivery to the Commissioners. Resolution No. 2011-52, §1.0008 (A).

12. The Commission shall render its decision in writing, including findings of fact: (i) within seventy-five (75) days after the date that the Rent Administrator that an application or appeal is complete; or (ii) not later than seventy-five (75) days from the final thirty (30) day deadline by which the applicant must submit additional information or documentation to the city in order the Rent Administrator to find that the application or appeal is complete. YMC §15.20.110(B). The decision shall include findings of fact and conclusions based upon those findings of fact and the determination of the maximum allowable rent for each affected mobilehome space. Resolution No. 2011-52, §1.0029(G).

13. Either party may, and prior to commencing any action in a court of competent jurisdiction shall, appeal any final decision or order of the commission to the city council by filing written notice of the appeal, a written summary of the basis of the appeal and payment of the appeal fee with the rent administrator not later than ten days after the decision of the commission has been deposited in the mail, addressed to the petitioner and the affected residents. The appellant shall serve written notice of the filing of the appeal, the written summary of the basis of the appeal, and any documents supporting the appeal, on the opposing party, and shall post a copy of the appeal in three conspicuous places in the park in accordance with YMC §15.20.105(A). YMC §15.20.115.

14. The application fee for appeals to the Rent Review Commission of Staff Determinations and appeals to the City Council of Rent Review Commission Determinations shall be \$1,750.00 per application, plus the costs of transcripts of any underlying proceedings from which the appeal is made. The application fee shall be paid in full to the City as a condition of finding that the application is complete, and no hearing shall be set before either the Rent Review Commission or City Council unless the full application fee has been paid. Resolution No. 2011-52, §1.0030(D).

15. The Rent Administrator shall have ten (10) days to determine whether the appeal application is complete. YMC 15.20.115(A).

16. A hearing of the City Council shall be held not later than thirty (30) days from the date on which the Rent Administrator determines that the appeal application is. YMC 15.20.115(C).

17. The City Council shall limit its review to the record of the proceedings, determine whether, in light of the record, “substantial evidence” exists in the Record to support the Commission's decision, determine whether the findings set forth in the Resolution of the Commission, which is the subject of the appeal, are supported by the evidence, determine whether the Commission's actions and decision were undertaken in accordance with the City's duly-enacted Rent Stabilization Ordinance and whether the Commission's interpretation of the pertinent sections of the YMC was reasonable and make any further findings and determinations, which the City Council determines to be reasonable and necessary in deciding the appeal. Resolution No. 2011-52, §1.0030(A).

18. The City Council shall issue its decision in writing, including findings of fact, within fifteen (15) days of the date of commencement of the appeal hearing; provided that the city council may extend the time limits under this subsection for reasonable cause, and failure of the city to act within the time limit specified herein shall not result in the automatic granting of any appeal or the relief sought therein. The decision of the City Council on any appeal shall be final. YMC §15.20.115(D).

19. Any legal challenge to a final decision of the City Council granting, denying or modifying a rent adjustment must be filed within ninety (90) days of the date of service of the City Council's written decision and affidavit of mailings pursuant to California Code of Civil Procedure §1094.6. YMC §15.20.130(E).

B. ORDER FOR AND TIME LIMITS APPLICABLE TO RENT APPLICATION HEARINGS

This procedure is established based on the fact that most of the evidence submitted in a rent increase (or decrease) application is documentary. These applications are based primarily on written financial information, appraisals, expenditure reports and similar documents. Unlimited documentary evidence may be submitted on both sides in rent review matters. There is no limitation on submittals by experts. All materials are required to be submitted and made available to the parties well in advance of the hearing. Ample opportunity for rebuttal is present. Oral presentations are permitted, allowing the Applicant and the Opposing Party to present their arguments to the Commission. The parties are each allowed full access to all information relied upon by the Commission. Under the circumstances, narrative presentations, rather than direct or cross-examination testimony, satisfies the requirements for due process if a party does not specifically request direct and/or cross-examination.

1. Introduction by Staff. (10 minutes*)
2. Presentation by Applicant. (30 minutes*)
 - a. Applicant is strongly encouraged to limit its presentation to a summary of the important key areas presented in its application and supporting documentation.
 - b. All witnesses addressing the Commission must be sworn in and testify under oath, and all testimony shall be under penalty of perjury. Resolution No. 2011-52, §1.014(D).

3. If requested by the Opposing Party, cross-examination of the Applicant's witnesses or questions to the Applicant or its attorney by the Opposing Party and City Staff. (10 minutes each*).
4. Questioning of Applicant, Applicant's witness(es) or Applicant's attorney by the Commission, if appropriate. (10 minutes per Commissioner*)
5. Presentation by Opposing Party. (30 minutes*)
6. If requested by Applicant, cross examination of the Opposing Party's witnesses or questions to the Opposing Party or its witnesses, and/or City Staff. (10 minutes each*)
7. Questioning of Opposing Party, Opposing Party's witnesses or Opposing Party's attorney by the Commission, if appropriate. (10 minutes per Commissioner*)
8. Presentation of Staff Report and/or Staff Witnesses. (30 minutes*)
9. If requested by Applicant and/or Opposing Party, cross-examination of City Staff witness(es) or questions by Applicant and Opposing Party. (10 minutes each side*)
10. Questioning of Staff or Staff witness(es) by the Commission, if appropriate. (10 minutes per Commissioner*)
11. Closing argument by Staff, Opposing Party and Applicant:

Staff:	5 minutes*
Opposing Party:	5 minutes*
Applicant:	5 minutes*

*Time limits should be flexible to allow the introduction of relevant information if good cause is shown that a party cannot present its case in the time allotted. The Presiding Officer shall rule on any requests for additional time.

C. RULES OF EVIDENCE FOR COMMISSION HEARINGS

1. Where allowed by the Presiding Officer upon request of a party, representatives of the City staff, the Commission and the City Council, representatives of the applicant, representatives of the residents of the applicant mobilehome park, and any other interested person, party or entity, shall have these rights: to call and examine witnesses; to introduce exhibits; to discuss evidence directly with the Commission without an attorney; to cross-examine opposing witnesses on any matter relevant to the issues contained in the application even though the matter was not covered on direct examination; to impeach any witness regardless of which party first called the witness to testify; and to rebut the evidence against him/her. Resolution No. 2011-52, §1.0029(D)(1).

2. The hearing need not be conducted according to the technical rules relating to evidence and witnesses. Evidence in the form of testimony and written documents shall be admissible, so long as it is relevant and credible, and pertains to the application being considered. Resolution No. 2011-52, §1.0029(D)(2).

3. Hearsay evidence may be used for the purpose of supplementing or explaining other evidence but shall not be sufficient in and of itself to support a finding unless it would be admissible over objections in civil actions. Resolution No. 2011-52, §1.0029(D)(2).

4. All documentary and other written evidence to be considered by the Commission in support of or in opposition to an application shall be delivered to the Rent Administrator not later than 12:00 noon on the day which is fourteen (14) days preceding the Commission meeting (excluding the day of the meeting). The Commission shall not accept as evidence written or documentary materials that were not submitted within the timelines specified in the YMC and Administrative Rules unless good cause is shown why the materials could not have been submitted earlier. Resolution No. 2011-52, §1.0008(A), 1.0029(D)(7).

5. Any Commissioner or Staff member may request the attendance of witnesses and/or the production of books or other documents by proponents, opponents or their interested parties during the course of the hearing or any other matter pending before the Commission (including at any point in time after an application has been filed) if: (1) the evidence sought would be helpful or necessary to the Commission's determination as to whether the applicant is entitled to the relief requested; or (2) the evidence would be helpful or necessary to the Commission's exercise of its powers or duties. Resolution No. 2011-52, §1.0029(D)(8).

6. Any hearing being held, noticed, or ordered to be held by the Commission may, by motion, second and majority vote of the quorum of the Commission, be adjourned or continued to another date and time upon the consent of the applicant and the opponents, or upon a finding of good cause by the Commission. Notice of adjournment or continuance shall be posted in conformity with Government Code Sections 54955 and 54955.1; provided that, if the hearing is continued to a time less than twenty-four (24) hours after the time specified in the order of hearing, a copy of the order or notice of continuance shall be posted outside the meeting room immediately following the meeting at which the order of continuance was made. Resolution No. 2011-52, §1.0029(E).

7. The Applicant shall have the burden of proving entitlement to a rent adjustment, and the amount of the rent adjustment sought. Resolution No. 2011-52, §1.0029(F).

8. The Commission shall consider all evidence properly presented in accordance with the YMC, these Administrative Rules, and any supplemental rules adopted by the Commission, and shall articulate, during the Commission's deliberation at the public hearing, their findings of fact, reasoning and conclusions for their decision on all issues, and shall issue a written decision or determination concerning the application. Said decision shall include findings of fact and conclusions based upon those findings of fact. The decision shall include the determination of the maximum allowable rent for each affected mobilehome space. Resolution No. 2011-52, §1.0029(G)

These procedures and rules of conduct shall apply to all hearings conducted by the Commission, shall supersede any other rules previously adopted by the Commission, and shall control in the event any conflict exists with previously adopted procedures and rules of conduct for Commission hearings.

ADOPTED THIS 29th DAY OF JULY, 2004

This document has been revised to reflect City Council adopted modifications to YMC §15.20 and the Administrative Rules (pursuant to Resolution No. 2011-52)