1. Meeting Agenda

   Documents:

   260901_AGENDA.PDF

2. Item 2B1

   Approve the minutes for the June 18, 2026 Regular Meeting

   Documents:

   260901_ITEM 2B1.PDF

3. Item 3A

   Proposed Amendments to Mobilehome Park Rent Stabilization Administrative and Commission Regulations Chapter 31 (Continued from June 18, 2026)

   Documents:

   260901_ITEM 3A.PDF

Mobilehome Park Rent Stabilization Commission
Special Meeting Agenda

Tuesday, September 1, 2026
1:30 P.M.
City Hall – Council Chambers
23825 Stuart Ranch Road

Call to Order

Roll Call

Pledge of Allegiance

Report on Posting of Agenda – August 26, 2026

Approval of Agenda

1. Ceremonial/Presentations

None.

2. Consent Calendar

A. Previously Discussed Items

None.

B. New Items

1. Approve the minutes for the June 18, 2026 Regular Meeting

Recommended Action: Approve the minutes for the June 18, 2026 Regular Meeting.

Staff contact: City Clerk Pettijohn, 456-2489, ext. 228

3. Old Business

A. Proposed Amendments to Mobilehome Park Rent Stabilization Administrative and Commission Regulations Chapter 31 (Continued from June 18, 2026)

Recommended Action: 1) Review and discuss amendments to Mobilehome Park Rent Stabilization Administrative Regulations and Commission Regulations Chapter 31; and 2) Provide recommendations on hearing procedure regulations to the Mobilehome Park Rent Control Regulations City Council Ad Hoc Committee; or 3) Refer the proposed hearing regulations to the Mobilehome Park Rent Stabilization Commission Ad Hoc Committee and make recommendations to the Mobilehome Park Rent Control Regulations City Council Ad Hoc Committee at a future meeting.

Staff contact: Assistant City Manager DuBoux, 456-2489, ext. 339

4. New Business

None.

5. Written and Oral Communications from the Public and Commissioners

A. Communications from the Public concerning matters which are not on the agenda but for which the Commission has subject matter jurisdiction. The Commission may not act on these matters at this meeting.

B. Commissioner inquiries/announcements/remarks

Adjournment

Guide to the City Commission Proceedings

Public Communications: In order to participate, each speaker must complete and submit to the Recording Secretary a Request to Speak form *prior* to the beginning of the item being announced by the Chair. Each speaker is limited to three (3) minutes, speakers may surrender their time by deferring one (1) minute to another in-person speaker, not to exceed a total of eight (8) minutes. The speaker wishing to defer time must be present when the item is heard and their form must be submitted with the speaker form for the individual they are deferring time to. Speakers are taken in the order slips are submitted.

Items in Consent Calendar Section A have already been considered by the Commission at a previous meeting where the public was invited to comment, after which a decision was made. These items are not subject to public discussion at this meeting because the vote taken at the previous meeting was final. Resolutions concerning decisions made at previous meetings are for the purpose of memorializing the decision to assure the accuracy of the findings, the prior vote, and any conditions imposed.

Items in Consent Calendar Section B have not been discussed previously by the Commission. If discussion is desired, an item may be removed from the Consent Calendar for individual consideration. Commissioners may indicate a negative or abstaining vote on any individual item by so declaring prior to the vote on the motion to adopt the entire Consent Calendar. Items excluded from the Consent Calendar will be taken up by the Commission following the action on the Consent Calendar. The Commission first will take up the items for which public speaker requests have been submitted. Public speakers shall follow the rules as set forth under Public Communication.

Old Business items have appeared on previous agendas but have either been continued or tabled to this meeting with no final action having been taken. Public comment shall follow the rules as set forth under Public Communication.
Items in New Business are items which are appearing for the first time for formal action. Public comment shall follow the rules as set forth under Public Communication.

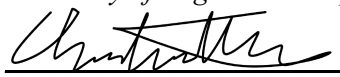
The Oral Communication portion of the agenda is for members of the public to present items which are not listed on the agenda, but are under the subject matter jurisdiction of the Commission. Although no action may be taken, the Commission and staff will follow up, at an appropriate time, on those items needing response.

Members of the public are encouraged to submit email correspondence to cityclerk@malibucity.org before the meeting begins.

Copies of the staff reports or other written documentation relating to each item of business described above are on file in the City Clerk Department, Malibu City Hall, 23825 Stuart Ranch Road, Malibu, California and are available for public inspection during regular office hours which are 7:30 a.m. to 5:30 p.m., Monday through Thursday, and 7:30 a.m. to 4:30 p.m., Friday. Written materials distributed to the Commission within 72 hours of the Commission meeting are available for public inspection immediately upon distribution (Government Code Section 54957.5(b)(2). Copies of staff reports and written materials may be purchased for $0.10 per page. Pursuant to State law, this agenda was posted at least 72 hours prior to the meeting.

The City Hall phone number is (310) 456-2489. To contact City Hall using a telecommunication device for the deaf (TDD), please call (800) 735-2929 and a California Relay Service operator will assist you. In compliance with the Americans with Disabilities Act, if you need special assistance to participate in this meeting, please contact Community Development Director Yolanda Bundy, (310) 456-2489, ext. 229. Notification 48 hours prior to the meeting will enable the City to make reasonable arrangements to ensure accessibility to this meeting. [28 CFR 35.102-35.104 ADD Title II].

I hereby certify under penalty of perjury, under the laws of the State of California, that the foregoing agenda was posted in accordance with the applicable legal requirements. Dated this 26th day of August at 1:40 p.m.



Christina Muñoz, Deputy City Clerk

Mobilehome Park Rent Stabilization Commission Meeting 09-01-2026

Item 2.B.1.

Mobilehome Park Rent Stabilization Commission Agenda Report

To: Members of the Mobilehome Park Rent Stabilization Commission

Prepared by: Christina Muñoz, Deputy City Clerk

Approved by: Kelsey Pettijohn, City Clerk

Date prepared: August 26, 2026 Meeting date: September 1, 2026

Subject: Approval of Minutes – June 18, 2026 Regular Meeting

RECOMMENDED ACTION: Approve the minutes for the June 18, 2026 Regular Meeting.

DISCUSSION: Staff has prepared draft minutes for the Mobilehome Park Rent Stabilization Commission meeting on June 18, 2026.

Historically, staff prepared long-form summary minutes to provide a detailed account of Commission proceedings, memorializing public comments and deliberations that informed Commission decisions. On August 25, 2025, the City Council directed that all Commission meetings be recorded. In accordance with that direction, staff implemented a recording program through which meeting videos are uploaded to the City's YouTube channel. To align Commission meeting practices with those governing City Council minutes, the Commission meeting minutes have transitioned to the action minutes format.

ATTACHMENTS: June 18, 2026 Regular Draft Minutes

MINUTES
MALIBU MOBILEHOME PARK RENT STABILIZATON COMMISSION
REGULAR MEETING
JUNE 18, 2026
MALIBU CITY HALL
COUNCIL CHAMBERS
1:30 P.M.

CALL TO ORDER

Chair Shenkman called the meeting to order at 1:35 p.m.

ROLL CALL

The recording secretary noted the following persons in attendance:

PRESENT: Chair Kevin Shenkman, Vice-Chair Bill Sampson, Commissioner Scott Blum, Commissioner Paul Grisanti, and Commissioner Sam Shenkman.

ABSENT: None.

ALSO PRESENT: Monica Castillo, Deputy City Attorney; Christina Muñoz, Deputy City Clerk; and Rob DuBoux, Assistant City Manager

PLEDGE OF ALLEGIANCE

Commissioner Grisanti led the Pledge of Allegiance.

REPORT ON POSTING OF AGENDA

Deputy City Clerk Muñoz reported that the agenda for the meeting was properly posted on June 11, 2026.

APPROVAL OF AGENDA

MOTION Vice-Chair Sampson moved, and Commissioner Blum seconded a motion to approve the agenda. The motion carried 4-1, Chair Shenkman opposed.

ITEM 1 CEREMONIAL/PRESENTATIONS

None.

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ITEM 2 CONSENT CALENDAR

The Consent Calendar consisted of the following items:

A. Previously Discussed Items
None.

B. New Items
1. Approve the minutes for the May 21, 2026 Regular Meeting
Recommended Action: Approve the minutes for the May 21, 2026 Regular Meeting.

Chair Shenkman opened the floor for public comment on the Consent Calendar. As there were no speakers present, he returned the matter to the table for discussion.

Commissioner Grisanti stated a duplicate paragraph on page 3 of 6. Staff confirmed the duplication.

Chair Shenkman then identified the following revisions to the minutes:
On page 3, in the first motion, the word "future" should be deleted and replaced with "the next meeting (June)." Additionally, for page 3, the statement that Chair Shenkman "withdrew his motion" should be deleted, as the motion had carried 3-2 and therefore could not have been withdrawn after passage. Also on page 3, Commissioner Grisanti's motion should refer to "proposed Chapter 31," rather than "proposed Chapter 3." The reference to "future" should again be deleted and replaced with "the next meeting in June." On page 5, in the first motion the language should be revised to read: "Commissioner Shenkman moved and Chair Shenkman seconded a motion to direct staff to include information regarding proof of service and applicable service addresses on the mobilehome rent stabilization web page and to agendaize a discussion and action item regarding the web page and the information provided therein for the next June meeting." He stated friendly amendment should be moved and inserted into the appropriate location in the motion, between the words "meeting" and "the," as discussed. He noted that the adjournment should reflect that Vice Chair Sampson moved the in-memoriam recognition for Steven Colbert.

MOTION Chair Shenkman moved, and Commissioner Grisanti seconded a motion to approve the minutes with the revisions. The motion carried unanimously.

ITEM 3 OLD BUSINESS

A. Proposed Amendments to Mobilehome Park Rent Stabilization Administrative and Commission Regulations Chapter 31 (Continued from May 21, 2026)
Recommended Action: 1) Review and discuss amendments to Mobilehome Park Rent Stabilization Administrative Regulations and Commission Regulations Chapter 31; and 2) Provide recommendations on hearing procedure regulations to the Mobilehome Park Rent Control Regulations City Council Ad Hoc Committee; or 3) Refer the proposed hearing regulations to the Mobilehome Park Rent Stabilization Commission Ad Hoc Committee and make recommendations to the Mobilehome Park Rent Control Regulations City Council Ad Hoc Committee at a future meeting.

Deputy City Attorney Castillo presented the staff report.

The Commission directed questions to staff.

Chair Shenkman opened the floor to public comment.

Speakers: None.

As there were no speakers present, Chair Shenkman returned the matter to the table for discussion.

The commission discussed the item and took no action.

ITEM 4 NEW BUSINESS

A. Summer Recess
Recommended Action: Approve the cancellation of the July 16, 2026, Regular Meeting for observance of summer recess.

Deputy City Clerk Muñoz presented the staff report.

The Commission directed questions to staff.

Chair Shenkman opened the floor to public comment.

Speakers: None.

As there were no speakers present, Chair Shenkman returned the matter to the table for discussion.

MOTION Commissioner Grisanti moved, and Chair Shenkman seconded a motion to approve the cancellation of the July 16, 2026, Regular Meeting for observance of summer recess. The motion carried unanimously.

ITEM 5 WRITTEN AND ORAL COMMUNICATIONS FROM THE PUBLIC AND COMMISSIONERS

A. Communications from the Public concerning matters which are not on the agenda but for which the Commission has subject matter jurisdiction. The Commission may not act on these matters at this meeting.

Chair Shenkman opened the floor to public comment.

Veronique Haddock stated she is a longtime Point Dume Club resident and other residents, many of whom are retired and on fixed incomes, do not want their rents to increase. She expressed concern about the length of the Commission's discussions and suggested that meetings be held later, such as at 4:00 p.m., to allow more working families from Point Dume Club and Paradise Cove to attend. She asked that the Commission expedite the process and thanked the Commission for its time.

B. Commissioner inquiries/announcements/remarks

Chair Shenkman opened the floor to commissioners.

Vice-Chair Sampson commented on the difficulty of communicating with other Commissioners outside of the meeting due to the Brown Act. He noted that Commissioners cannot discuss the same item with multiple Commissioners outside of a public meeting and stated that the limitations make it difficult to move matters forward quickly. He suggested that an ad hoc committee could be used to facilitate discussion, particularly regarding the regulations concerning rent increases.

He also stated that there were no rent adjustment applications currently before the Commission for consideration and that, once applications come before the Commission, Commissioners must not prejudge them. He emphasized that he takes that responsibility seriously.

Commissioner Shenkman agreed that the process was taking too long and stated that he would like the Commission to get to work it was created to do, including hearing applications and enforcing rent stabilization. He asked about the status of two applications listed on the website as closed because they were determined to be incomplete.

Chair Shenkman stated the requirement that a party to a case generally cannot serve documents on the opposing party in a court proceeding. He expressed concern that, if the process was difficult for an attorney to

understand, it could be even more difficult for members of the public. He suggested that the website and other public information should clearly explain the service requirements so that applicants do not encounter the same issue in the future.

Commissioner Grisanti expressed concern about the length of time matters were taking and referred to Item 3A, concerning amendments to the Mobile Home Park Rent Stabilization Administrative Regulations. He suggested that the ad hoc committee could begin discussing potential changes and bring those discussions back to the Commission, stating that the sooner the issues could be aired, the better.

Chair Shenkman stated that he continued to work on getting rent adjustment applications before the Commission for consideration. He acknowledged that the process had been frustrating but stated that he would continue working on it. He also stated that he wanted applicants and members of the public to recognize that he and the other Commissioners were working to ensure that applicants receive the due process to which they are entitled.

Chair Shenkman proposed that the meeting adjourn in memoriam of transgender individuals who had died by suicide or violence. He noted that it was Pride Month and expressed concern regarding increased violence against transgender people, particularly transgender women of color.

ADJOURNMENT

MOTION At 2:24 p.m., Commissioner Shenkman moved, and Vice-Chair Sampson seconded a motion to adjourn the meeting in memoriam of transgender individuals who had died by suicide or violence in the United States, noting that it was Pride Month and the recent increase in violence against transgender people, particularly transgender women of color. Recognizing Miss Major Griffin-Gracie, a major activist who was at Stonewall and founded the Transgender, Gender Variant and Intersex Justice Program, as well as numerous other individuals, including Graciella Takashi Caval Kante, Gabriella Rodriguez, Dulce Maria,Erica Caldwell, Juniper Blassing, Luca Redbear Knap, Haley Singleton, Aliana Belchure, Lanessa Rodriguez, Shyel Diamond Sanchez McCrae, London Price, Tietta Fernandez, Eric Selenas, Gabby Oliviera De Silva, Vivian Maldonado, Briana Gay, Amanda Martins, Lisa Love Thurman, Persia Amara Conway, Murray Faust, Next Benedict, and an unidentified transgender woman, Jane Doe, a high school student who died by suicide during lawsuit proceedings related to an Idaho bathroom ban. The motion carried unanimously.

These minutes were approved and adopted by the Mobilehome Park Rent Stabilization Commission of the City of Malibu on . In the event of any inconsistency between these minutes and the official video recording of the meeting, the video recording shall govern.

KEVIN SHENKMAN, Chair

ATTEST:

CHRISTINA MUÑOZ, Deputy City Clerk

Mobilehome Park Rent Stabilization Commission Meeting 09-01-2026

Item 3.A

Mobilehome Park Rent Stabilization Commission Agenda Report

To: Members of the Mobilehome Park Rent Stabilization Commission

Prepared by: Monica Castillo, Deputy City Attorney

Approved by: Joseph D. Irvin, City Manager

Date prepared: August 26, 2026 Meeting date: September 1, 2026

Subject: Proposed Amendments to Mobilehome Park Rent Stabilization Administrative and Commission Regulations Chapter 31 (Continued from June 18, 2026)

RECOMMENDED ACTION: 1) Review and discuss amendments to Mobilehome Park Rent Stabilization Administrative Regulations and Commission Regulations Chapter 31; and 2) Provide recommendations on hearing procedure regulations to the Mobilehome Park Rent Control Regulations City Council Ad Hoc Committee; or 3) Refer the proposed hearing regulations to the Mobilehome Park Rent Stabilization Commission Ad Hoc Committee and make recommendations to the Mobilehome Park Rent Control Regulations City Council Ad Hoc Committee at a future meeting.

BACKGROUND: At the February 9, 2026 Regular City Council meeting, the commission was directed to review regulations regarding hearing procedures consistent with the current ordinance and make recommendations to the Mobilehome Park Rent Control Regulations City Council Ad Hoc Committee for review. The commission at its May 21, 2026 meeting requested this item be heard again at their next regular meeting.

DISCUSSION: The proposed amendments to Mobilehome Park Rent Stabilization Administrative Regulations and Commission Regulations Chapter 31 (Hearings and Decisions) are intended to ensure that Commission proceedings are conducted in a manner consistent with Malibu Municipal Code (MMC) Chapter 5.16 and principles of due process.

The proposed amendments address several areas of the Commission's procedure, including hearing timelines, formal notice requirements, and standardizing hearings. Specifically, the amendments clarify presentation order, evidence standards, and conduct expectations. These updates help reduce ambiguity by clearly outlining roles, responsibilities, and deadlines for applicants, opponents, staff, and the public.

Additionally, the proposed regulations strengthen due process and transparency by enhancing notice requirements, requirement of declarations under penalty of perjury for evidence, and prohibition on ex parte communications. They also establish standardized procedures for a continuance of a hearing.

The Written Statement Declaration Under Penalty of Perjury and Documentary Evidence Verification Under Penalty of Perjury forms were developed to standardize submissions, improve the reliability of information provided to the Commission, and establish a consistent process for verifying statements and supporting materials.

These proposed amendments create a procedural framework that promotes clarity, fairness, and administrative efficiency in the conduct of hearings.

The commission at their May 21, 2026 meeting requested the regulations from the January 15, 2026 meeting presented by the Commission's Ad Hoc Committee be attached to this report.

ATTACHMENTS:

1. Mobilehome Park Rent Stabilization Administrative Regulations and Commission Regulations Chapter 31
2. Proposed Chapter 31
3. Redline of Proposed Chapter 31
4. Written Statement Declaration Under Penalty of Perjury Form
5. Documentary Evidence Verification Under Penalty of Perjury Form
6. January 15, 2026 Draft Ad Hoc Mobilehome Park Rent Stabilization Administrative Regulations and Commission Regulations Chapter 1-6

Chapter 31

HEARINGS AND DECISIONS

Section 31001. Scope of Regulations

The regulations contained in this Chapter apply to all hearings before and decisions of the Malibu Mobilehome Park Rent Stabilization Commission held pursuant to M.M.C. Section 6700, et seq.

Section 31002. Hearings

A. A hearing on an application shall be scheduled no earlier than twenty (20) days and no later than forty (40) days after the completed application is accepted for filing.

B. The hearing shall be conducted according to M.M.C. Section 6711 and these Regulations.

C. The hearing shall be conducted by a quorum of the Commission.

D. The hearing shall proceed in the following order:

1. Presentation of the staff report.

2. Presentation on behalf of applicant, including testimony of any affected parties and witnesses in support of the application.

3. Presentation on behalf of opponents, including testimony of any affected parties and witnesses in opposition to the application.

4. Rebuttal by applicant.

E. The burden of proof shall be on the applicant to demonstrate its case by a preponderance of the evidence.

F. All parties to the hearing may have assistance from an attorney or such other person as may be designated by the parties in presenting evidence or arguing their position.

G. In the event that either the park owner or the homeowner(s) 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 as if both parties had been present.

H. All hearings shall be tape-recorded. Tapes shall be preserved for two (2) years.

I. Commissioners may ask questions of any witness at the end of that witnesses testimony if the need arises.

J. Formal rules of evidence or procedure which must be followed in court shall not apply to Commission proceedings except as follows:

1. Parties submitting documentary evidence shall execute a declaration under penalty of perjury that the matters set forth in the documents are true either to their personal knowledge or upon information and belief. If the document is a copy, the declaration shall include a statement that the document is a true copy of the original.

2. Witnesses shall be sworn and shall testify under penalty of perjury.

3. Each written statement used as evidence shall:

a) Be made under penalty of perjury.

b) Set forth the full name and current residence and business address and telephone number of the person making the statement.

K. Unless specifically requested by the Commission at a public meeting, no documentary evidence or written or oral argument shall be sent or made to the Commission or to any Commissioner by any party or member of the public after the conclusion of the hearing.

L. No Commissioner shall request or accept documentary evidence or written or oral argument from any party or member of the public after the conclusion of the hearing.

Section 31003. Continuance

The Commission may continue a hearing on its own motion or at the request of an applicant or affected party.

Section 31004. Decorum at Hearing

A. Hearings shall begin promptly. Late arrivals shall seat themselves quietly, without interrupting the proceedings.

B. Because the hearing must be tape recorded, and because members of the public wish to hear what is being said, all speakers (including Commissioners and staff) shall speak loudly and clearly so the record will be clear and the audience can hear. Those persons who cannot, for any reason, speak loudly and clearly may assign someone who can do so to make any oral presentation on their behalf.

C. There shall be no noise, whispering, outcries, audible expressions of approval or disapproval, or any other type of disruption by any person in the hearing room at any time during the hearing. Such disruptions are discourteous to all concerned and will not be tolerated. Offending parties shall be warned by the Chair. If disruptions continue, the Chair may remove offending parties in order to insure that the hearing may go forward without further disruption or delay.

D. There shall be no smoking at any time and no side conversations during the hearing in the hearing room, in the hallways outside the hearing room or in other rooms in the building where the hearing is held. Persons wishing to engage in these activities shall go outside the building.

E. All persons attending or participating in the hearing in any fashion shall treat others with the same courtesy and respect with which they expect to be treated.

F. Commissioners, parties and the audience shall not interrupt the presentation of a party or testimony of a witness.

G. Vulgar or offensive language and/or behavior shall not be tolerated.

H. The Chair shall enforce these regulations as is necessary and appropriate in order to insure a fair hearing to the participants and that the hearing is concluded without undue delay.

Section 31005. Decision of the Commission

A. The findings and conclusions of the Commission shall be written. The Commission may adopt a proposed resolution prepared by the Staff, may amend a proposed resolution and adopt it at the conclusion of the hearing, may direct staff to prepare a resolution consistent with the Commission's decision, or may prepare a resolution at the hearing.

B. The decision shall become final upon adoption of the resolution. The City Manager shall mail the applicant a copy of the decision.

Section 31006. Implementation of Change

A. Any increase in rent granted by the Commission shall be noticed by the park owner pursuant to state law. A rent reduction shall go into effect the next date that rent is due after the date of the Commission's final decision.

B. The City Manager shall note in the City's records for each space all adjustments in rent relating to that space and said shall be permanently maintained as a public record which shall reflect:

1. The initial base rent determination.

2. The date each increase or decrease was ordered by the Commission.

3. The date for implementation of increases or decreases ordered by the Commission.

4. The current maximum allowable rent.

CHAPTER 31

HEARINGS AND DECISIONS

310000. Scope of Regulations

The regulations contained in this Chapter apply to all hearings before and decisions of the Malibu Mobilehome Park Rent Stabilization Commission held pursuant to Malibu Municipal Code (M.M.C.) Chapter 5.16.

310001. Hearing Scheduling and Pre-Hearing Procedures

(a) Unless the City Manager has granted a continuance, a hearing on an application shall be scheduled no earlier than fifty (50) calendar days and no later than seventy calendar (70) days after the application is determined complete.

(b) No later than fifteen (15) calendar days prior to the hearing, the City Manager shall mail to the applicant and all affected parties a notice of the hearing on the application. The notice shall state:

(1) The date, time, and place of the hearing;

(2) A brief summary of the stated justification for the application; and

(3) That all submitted documents and materials as well as any report prepared by Staff will be available for public review prior to the hearing.

(c) The applicant shall post a copy of the notice of hearing in a conspicuous place on the affected property at least ten (10) calendar days prior to the hearing. If the applicant is a homeowner or group of homeowners, the affected park owner shall permit the applicant to so post the notice.

(d) No later than ten (10) calendar days prior to the hearing, all parties to the hearing shall submit to the Commission all documents, photographs, diagrams and any and all other documentary evidence that the respective parties wish the Commission to consider. Submission of such evidence to the Commission shall be directed to the City Clerk and shall be submitted under penalty of perjury. The City Clerk will endeavor to upload said evidence to the City's website for public review.

(e) Any documentary evidence or written materials not submitted by the applicable deadline shall not be considered by the Commission and shall be excluded from the record, unless the Commission determines, upon a showing of good cause, that admission of the material is necessary to ensure a fair hearing. In determining good cause, the Commission may consider factors including, but not limited to: (i) the reason for the delay; (ii) whether the information was previously unavailable despite reasonable diligence; (iii) the potential prejudice to any party; and (iv) whether a continuance or other remedy can cure any prejudice. Any material accepted after the deadline shall be identified on the record, and the Commission may grant a continuance or other appropriate relief to ensure fairness.

310002. Conduct of Hearing

(a) The hearing shall be conducted according to M.M.C. Sections 5.16.110 through 5.16.130 and these Regulations.

(b) The hearing shall be conducted by a quorum of the Commission with the Chair serving as presiding officer. In the absence of the Chair, the Vice Chair shall serve as the presiding officer.

(c) The hearing shall ordinarily proceed in the following order, unless the Chair determines that some other order of proceedings would better facilitate the hearing:

(d) The hearing shall proceed in the following order:

(1) Presentation of the staff report.

(2) Presentation by or on behalf of applicant, including testimony of any affected parties and witnesses in support of the application. The applicant shall be allotted up to 30 minutes to make the presentation.

(3) Presentation by or on behalf of opponents, including testimony of any affected parties and witnesses in opposition to the application. Opponents shall be allotted an equal amount of time as the applicant to make their presentation.

(4) Rebuttal by applicant. The applicant shall be allotted 10 minutes for rebuttal.

(5) Public participation. Any person interested in the hearing may attend and address the Commission. Each speaker shall be allocated 3 minutes.

(6) The Chair may for good cause adjust the foregoing time limits as necessary to ensure fairness and the orderly conduct of the hearing, including extending the time limits equally between the applicant and opponents.

(e) The burden of proof shall be on the applicant to demonstrate its case by a preponderance of the evidence.

(f) Commissioners may ask questions of any witness at the end of that witnesses testimony if the need arises.

(g) All parties to the hearing may have assistance from an attorney or such other person as may be designated by the parties in presenting evidence or arguing their position.

(h) In the event that either the park owner or the homeowner(s) 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 as if both parties had been present.

310003. Recordings; Hearing Decorum

(a) All hearings shall be recorded. Recordings shall be preserved in accordance with the City's record retention schedule. If litigation is filed, then recordings may not be destroyed before final resolution of the matter, including any appeals.

(b) Because the hearing must be recorded, and because members of the public wish to hear what is being said, all speakers (including Commissioners and staff) shall speak loudly and clearly so the record will be clear and the audience can hear. Those persons who cannot, for any reason, speak loudly and clearly may assign someone who can do so to make any oral presentation on their behalf.

(c) There shall be no noise, whispering, outcries, audible expressions of approval or disapproval, or any other type of disruption by any person in the hearing room at any time during the hearing. Such disruptions are discourteous to all concerned and are prohibited.

(d) There shall be no side conversations during the hearing in the hearing room. Persons wishing to engage in these activities shall go outside the hearing room.

(e) All persons attending or participating in the hearing in any fashion shall treat others with the same courtesy and respect with which they expect to be treated.

(f) Commissioners, parties and the audience shall not interrupt the presentation of a party or testimony of a witness recognized by the Chair except as necessary to enforce these regulations.

(g) The Chair shall have the authority to remove disruptive persons as follows:

(1) Any person engaging in disruptive conduct may be issued a warning by the Chair.

(2) If the conduct continues after a warning, the Chair may direct the removal of the offending individual from the hearing room.

(3) Removal shall be based on conduct that actually disrupts, delays, or materially interferes with the hearing, and not on the viewpoint or content of the person's speech.

(4) The use of profanity or offensive language and behavior is strongly discouraged, yet standing alone, will not be grounds for removal unless it results in actual disruption of the hearing.

(h) The Chair shall enforce these regulations as is necessary and appropriate to ensure a fair hearing to the participants and to ensure that the hearing is concluded without undue delay.

310004. Rules of Evidence

(a) Formal rules of evidence or procedure which must be followed in court shall not apply to Commission proceedings except as follows:

(1) Parties submitting documentary evidence shall execute a declaration under penalty of perjury that the matters set forth in the documents are true either to their personal knowledge or upon information and belief. If the document is a copy, the declaration shall include a statement that the document is a true copy of the original.

(2) Witnesses for the applicant(s) and opponent(s) shall be sworn and shall testify under penalty of perjury.

(3) Each written statement used as evidence shall:

(i) Be made under penalty of perjury.

(ii) Set forth the full name and current residence and business address and telephone number of the person making the statement.

(b) Unless specifically requested by the Commission at a public meeting, no documentary evidence or written or oral argument shall be accepted by a Commissioner, nor be sent or made to the Commission or to any Commissioner by any party or member of the public after the conclusion of the hearing.

310005. Continuances

(a) The Commission may continue a hearing on its own motion when necessary to ensure a fair hearing or a complete record or at the request of an applicant or affected party for good cause shown.

(b) Requests from an applicant or affected party must be submitted on a form prescribed by the City or, if no form is available, in writing. The request must state the reasons for the continuance, what efforts have been made to ascertain the position of other affected parties in relation to the requested continuance, and the desired alternative dates for the hearing. Requests for continuance should be submitted at the earliest possible date, and must be received by the City Manager at least seventy-two (72) hours prior to the scheduled hearing unless good cause is shown for a later request. The person submitting the request for continuance shall declare under penalty of perjury that all affected parties have been served with copies of the request.

(c) The Commission may continue the hearing to a date, time, and place certain announced at the hearing. If the Commission continues a hearing without announcing a date, time, and place certain on the record, the Commission shall direct staff to provide notice of the continued hearing in a manner reasonably calculated to ensure a fair hearing. Such notice shall provide sufficient time for the parties to prepare and respond, and shall be issued without unnecessary or excessive delay.

310006. Decisions of the Commission

(a) The findings and conclusions of the Commission shall be written. The Commission shall adopt a proposed resolution prepared by staff, amend the proposed resolution and adopt it at the conclusion of the hearing, or direct staff to prepare a resolution consistent

with the Commission's decision. If the Commission directs staff to prepare a resolution, the City Manager shall schedule a meeting of the Commission at the next earliest practicable time for consideration and action on the resolution.

(b) The decision shall become final upon adoption of the resolution. Within one (1) business day after adoption of the resolution, the City Manager shall mail a notice of the decision accompanied by a copy of the written decision, including the Commission's findings and conclusions, to all affected parties in the manner specified in paragraph (c). Affected parties includes the applicant(s), any persons or entities opposing the application, the applicable mobile home park owner(s), and any mobile home owner(s) and/or mobile home tenants whose rent or space rent may be impacted by the Commission's decision.

(c) The notice of decision shall include at least the following information: 1) the name(s) of the applicant(s); 2) the name(s) of any principal opponent(s) to the application; 3) a short summary of the relief the application sought; 4) a short summary of the Commission's decision; 5) identification of each Commissioner who participated in the decision, and how each Commissioner voted on the application; and 6) a short summary of how the decision affects the allowable rent or space rent.

(d) The decision shall be mailed by first-class mail, postage prepaid, including a copy of an affidavit or certificate of mailing. Pursuant to California Civil Code of Procedure 1094.6, the decision is final on the date it is mailed for purposes of determining a party's time to file a writ in superior court.

CHAPTER 31

HEARINGS AND DECISIONS

310001. ~~311.~~ Scope of Regulations

The regulations contained in this Chapter apply to all hearings before and decisions of the Malibu Mobilehome Park Rent Stabilization Commission held pursuant to Malibu Municipal Code (M.M.C. ~~Section 6700, et seq~~) Chapter 5.16.

310001. Hearing Scheduling and Pre-Hearing Procedures

~~312. Hearings~~

(a) ~~A. A~~Unless the City Manager has granted a continuance, a hearing on an application shall be scheduled no earlier than ~~twenty~~fifty (~~20~~50) calendar days and no later than ~~forty~~seventy calendar (~~40~~70) days after the ~~completed~~ application is ~~accepted for filing. The hearing shall be~~ determined complete.

(b) No later than fifteen (15) calendar days prior to the hearing, the City Manager shall mail to the applicant and all affected parties a notice of the hearing on the application. The notice shall state:

(1) The date, time, and place of the hearing;

(2) A brief summary of the stated justification for the application; and

(3) That all submitted documents and materials as well as any report prepared by Staff will be available for public review prior to the hearing.

(c) The applicant shall post a copy of the notice of hearing in a conspicuous place on the affected property at least ten (10) calendar days prior to the hearing. If the applicant is a homeowner or group of homeowners, the affected park owner shall permit the applicant to so post the notice.

(d) No later than ten (10) calendar days prior to the hearing, all parties to the hearing shall submit to the Commission all documents, photographs, diagrams and any and all other documentary evidence that the respective parties wish the Commission to consider. Submission of such evidence to the Commission shall be directed to the City Clerk and shall be submitted under penalty of perjury. The City Clerk will endeavor to upload said evidence to the City's website for public review.

(e) Any documentary evidence or written materials not submitted by the applicable deadline shall not be considered by the Commission and shall be excluded from the record, unless the Commission determines, upon a showing of good cause, that admission of the material is necessary to ensure a fair hearing. In determining good cause, the Commission may consider factors including, but not limited to: (i) the reason for the delay; (ii) whether the information was previously unavailable despite reasonable diligence; (iii) the potential

prejudice to any party; and (iv) whether a continuance or other remedy can cure any prejudice. Any material accepted after the deadline shall be identified on the record, and the Commission may grant a continuance or other appropriate relief to ensure fairness.

310002. Conduct of Hearing

(a) The hearing shall be conducted according to M.M.C. ~~Section 6711~~Sections 5.16.110 through 5.16.130 and these Regulations.

(b) ~~B.~~ The hearing shall be conducted by a quorum of the Commission~~.~~ with the Chair serving as presiding officer. In the absence of the Chair, the Vice Chair shall serve as the presiding officer.

(c) ~~C.~~ The hearing shall ordinarily proceed in the following order, unless the Chair determines that some other order of proceedings would better facilitate the hearing:

(d) The hearing shall proceed in the following order:

(1) ~~1.~~ Presentation of the staff report.

(2) ~~2.~~ Presentation by or on behalf of applicant, including testimony of any affected parties and witnesses in support of the application. The applicant shall be allotted up to 30 minutes to make the presentation.

(3) ~~3.~~ Presentation by or on behalf of opponents, including testimony of any affected parties and witnesses in opposition to the application. Opponents shall be allotted an equal amount of time as the applicant to make their presentation.

(4) ~~4.~~ Rebuttal by applicant. The applicant shall be allotted 10 minutes for rebuttal.

(5) Public participation. Any person interested in the hearing may attend and address the Commission. Each speaker shall be allocated 3 minutes.

(6) The Chair may for good cause adjust the foregoing time limits as necessary to ensure fairness and the orderly conduct of the hearing, including extending the time limits equally between the applicant and opponents.

(e) ~~D.~~ The burden of proof shall be on the applicant to demonstrate its case by a preponderance of the evidence.

(f) Commissioners may ask questions of any witness at the end of that witnesses testimony if the need arises.

(g) ~~E.~~ All parties to the hearing may have assistance from an attorney or such other person as may be designated by the parties in presenting evidence or arguing their position.

(h) ~~F.~~ In the event that either the park owner or the homeowner(s) 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 as if both parties had been present.

~~G. All hearings shall be tape recorded. Tapes shall be preserved for two (2) years.~~

~~H. Commissioners may ask questions of any witness at the end of that witnesses testimony if the need arises.~~

310003. Recordings; Hearing Decorum

(a) All hearings shall be recorded. Recordings shall be preserved in accordance with the City's record retention schedule. If litigation is filed, then recordings may not be destroyed before final resolution of the matter, including any appeals.

(b) Because the hearing must be recorded, and because members of the public wish to hear what is being said, all speakers (including Commissioners and staff) shall speak loudly and clearly so the record will be clear and the audience can hear. Those persons who cannot, for any reason, speak loudly and clearly may assign someone who can do so to make any oral presentation on their behalf.

(c) There shall be no noise, whispering, outcries, audible expressions of approval or disapproval, or any other type of disruption by any person in the hearing room at any time during the hearing. Such disruptions are discourteous to all concerned and are prohibited.

(d) There shall be no side conversations during the hearing in the hearing room. Persons wishing to engage in these activities shall go outside the hearing room.

(e) All persons attending or participating in the hearing in any fashion shall treat others with the same courtesy and respect with which they expect to be treated.

(f) Commissioners, parties and the audience shall not interrupt the presentation of a party or testimony of a witness recognized by the Chair except as necessary to enforce these regulations.

(g) The Chair shall have the authority to remove disruptive persons as follows:

(1) Any person engaging in disruptive conduct may be issued a warning by the Chair.

(2) If the conduct continues after a warning, the Chair may direct the removal of the offending individual from the hearing room.

(3) Removal shall be based on conduct that actually disrupts, delays, or materially interferes with the hearing, and not on the viewpoint or content of the person's speech.

(4) The use of profanity or offensive language and behavior is strongly discouraged, yet standing alone, will not be grounds for removal unless it results in actual disruption of the hearing.

(h) The Chair shall enforce these regulations as is necessary and appropriate to ensure a fair hearing to the participants and to ensure that the hearing is concluded without undue delay.

310004. Rules of Evidence

(a) ~~I.~~ Formal rules of evidence or procedure which must be followed in court shall not apply to Commission proceedings except as follows:

(1) ~~1.~~ Parties submitting documentary evidence shall execute a declaration under penalty of perjury that the matters set forth in the documents are true either to their personal knowledge or upon information and belief. If the document is a copy, the declaration shall include a statement that the document is a true copy of the original.

(2) ~~2.~~ Witnesses for the applicant(s) and opponent(s) shall be sworn and shall testify under penalty of perjury.

(3) ~~3.~~ Each written statement used as evidence shall:

(i) ~~a)~~ Be made under penalty of perjury.

(ii) ~~b)~~ Set forth the full name and current residence and business address and telephone number of the person making the statement.

(b) ~~J.~~ Unless specifically requested by the Commission at a public meeting, no documentary evidence or written or oral argument shall be accepted by a Commissioner, nor be sent or made to the Commission or to any Commissioner by any party or member of the public after the conclusion of the hearing.

~~K. No Commissioner shall request or accept documentary evidence or written or oral argument from any party or member of the public after the conclusion of the hearing.~~

310005. ~~313. Continuance~~Continuances

(a) ~~A.~~ The Commission may continue a hearing on its own motion when necessary to ensure a fair hearing or a complete record or at the request of an applicant or affected party for good cause shown.

(b) Requests from an applicant or affected party must be submitted on a form prescribed by the City or, if no form is available, in writing. The request must state the reasons for the continuance, what efforts have been made to ascertain the position of other affected parties in relation to the requested continuance, and the desired alternative dates for the hearing. Requests for continuance should be submitted at the earliest possible date, and must be received by the City Manager at least seventy-two (72) hours prior to the

scheduled hearing unless good cause is shown for a later request. The person submitting the request for continuance shall declare under penalty of perjury that all affected parties have been served with copies of the request.

(c) The Commission may continue the hearing to a date, time, and place certain announced at the hearing. If the Commission continues a hearing without announcing a date, time, and place certain on the record, the Commission shall direct staff to provide notice of the continued hearing in a manner reasonably calculated to ensure a fair hearing. Such notice shall provide sufficient time for the parties to prepare and respond, and shall be issued without unnecessary or excessive delay.

~~314. Decorum at Hearing~~

~~A. Hearings shall begin promptly. Late arrivals shall seat themselves quietly, without interrupting proceedings.~~

~~B. Because the hearing must be tape recorded, and because members of the public wish to hear what is being said, all speakers (including Commissioners and staff) shall speak loudly and clearly so the record will be clear and the audience can hear. Those persons who cannot, for any reason, speak loudly and clearly may assign someone who can do so to make any oral presentation on their behalf.~~

~~C. There shall be no noise, whispering, outeries, audible expressions of approval or disapproval, or any other type of disruption by any person in the hearing room at any time during the hearing. Such disruptions are discourteous to all concerned and will not be tolerated. Offending parties shall be warned by the Chair. If disruptions continue, the Chair may remove offending parties in order to insure that the hearing may go forward without further disruption or delay.~~

~~D. There shall be no smoking at any time and no side conversations during the hearing in the hearing room, in the hallways outside the hearing room or in other rooms in the building where the hearing is held. Persons wishing to engage in these activities shall go outside the building.~~

~~E. All persons attending or participating in the hearing in any fashion shall treat others with the same courtesy and respect with which they expect to be treated.~~

~~F. Commissioners, parties and the audience shall not interrupt the presentation of a party or testimony of a~~

~~G. Vulgar or offensive language and/or behavior shall not be tolerated~~

~~H. The Chair shall enforce these regulations as is necessary and appropriate in order to insure a fair hearing to the participants and that the hearing is concluded without undue delay.~~

310006. ~~315.~~ Decisions of the Commission

(a) ~~A.~~ The findings and conclusions of the Commission shall be written. The Commission ~~may~~shall adopt a proposed resolution prepared by ~~the Staff, may~~staff, amend

athe proposed resolution and adopt it at the conclusion of the hearing, mayor direct staff to prepare a resolution consistent with the Commission'sCommission's decision, or may. If the Commission directs staff to prepare a resolution at the hearing, the City Manager shall schedule a meeting of the Commission at the next earliest practicable time for consideration and action on the resolution.

(b) B. The decision shall become final upon adoption of the resolution. TheWithin one (1) business day after adoption of the resolution, the City Manager shall mail a notice of the applicantdecision accompanied by a copy of the written decision, including the Commission's findings and conclusions, to all affected parties in the manner specified in paragraph (c). Affected parties includes the applicant(s), any persons or entities opposing the application, the applicable mobile home park owner(s), and any mobile home owner(s) and/or mobile home tenants whose rent or space rent may be impacted by the Commission's decision.

(c) The notice of decision shall include at least the following information: 1) the name(s) of the applicant(s); 2) the name(s) of any principal opponent(s) to the application; 3) a short summary of the relief the application sought; 4) a short summary of the Commission's decision; 5) identification of each Commissioner who participated in the decision, and how each Commissioner voted on the application; and 6) a short summary of how the decision affects the allowable rent or space rent.

(d) The decision shall be mailed by first-class mail, postage prepaid, including a copy of an affidavit or certificate of mailing. Pursuant to California Civil Code of Procedure 1094.6, the decision is final on the date it is mailed for purposes of determining a party's time to file a writ in superior court.

316. Implementation of Change

A. Any increase in rent granted by the Commission shall be noticed by the park owner pursuant to state law. A rent reduction shall go into effect the next date that rent is due after the date of the Commission's final decision.

B. The City Manager shall note in the City's records for each space all adjustments in rent relating to that space and said shall be permanently maintained as a public record which shall reflect:

1. The initial base rent determination.

2. The date each increase or decrease was ordered by the Commission.

3. The date for implementation of increases or decreases ordered by the Commission.

4. The current maximum allowable rent.

Summary report: Litera Compare for Word 11.10.1.2 Document comparison done on 4/8/2026 2:05:31 PM	
Style name: Default Style	
Intelligent Table Comparison: Active	
Original DMS: iw://bbklaw-mobility.imanage.work/IMANAGE/44882227/1	
Modified DMS: iw://bbklaw-mobility.imanage.work/IMANAGE/44882150/2	
Changes:	
Add	125
~~Delete~~	85
~~Move From~~	0
Move To	0
Table Insert	0
~~Table Delete~~	0
Table moves to	0
~~Table moves from~~	0
Embedded Graphics (Visio, ChemDraw, Images etc.)	0
Embedded Excel	0
Format changes	0
Total Changes:	210

Mobilehome Park Rent Adjustment Application

WRITTEN STATEMENT
DECLARATION UNDER PENALTY OF PERJURY

I, _____, declare as follows:

1. I am an ☐ Applicant ☐ Homeowner ☐ Authorized Representative for Applicant or Homeowner ☐ Other: _____, submitting a written statement in connection with the mobilehome park rent adjustment application dated _____.
2. I have reviewed the foregoing statement.
3. The matters set forth in the statement are true and correct of my own personal knowledge or upon information and belief.
4. I understand that I must promptly correct or supplement my statement if I become aware of any material error or omission before final action in this matter.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Executed on _____**,** 20___, at _____, California.

Signature: _____

Printed Name: _____

Title / Capacity (e.g. park manager, legal representative, other authorized representative) (if applicable):

_____

Current Residence Address:

_____

Current Business Address (if applicable):

_____

Telephone Number: _____

Mobilehome Park Rent Adjustment Application

DOCUMENTARY EVIDENCE
VERIFICATION UNDER PENALTY OF PERJURY

I, _____, declare as follows:

1. I am a ☐ Park Owner ☐ Homeowner ☐ Authorized Representative for Park Owner or Homeowner ☐ Other: _____, submitting documents in connection with the mobilehome park rent adjustment application dated _____.
2. I have reviewed the documents.
3. The documents submitted with this filing are true and correct copies of the original.
4. I understand that I must promptly correct or supplement this submission if I become aware of any material error or omission before final action in this matter.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Executed on _____**,** 20___, at _____, California.

Signature: _____

Printed Name: _____

Title / Capacity (e.g. park manager, legal representative, other authorized representative) (if applicable):

_____

Current Residence Address:

_____

Current Business Address (if applicable):

_____

Telephone Number: _____

Chapter 1 - Purpose and Effect of Commission Rules

1.01 Purpose

In enacting the Malibu Mobilehome Park Rent Control Ordinance (MMC 5.16.010 et seq. "Ordinance"), the Malibu City Council authorized the Commission "[t]o adopt, promulgate, amend and rescind administrative rules to effectuate the purposes and policies of" the Ordinance. (MMC 5.16.050 (D).) It is the intent of the Commission that these rules effectuate the purposes and policies of the Ordinance, including providing for the orderly administration of the Commission's proceedings.

1.02 Relationship Between the Ordinance and These Rules

Having been adopted by the City's legislative body, the Ordinance supersedes the rules adopted by the Commission herein ("Rules"). To the extent that the Ordinance and the Rules conflict, the Ordinance shall control.

1.03 Relationship Between the Rules and Other Administrative Regulations

Having been adopted by the Commission pursuant to the authority granted to the Commission by the City's legislative body, the Rules supersede any administrative regulations or procedures adopted by the City Manager or their designee. To the extent that the Rules and any such administrative regulations or procedures conflict, the Rules shall control.

1.04 No Rent Adjustment Without Approval of the Commission

In enacting the Malibu Mobilehome Park Rent Control Ordinance (MMC 5.16.010 et seq.), the Malibu City Council delegated to the Commission the duty to "receive, investigate, hold hearings on, and pass upon all issues relating to mobilehome park rent stabilization, … make or conduct such independent hearings or investigations … [and] adjust space rents either upward or downward upon completion of its hearings and investigations." Having been delegated that duty by the City's legislative body, the Commission may not shirk that duty by, for example, delegating that duty to someone else. Thus, to be effective, any and all space rent adjustments, either upward or downward, except those for necessary infrastructure improvements and sublease surcharge exemptions which are entrusted to the authority of the City Manager, must be approved by the Commission. Any space rent adjustment, other than those expressly entrusted by the Ordinance to the authority of the City Manager, not approved by the Commission shall be null and void. This section is declarative of existing law.

Chapter 2 – Registration and Other Documents

2.01 Retention of Documents

All registrations, applications and other documents provided to the City or Commission concerning the rental of mobile home(s) and/or space(s) at mobile home park(s) shall be maintained by the City and may not be destroyed without an affirmative majority vote of the Commission. Paper documents may be digitized, and an electronic copy of any document may be maintained by the City in lieu of the corresponding paper document. To the extent a resolution or ordinance adopted by the City Council requires the destruction of the documents addressed by this Rule, and thus conflicts with this Rule, the resolution or ordinance shall control.

2.02 Public Records

All registrations, applications for rent adjustment, and documents submitted in support of, or in opposition to, any such application, are public records. In the Commission's view, it is consistent with the Public Records Act (Government Code 7920.000 et seq.) to make such documents available to any member of the public upon request and without redaction of names, addresses and rent amounts.

Chapter 3 – Persons Authorized to Submit and Present a Rent Adjustment Application

3.01 Authorized Persons and Entities

Any owner of a mobile home park, mobile home owner at any mobile home park, or tenant entitled to occupy a mobile home at a mobile home park may seek a rent adjustment, upwards or downwards, by submitting an application for consideration by the Commission. An application to the Commission is the exclusive means by which any rent adjustment, for any reason other than those for necessary infrastructure improvements and sublease surcharge exemptions which are entrusted by the Ordinance to the authority of the City Manager, may be authorized.

3.02 Authorized Organizations

An organization may seek a rent adjustment, upwards or downwards, by submitting an application for consideration by the Commission if the subject of the application is germane to the purpose of the organization.

3.03 Representatives

An attorney, licensed to practice law in the State of California, representing any of the persons or entities described in Rule 3.01 or Rule 3.02, may seek a rent adjustment on behalf of the attorney's client(s). Any person authorized by a corporate entity or other organization may represent that corporate entity or other organization in any application for rent adjustment and before the Commission. Any immediate family member (parent, child, sibling, aunt/uncle, grandparent, grandchild, great grandparent, great grandchild, cousin, spouse, domestic partner) of a person described in Rule 3.01 may represent that person in any application for rent adjustment and before the Commission.

Chapter 4 – Pre-hearing procedure and notice

4.01 Requesting a Hearing

An application submitted by a person or entity described in Rule 3.01 or Rule 3.02 shall be set for hearing before the Commission. The application shall be submitted to the City Manager on a form approved by the Commission and made available in the office of the City Clerk and on the City's website. Promptly upon submission of an application, the City Manager, or their designee, shall notify the Chair of the Commission of the receipt of the application.

Upon acceptance of the application as complete, the applicant(s) must deliver a copy of the application to the target(s) of the application – the park owner(s) or sublessor(s) in the case of an application for rent reduction, or the homeowner(s) or tenant(s) in the case of an application for rent increase. In the

event that the City Manager rejects, or otherwise refuses to promptly accept an application, the Chair of the Commission may accept the application, prompting the scheduling of a hearing as described herein. If the Chair of the Commission accepts an application which the City Manager has rejected or otherwise refused to promptly accept, the acceptance of the application and whether it is complete shall be considered at the next regular meeting of the Commission at which the Commission may, by at least a 3/5 vote of the Commission, reverse the Chair's acceptance of the application by finding the application is not complete.

4.02 Scheduling the Hearing

The applicant and the other affected parties shall confer with the City Manager and the Chair of the Commission to arrange a mutually convenient time and date for a hearing on the application mentioned in Section 4.01. The hearing date shall be within the time limits imposed by the Ordinance. The convenience of the parties shall be considered but shall not be determinative in setting the hearing.

4.03 Support and Responses to Application

Written statements in support of, and in opposition to, the application shall be submitted to the Commission no later than ten (10) days prior to the hearing.

4.04—Evidentiary matter to be submitted prior to the hearing

No later than ten(10) days prior to the hearing, all parties to the hearing shall submit to the Commission all documents, photographs, diagrams and any and all other documentary evidence that the respective parties wish the Commission to consider. Submission of such evidence to the Commission shall be directed to the City Clerk. Material too bulky or difficult to deliver as required herein shall be reasonably described to the Commission and may be introduced at the hearing pursuant to Section 5.02. Evidentiary material to be submitted solely for purposes of impeachment may be submitted during the hearing without regard to the aforesaid time limit and distribution requirements.

No person employed by the City, except where said person is immediately and financially impacted by the application, may submit to the Commission evidence, nor any recommendation for the outcome of an application, nor conclusory matter in connection with the application. Notwithstanding the previous sentence, City staff may submit a financial analysis to the Commission in connection with an application for rent adjustment based on reasonable return on investment, and if requested by the Chair of the Commission, may submit a recommendation for the outcome of the application. All documentary evidence submitted to the Commission shall be made available to all affected parties by uploading said materials to the City's website promptly upon the City's receipt of said evidence.

4.05—Commission Requests for Evidence

Any Commissioner may request that any applicant(s) or opponent(s) to an application provide specified evidence. Any failure to provide such evidence may be considered by the Commission.

4.06—Presumptions and Evidence

a. Vacancy/Transfer

Presentation of a recorded deed applicable to a particular mobile home park space shall create a rebuttable presumption that the mobile home and associated leasehold interest were transferred as stated in the recorded deed.

No increase in space rent shall be permitted based on the following:

1. addition or deletion of owners to/from a title where one or more of the previous owners remain;
2. title to a home changing to a trust, limited liability company, or similar legal instrument, where one or more of the beneficiaries or members is the same as one or more of the previous owners;
3. elimination of a lien holder on the title of a mobile home;
4. title to a home changing to reflect removal of or addition of the names of family members; and/or
5. title to a home passing between or among members of a family (e.g. parents, children, grandparents, grandchildren, great grandparents, great grandchildren, spouses, domestic partners, aunts/uncles, cousins).

b. Sublease

Presentation of a valid written and signed agreement to lease a mobile home lying on a particular mobile home park space shall create a rebuttable presumption that the mobile home is/was leased during any period specified in the lease agreement.

c. Reasonable Return

If presented with an application, or opposition to an application, which raises an issue of reasonable return, the Commission shall set rent in an amount necessary to provide a park owner with a fair and reasonable return. A rebuttable presumption of a fair and reasonable return shall apply to any rent(s) that permit a park owner to maintain the same net operating income as it enjoyed on March 28, 1991. An applicant, or opponent to an application, asserting that rent(s) should be either increased or not decreased as requested by an application in order to provide for a fair and reasonable return, must present evidence of the net operating income on March 28, 1991.

In determining whether a maximum rent allows for a reasonable return on investment, the Commission shall not consider:

1) gratuitous, voluntary or otherwise excessive expenditures; and/or
2) debt service payments, including interest and fees.

Chapter 5 – Hearing Procedure

5.01—Hearing to be conducted by Commission

The hearing shall be conducted by the Commission with the chairperson serving as presiding officer.

5.02—Evidence and Presentation at Hearing

The applicant(s), or their representative(s), shall have fifteen (15) minutes to present their case at the hearing. Any portion of that fifteen minutes may be reserved for rebuttal. Following the presentation by

applicant(s) (other than their rebuttal), the principal opponent(s) of the application shall have fifteen (15) minutes to present their opposition. Applicants and opponents are encouraged to cooperate with one another to divide their respective presentation time. In the event that applicants or opponents, respectively, are not able to agree on the division of their respective times, the Chair of the Commission will impose a reasonable division. The Commission may, for good cause, extend the time limitations of this section, equally between the two sides.

In addition to the evidentiary and other matter submitted by the parties pursuant to Section 4.04, the parties may present oral testimony at the hearing. Such presentation may be in narrative form. Bulky items and items too difficult to present in advance of the hearing as required in Section 4.04 may be introduced provided the description required by Section 4.04 was supplied in accordance within the pre-hearing time limits.

The Commission may, at the hearing, question any person who has presented testimony or other evidence, or is otherwise present at the hearing.

The rules of evidence as provided in the California Evidence Code or the Federal Rules of Evidence shall not apply to applications and hearings before the Commission.

The failure of a party to present evidence reasonably available to that party may be construed against that party.

5.03—Participation of commissioners during evidence presentation

The commissioners may make inquiry of any party or witness or representative who presents evidence at the hearing. Such inquiry shall be respectful. In the event the Chair of the Commission determines that inquiry by the commissioners is excessive or inappropriate, the Chair may stop such inquiry.

5.04—Public participation

Any person interested in the hearing may attend. Other than the applicant(s) and principal opponent(s), or their respective representative(s), whose presentation time limits are set forth in Rule 5.02, all other persons addressing the Commission at the hearing shall be limited to identifying their position – i.e. "support" or "oppose" – and no more than 30 seconds of explanation.

5.05 -Decision

The Commission shall deliberate and render a decision on the application presented pursuant to these Regulations.

The Commission's decision may be announced at the hearing, and shall be in writing and delivered to the affected parties as set forth in Chapter 6. The decision is final.

Chapter 6 – Notice of Commission Decision

6.01 Notice to be Sent to Affected Parties

Within 15 days of the Commission reaching a decision on an application for rent adjustment, the City shall send a written decision to the applicant and any person or entity opposing the application, as well

as a notice of that decision to all affected parties. Affected parties includes the applicant(s), any persons or entities opposing the application, the applicable mobile home park owner(s), and any mobile home owner(s) and/or mobile home tenants whose rent or space rent may be impacted by the Commission's decision.

6.02 Contents of the Notice

The notice sent to affected parties pursuant to Rule 6.01 shall include at least the following information: 1) the name(s) of the applicant(s); 2) the name(s) of any principal opponent(s) to the application; 3) a short summary of the relief the application sought; 4) a short summary of the Commission's decision; 5) identification of each Commissioner who participated in the decision, and how each Commissioner voted on the application; and 6) a short summary of how the decision affects the allowable rent or space rent.

6.03 Manner of Sending Decision

The decision shall be mailed by first-class mail, postage prepaid, including a copy of the affidavit or certificate of mailing. Pursuant to California Civil Code of Procedure 1094.6, the decision is final on the date it is mailed for purposes of determining a party's time to file a writ in superior court.