



Mobilehome Park Rent  
Stabilization  
Commission Meeting  
01-15-26

**Item  
4.A.**

# Mobilehome Park Rent Stabilization Commission Supplemental Report

To: Members of the Mobilehome Park Rent Stabilization Commission

Prepared by: Frances Arricale, Deputy City Manager

Approved by: Rob DuBoux, Interim City Manager

Date prepared: January 12, 2026 Meeting date: January 15, 2026

Subject: Mobilehome Park Rent Stabilization Administrative Regulations and  
Commission Regulations

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**RECOMMENDED ACTION:** Recommended Action: 1) Review and discuss the Ad Hoc Committee's proposed draft changes to the Mobilehome Park Rent Stabilization Administrative Regulations and Commission Regulations Chapters 1,2, and 4; and 2) Repeal Chapters 12-29 of the Mobilehome Park Rent Stabilization Administrative Regulations and Commission Regulations; and 3) Adopt the Ad Hoc Committee's proposed changes and direct staff to return with a resolution memorializing all adopted sections.

**DISCUSSION:** In the 1990s, the Malibu Mobilehome Park Rent Stabilization Commission adopted regulations titled "City of Malibu Mobilehome Rent Stabilization Commission Administrative Regulations" ("Existing Regulations"). Though unable to verify the precise date of adoption, notations suggest an adoption date of June 13, 1995.

The Existing Regulations consist of two sets of regulations – those adopted by the City Manager (Chapters 1-4) and those adopted by the Commission (Chapters 5 – 31).

At the December 18, 2025 Regular meeting, the Ad Hoc Committee appointed to review the Existing Regulations, comprised of Chairperson Kevin Shenkman and Vice Chairperson Bill Sampson, presented their recommended changes to Chapters 5 - 31. Based on that recommendation, the Commission voted to repeal Chapters 5, 6, 9, 10, 11, 30, 31, and 32, keep Chapter 7 (Government Required Services (Special/Limited Rent)) and Chapter 8 (Capital Improvement), adopt new Chapters 3, 5, and 6, and

directed staff to bring back new Chapters 1, 2 and 4 for discussion at the January 15, 2026 meeting.

The Chairperson and staff have prepared revisions to Chapters 2 and 4 since the December meeting. Those revisions are as follows:

2.01 (Retention of Documents) – revised to state that a resolution or ordinance adopted by Council requiring the destruction of registrations, applications and other documents provided to the Commission or City will control to the extent of a conflict with the rule.

2.02 (Public Records) – clarifies that in the Commission’s view (distinguished from the City Clerk’s view), the Public Records Act requires disclosure of registrations, applications for rent adjustment, and documents submitted in support of, or in opposition to, any such application without redaction of names, addresses, or rent amounts.

4.01 (Requesting a Hearing) - clarifies that a hearing must be set to determine the completeness of an application when the Chair accepts the application and the City Manager has rejected or otherwise refused to promptly accept. To reverse the Chair’s acceptance, by 3/5 vote, the commission must make a finding that the application is not complete.

4.03 (Support and Responses to Application) – increases the amount of days to submit responses to an application prior to a hearing from one week to 10 days.

4.04 (Evidentiary matter to be submitted prior to the hearing) – increases the amount of days to submit documentary evidence prior to a hearing from one week to 10 days. Further, staff may submit a recommendation for the outcome of an application if requested by the Chair.

4.06(c) (Reasonable Return) – replaces the “1991” date of base year net operating income with “March 28, 1991”. In addition, “insurance” was removed from the factors that the Commission may not consider when determining a fair return.

ATTACHMENTS:

1. Proposed Chapters 1 – 6 of Commissions Regulations
2. Redline of proposed changes to Chapters 2 and 4.

## **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.

## **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.

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## **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, Consistent it is consistent](#) with the Public Records Act (Government Code 7920.000 et seq.), ~~such documents shall be to make such documents made~~ available to any member of the public upon request and without redaction of names, addresses and rent amounts.

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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**

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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 [one calendar weekten \(10\) days](#) prior to the hearing.

#### **4.04—Evidentiary matter to be submitted prior to the hearing**

No later than [one calendar weekten\(10\) 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, [but still may not and if requested by the Chair of the Commission, may](#) submit [any-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*

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*c. Reasonable Return*

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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; and/or
- ~~3) insurance.~~

**Chapter 5 – Hearing Procedure**

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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**

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### **5.04—Public participation**

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### **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 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.