



# City of Gardena Rent Mediation Board Application

OFFICE of the CITY CLERK

Email: [cityclerk@cityofgardena.org](mailto:cityclerk@cityofgardena.org)

1700 WEST 162nd STREET / GARDENA, CALIFORNIA 90247-3732 / [WWW.CITYOFGARDENA.ORG](http://WWW.CITYOFGARDENA.ORG) / PHONE (310) 217-9565

NAME (First/Last):		D.O.B:
HOME ADDRESS (Apt/City/Zip Code):		
MAILING ADDRESS (if different then home address):		
HOME PHONE NO:	CELL PHONE NO:	
BUSINESS PHONE NO:	EMAIL:	
EMPLOYED BY:		
WORK ADDRESS:		
NATURE OF BUSINESS (describe duties):		
EDUCATION (High School/College Name & City):		
DEGREES & TITLES:		
MEMBERSHIP IN ORGANIZATIONS (Professional & Other):		
MILITARY SERVICE (Branch of Service):		
COMMUNITY SERVICE & PARTICIPATION:		

Do you have any concurrent obligations and/or responsibilities which could possibly be considered as a conflict of interest? If yes, what are they?

Please provide aspects of your employment and other experience that you feel would qualify you to serve on a Commission, Committee, or other, as indicated:

Do you have any relatives who work for the City of Gardena Yes  No

Reference of Gardena residents (Please do not list Mayor or Councilmembers):

Name:	Address:	Phone No:
Name:	Address:	Phone No:
Name:	Address:	Phone No:



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By order of preference, please indicate which of the following with which you would like to serve:  
(Please review [GMC 14.04.050 Qualifications](#) prior to making your decision)

Rent Mediation Board – Tenant	
Rent Mediation Board – Owner	
Rent Mediation Board – At – Large	

**Appointment of Members – Terms – Removal** Pursuant [GMC 14.04.040](#)

- A. Each councilmember shall appoint one member from each of the three member groups set forth in Section [14.04.030](#).
- B. The term of office for each member of the board shall be coterminus with the expiration of the actual tenure of the member of the council who appointed the member.
- C. Each member shall serve at the pleasure of the council, and any member may be removed from office with or without cause by a majority vote of the membership of the council.
- D. All members shall serve until their respective successors are appointed.
- E. Members may be reappointed.
- F. Vacancies existing due to removal, resignation, death or changed status as to a membership group shall be filled for the unexpired portion of the term by the councilmember originally appointing the vacating member. (Ord. 1670 § 20, 2005; Ord. 1548 § 7, 1998; prior code § 12-1.104).

**Forfeiture of office** Pursuant [GMC 14.04.045](#) Notwithstanding any other provision of this chapter, any member of the board (excepting a nonvoting member) who is absent from any three consecutive regular meetings of the board or who is absent from a total of six regular meetings of the board in any twelve-month period shall thereby automatically forfeit the position or office as a member of the board and the name of such person shall be automatically removed from the membership of the board immediately after the adjournment of any such third consecutive regular meeting or of any such six regular meetings in any such twelve month period, as the case may be, at which such member has not appeared.

The secretary of the board shall thereupon promptly notify the council of such fact, whereupon the vacancy so created shall be filled by appointment as set forth in Section [14.04.040](#) for the remainder of the unexpired term. (Ord. 1670 § 21, 2005).

**Qualifications Pursuant** [GMC 14.04.050](#)

- A. All tenant members shall be tenants of residential rental property within the city, and neither the tenant member, spouse, nor dependents shall have any financial interest in residential income-producing property either in the city or elsewhere.
- B. All owner members shall own, manage, or have a residential income-producing property interest within the city and preferably shall be residents of the city.
- C. Members-at-large shall not be tenants, nor shall they have an ownership interest in any residential income-producing property in the city. It is preferable that neither members-at-large nor their spouses or dependents shall have any direct business or financial relationship with either landlords, property managers or real estate professionals within the city or elsewhere. (Ord. 1799 § 2, 2018; prior code § 12-1.105).

I acknowledge and agree to the following: a) That any or all of information on this form may be verified; and b) that this document is a public record subject to disclosure under the California Public Records Act.

I declare under penalty of perjury that the information contained in this application is true and correct. I understand that any falsification or omission may be cause for disqualification. I further declare that if I am appointed, I will serve fairly, impartially, and to the best of my ability.

Signature:	Date:
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**Title 14  
HOUSING**

**Chapters:**

[14.04 Residential Rent Mediation and Hearings](#)

[14.08 Tenant Displacement and Relocation Fees](#)

[14.12 Mobile Home Park Relocation Impact Reports](#)

[14.16 Evictions](#)

**Chapter 14.04  
RESIDENTIAL RENT MEDIATION AND HEARINGS**

Sections:

[14.04.010 Purpose.](#)

[14.04.020 Definitions.](#)

[14.04.030 Rent mediation board created – Composition.](#)

[14.04.040 Appointment of members – Terms – Removal.](#)

[14.04.045 Forfeiture of office.](#)

[14.04.050 Qualifications.](#)

[14.04.055 Ex officio member.](#)

[14.04.060 Compensation.](#)

[14.04.070 Meetings – Quorum – Rules of procedure.](#)

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[14.04.290 Reports.](#)

[14.04.300 Severability.](#)

Prior ordinance history: Ordinances 1180, 1303, 1330 and 1375.

**14.04.010 Purpose.**

The council finds and declares that there is presently within the city a shortage of residential rental units and a low vacancy rate resulting in a rapid increase in rents, thus causing an economic hardship to tenants residing in the community. The council is desirous of protecting such tenants from unreasonable rent increases while permitting the owners of such properties to receive rent allowing them to maintain the units as well as to receive a reasonable return on their property. The council has therefore determined that it is in the interests of the city to assist tenants and owners in resolving disputes which, from time to time, may arise. (Prior code § 12-1.101)

**14.04.020 Definitions.**

“Board” means the Gardena rent mediation board.

“Consumer Price Index” shall mean the Consumer Price Index for all Urban Consumers, Los Angeles-Riverside-Orange County, California, published by the U.S. Department of Labor, Bureau of Labor Statistics.

“Hearing” means a process conducted to make a decision based on evidence taken before a hearing officer who makes findings of fact, conclusions of law and renders a decision that is reviewable in accordance with the provisions contained in Section 1094.5 et seq. of the Code of Civil Procedure of the state.

“Hearing officer” means a neutral officer selected in accordance with the provisions of this chapter charged with conducting a hearing in accordance with Sections [14.04.170](#) through [14.04.190](#).

“Mobile home” shall mean a structure designed for human habitation and for being moved on a street under permit, pursuant to California Vehicle Code Section 35790. “Mobile home” includes a manufactured home, as defined in California Health and Safety Code Section 18007, and a mobile home, as defined in California Health and Safety Code Section 18008.

“Mobile home homeowner” shall mean a person who owns a mobile home located in a mobile home park under a rental agreement that is not otherwise exempt from regulation under this chapter pursuant to California Civil Code Section 798.17 or 798.45.

“Mobile home park” shall mean any area of land within the city where two or more mobile home spaces are rented, or held out for rent, to accommodate mobile homes used for human habitation.

“Owner” means the owner, lessor, sublessor, or any other person entitled to receive rent for the use and occupancy of any rental unit or an agent, representative or successor of any of such persons.

“Rent” means the consideration demanded or received in connection with the use and occupancy of any rental unit or for the transfer of a lease for occupancy.

“Tenant” means the lessee and/or any person entitled to occupy a rental unit under a rental or lease agreement with the owner of such rental unit. (Ord. 1761 § 1, 2015: prior code § 12-1.102)

#### **14.04.030 Rent mediation board created – Composition.**

The Gardena rent mediation board is created. The board shall consist of fifteen members comprised of five tenant members, five owner members, and five members-at-large. (Ord. 1799 § 1, 2018: prior code § 12-1.103)

#### **14.04.040 Appointment of members – Terms – Removal.**

A. Each councilmember shall appoint one member from each of the three member groups set forth in Section [14.04.030](#).

B. The term of office for each member of the board shall be coterminus with the expiration of the actual tenure of the member of the council who appointed the member.

C. Each member shall serve at the pleasure of the council, and any member may be removed from office with or without cause by a majority vote of the membership of the council.

D. All members shall serve until their respective successors are appointed.

E. Members may be reappointed.

F. Vacancies existing due to removal, resignation, death or changed status as to a membership group shall be filled for the unexpired portion of the term by the councilmember originally appointing the vacating member. (Ord. 1670 § 20, 2005; Ord. 1548 § 7, 1998; prior code § 12-1.104)

**14.04.045 Forfeiture of office.**

Notwithstanding any other provision of this chapter, any member of the board (excepting a nonvoting member) who is absent from any three consecutive regular meetings of the board or who is absent from a total of six regular meetings of the board in any twelve-month period shall thereby automatically forfeit the position or office as a member of the board and the name of such person shall be automatically removed from the membership of the board immediately after the adjournment of any such third consecutive regular meeting or of any such six regular meetings in any such twelve month period, as the case may be, at which such member has not appeared.

The secretary of the board shall thereupon promptly notify the council of such fact, whereupon the vacancy so created shall be filled by appointment as set forth in Section [14.04.040](#) for the remainder of the unexpired term. (Ord. 1670 § 21, 2005)

**14.04.050 Qualifications.**

A. All tenant members shall be tenants of residential rental property within the city, and neither the tenant member, spouse, nor dependents shall have any financial interest in residential income-producing property either in the city or elsewhere.

B. All owner members shall own, manage, or have a residential income-producing property interest within the city and preferably shall be residents of the city.

C. Members-at-large shall not be tenants, nor shall they have an ownership interest in any residential income-producing property in the city. It is preferable that neither members-at-large nor their spouses or dependents shall have any direct business or financial relationship with either landlords, property managers or real estate professionals within the city or elsewhere. (Ord. 1799 § 2, 2018; prior code § 12-1.105)

**14.04.055 Ex officio member.**

To aid and assist the board in its deliberations, the city manager, or the city manager's designated representative, shall serve as an ex officio member of the board and shall have no voting power. (Ord. 1670 § 22, 2005)

**14.04.060 Compensation.**

The members of the board shall receive such compensation as determined by resolution of the city council.  
(Prior code § 12-1.106)

**14.04.070 Meetings – Quorum – Rules of procedure.**

The board shall meet regularly once each month at a time and place within the city to be decided upon by the board. A majority of the board members, to include at least one member from each membership category, shall constitute a quorum. All regular board meetings shall be open to the public. The board shall establish rules of procedure for its regular meetings and for mediations conducted by the board. Such rules and all changes and additions thereto shall be submitted to and subject to approval by the council prior to taking effect. (Prior code § 12-1.107)

**14.04.075 Secretary and minutes.**

A. The city manager, or the city manager's designee, shall serve as secretary to the board and to any of its committees, and accurate minutes of the activities of the board shall be maintained by the secretary. Minutes shall include the following subject matter:

1. The time and place of each meeting of the board;
2. The names of the members present;
3. All official acts of the board;
4. The votes given by the members, except when the action is unanimous; and
5. A summary of all proceedings before the board.

B. All minutes shall be reduced to writing and shall be presented to the board at the earliest reasonable time for approval, amendment, or correction. The minutes, or true copies thereof, shall be open to public inspection. Copies of the minutes shall be furnished to the council, members of the board, and any other public official upon request. (Ord. 1670 § 23, 2005)

**14.04.080 Matters subject to mediation.**

The board shall provide mediation services regarding claims that rent increases in the amounts specified in Sections [14.04.090](#)(D) and (E) are excessive or unjustified. No other matter shall be within the jurisdiction of the board. (Ord. 1761 § 2, 2015; Ord. 1709 § 1, 2008; prior code § 12-1.108)

**14.04.090 Notification of rent increases.**

A. An owner shall provide written notice to tenants of an increase of ten percent or less of the rent charged during the twelve months prior to the effective date of the increase at least thirty days prior to the effective date of the increase.



B. If the proposed rent increase is greater than the amount described in subsection A of this section, the owner shall provide written notice of the increase to tenants at least sixty days prior to the effective date of the increase.

C. Notwithstanding subsection A or B of this section, mobile home park management shall provide homeowners written notice of any rent increase at least ninety days prior to the effective date of the increase.

D. Notice of any rent increase exceeding five percent of the rent charged during the twelve months prior to the effective date of the increase shall include a notice to the tenant, including a mobile home homeowner, of the right to mediation/hearing and that the tenant has ten business days following service of the notice, or twenty-five business days for a mobile home homeowner, to file a mediation petition in order to exercise the tenant's rights under this chapter. If service is by mail, service shall be effective five days from the date of mailing, or two days in the case of Express Mail, in accordance with Code of Civil Procedure Section 1013.

E. Notice of any rent increase to a mobile home homeowner in a mobile home park shall include a notice to the mobile home homeowner of the right to mediation/hearing and that the mobile home homeowner has twenty-five business days following service of the notice in accordance with California Civil Code Section 798.14 to file a mediation petition in order to exercise the mobile home homeowner's rights under this chapter. If service is by mail, service shall be effective five days from the date of mailing, or two days in the case of Express Mail, in accordance with Code of Civil Procedure Section 1013. Such notice of the right to mediation/hearing need not be given, and the right to mediation/hearing shall not be applicable to, any rent increase in an amount less than one-half of the percentage increase in the Consumer Price Index from the most recently published index available ninety days prior to the date that the mobile home homeowner's then current rent was first effective to the date of the most recently published index at the time the notice is given. (Ord. 1768 § 1, 2016; Ord. 1761 § 3, 2015; Ord. 1709 § 2, 2008; Ord. 1626 § 1, 2003; prior code § 12-1.109)

#### **14.04.100 Mediation of rent increases – Hearings.**

A. If, within twenty-five business days after the receipt of a notice of an increase in rent to a mobile home homeowner in a mobile home park, or within ten business days after the receipt of a notice of an increase in rent to any other tenant, a petition for mediation is filed by a tenant of a dwelling unit subject to the rental increase, then a mediation hearing shall be set within thirty days after such filing.

B. The hearing shall be conducted by a panel composed of three board members, one from each membership group. The member-at-large shall act as chairperson. If both parties consent in writing, the composition of the panel as set forth in this subsection may be waived.

C. The panel may require the landlord to provide specific documents and information in order to determine whether the proposed rent is reasonable and fair. If the landlord fails to submit documents and information within ten business days of the mailing of the panel's notice to provide such documents and information, the mediation hearing shall be cancelled and the notice of increase of rent shall be void for all purposes. The documents may

include, but are not limited to, the following:

1. The actual operating expenses by category for the rental unit for a two-year period ending no more than four months before the proposed effective date of the increase;
2. The anticipated expenses for the rental unit for the twelve-month period of the proposed increase, including details of changes in any cost element;
3. The current and proposed rent schedule for the controlled rental unit;
4. A schedule of other fees and income from the rental unit;
5. The vacancy rate of each rental unit during the preceding two-year period;
6. The schedule of current leases for rental units affected by the proposed increase extending beyond the effective date of the increase, showing the number of leases expiring each month; and
7. The details of any other factor affecting the need for the proposed rent increase.

D. A notice setting the time and place of the mediation hearing and a list of any materials requested by the panel shall be prepared by the board and served upon all parties. A copy of the petition initiating the mediation shall be served with such notice. Such service shall be made by mail to the addresses provided in the petition not less than ten days prior to the hearing. Service of the notice upon the resident manager on the premises or upon the person named in notices posted pursuant to Section 1962 of the Civil Code of the state shall be deemed to be service upon the landlord.

E. The mediation hearing shall not be open to the public.

F. If the tenant who petitioned for mediation, or the spokespersons designated pursuant to Section [14.04.110](#), fail to appear at the time and place of the hearing, the rent increase shall be deemed approved and shall take effect as provided in Section [14.04.210](#)(C). If the landlord fails to appear at the time and place of the hearing, the rent increase shall be void, subject to the landlord's issuance of a new notice of rent increase pursuant to Section [14.04.090](#), which shall be subject to all rent mediation and hearing procedures set forth in this chapter. (Ord. 1761 §§ 4, 5, 2015; Ord. 1709 §§ 3, 4, 2008; Ord. 1626 § 2, 2003; prior code § 12-1.110)

#### **14.04.110 Consolidated hearings.**

A. Whenever more than one petition for mediation has been filed with respect to rental units which are under common ownership or management and which are operated as a single housing complex, including a mobile home park, such requests, on order of the city or chairperson, may be consolidated for hearing.

B. Whenever two or more petitioners have joined in a consolidated hearing, they may elect up to three

spokespersons to represent their interests during the hearing and to enter into a binding agreement. (Ord. 1626 § 3, 2003; prior code § 12-1.111)

#### **14.04.120 Role of attorneys.**

A. No attorney shall take part in any mediation hearing unless:

1. The attorney is the owner, manager, or tenant of the dwelling unit which is involved in the mediation; or
2. The owner, manager, or tenant of the dwelling unit involved in the mediation is a partnership in which the attorney is a general partner and in which all the partners are attorneys; or
3. The owner, manager, or tenant of the dwelling unit is a corporation, and the attorney is an officer or director of the corporation, and all of the officers and directors of the corporation are attorneys.

B. Nothing set forth in this section shall prevent an attorney from rendering advice to a party participating in a mediation hearing, either before or after commencing the mediation process; nor shall anything set forth in this section prevent an attorney from testifying to facts of which he has personal knowledge and about which he is competent to testify. Nothing set forth in this section shall prevent the city attorney or his designee from advising the board or its members as to any matter relating to the performance of the duties of the board or its members.

C. Any person may be represented by an agent other than an attorney in the mediation hearing provided such agent is granted authorization to do so in writing, and the authorization includes authority to enter into a binding settlement of the dispute being mediated.

D. Attorneys may be appointed board members and may sit on a mediation panel. (Prior code § 12-1.112)

#### **14.04.130 Recommendations.**

Within seven business days after the conclusion of a rent mediation hearing, the board shall issue its recommendation and mail a copy of such recommendation to the owner and tenant or tenants affected by or subject to the recommendation. (Ord. 1626 § 4, 2003; prior code § 12-1.113)

#### **14.04.140 Acceptance or modification of recommendations.**

If the parties accept the recommendations of the board, they shall affix their signatures in the space provided thereon, which shall indicate that the rent for such unit shall be that contained in the recommendation, or any other amount mutually agreed upon by the parties, and shall remain the same for a period of no less than six months. It is the intent of the council that such document shall constitute a binding contract between the parties and shall be enforceable by each party in a court of law. (Prior code § 12-1.114)

#### **14.04.150 Failure to accept recommendations.**

If the parties do not accept the recommendation of the board or agree upon another rental amount, either party, within seven calendar days after the mailing of the recommendation of the board, may file with the board a

request to submit the matter to a hearing officer whose decision shall be binding on the parties. (Ord. 1761 § 6, 2015: prior code § 12-1.115)

**14.04.160 Hearing – Procedure.**

Upon the receipt of a request to submit the matter to a hearing officer, the board shall notify the parties of the request and shall submit to them the name of a hearing officer, accompanied by his resume and fee. If the parties agree upon the hearing officer, they shall notify the board in writing of such acceptance. If either party fails to agree upon a hearing officer, a new name shall be submitted until such time as both parties agree upon a hearing officer. If, after three names are submitted, both parties are unable to agree on a hearing officer, the board will unilaterally assign a hearing officer to hear the case. Failure to notify the board within three days after the receipt of the name shall constitute acceptance of the hearing officer. (Ord. 1761 § 7, 2015: prior code § 12-1.116)

**14.04.170 Hearings.**

A. The city shall notify both parties of the time and place for the hearing. Such time shall be not less than seven or more than thirty calendar days after the date of the notice of hearing was sent to the parties by the board. The hearing shall take place in the city or any other mutually agreeable location and shall not be open to the public. The parties at the hearing may produce oral or documentary evidence. Cross examination of witnesses shall be permitted. The conduct of the hearing shall be under the control of the hearing officer, with due regard to the rights and privileges of the parties appearing before it. Hearings need not be conducted according to technical rules relating to evidence and witnesses.

B. The parties may be represented at the hearing by an attorney or other agent.

C. The parties may present any relevant evidence to the hearing officer.

D. The complete file, including the recommendation and all correspondence to and from the board relating to the case shall be made available to the hearing officer.

E. Such hearings may be consolidated by the hearing officer pursuant to Section [14.04.110](#).

F. The hearing officer shall have the power to subpoena witnesses and documents. (Ord. 1761 § 8, 2015: Ord. 1626 § 5, 2003; prior code § 12-1.117)

**14.04.180 Standards for review.**

In making a decision based on a petition for rent review, the hearing officer shall consider the purposes of this chapter and shall specifically consider all relevant factors to determine whether the proposed rent increase is just, fair and reasonable, including, but not limited to, the following:

A. Changes in the Consumer Price Index;

- B. Any lawfully established state or federal government wage and price guideline;
- C. The rent lawfully charged for comparable rental units in the city;
- D. The length of time since the last increase for the rental unit or units for which the owner seeks a rent increase;
- E. The completion of any capital improvement or rehabilitation work related to the rental units, as distinguished from normal repair, replacement or maintenance, and the cost thereof, including such items of cost as materials, labor, construction interest, permit fees, a fair return on the capital investment and other items as the hearing officer deems appropriate;
- F. Changes in property taxes, other taxes, or fees, related to the subject rental unit or units;
- G. Changes in mortgage payments or rent paid by the owner for the rental unit or units or the lease of the land upon which such units are located;
- H. Changes in the utility charges for the rental unit or units paid by the owner and the extent, if any, of reimbursement from the tenants;
- I. Changes in reasonable operating and maintenance expenses, including, but not limited to, insurance, government assessments, materials and services;
- J. The need for repairs caused by circumstances other than ordinary wear and tear;
- K. The amount and quality of services provided by the owner to the affected tenant or tenants;
- L. Changes in the size of the rental unit or units;
- M. Compliance by the owner with applicable housing, health, and safety codes; and
- N. Any existing written lease lawfully entered into between the owner and the affected tenant or tenants and any leasehold obligations of the landlord which affect the property. (Ord. 1761 § 9, 2015: Ord. 1626 § 6, 2003; prior code § 12-1.118)

**14.04.190 Determination of hearing officer.**

The hearing officer, within ten business days after the conclusion of the hearing, shall certify his findings and decision to the parties, the board, and the city council. The decision of the hearing officer shall be final subject to judicial review pursuant to Section 1094.5 of the California Code of Civil Procedure and further subject to the time limits for seeking such review pursuant to Section 1094.6 of the Code of Civil Procedure. (Ord. 1761 § 10, 2015: Ord. 1626 § 7, 2003; prior code § 12-1.119)

**14.04.200 Costs of hearing.**

The costs of the hearing shall be paid one-half by the owner and one-half by the tenants. In cases where either party has proceeded in bad faith or in an unfair manner, or where the submissions of the party as to the proper rent are totally at odds with the facts, the hearing officer may alter the distribution of costs in any manner whatsoever. (Ord. 1761 § 11, 2015: prior code § 12-1.120)

**14.04.210 Effective date of rent increases.**

A. No rent increase shall be effective unless or until the owner or manager of the rental unit, or the owner's duly authorized agent, complies with the provisions of this chapter by meeting in good faith with the tenant or tenants requesting mediation at such hearing and by participating in the hearing process.

B. The procedures of this chapter are intended to result in a final resolution of a dispute prior to the effective date of a rent increase. If board action or hearing does not result in a final decision by the effective date, any board recommendation or hearing officer's decision shall be retroactive to the noticed effective date.

C. Failure of the tenant to file a request for mediation or a hearing in a timely manner as provided in this chapter shall result in the imposition of the rent increase on the effective date specified in the owner's notice of such increase.

D. Nothing set forth in this chapter shall relieve a tenant of the obligation to pay the rent in effect prior to the notice of any increase. (Ord. 1761 § 12, 2015: prior code § 12-1.121)

**14.04.220 Applicability.**

The provisions of this chapter shall govern all disputes arising out of rent increases noticed on or after February 20, 1987. Rent increases for which notices were received on or after February 20, 1987, shall not take effect less than sixty days after the date such notice is received by the affected tenant or tenants. (Prior code § 12-1.122)

**14.04.230 Retaliatory acts.**

The use of the rent mediation or hearing process is declared to be a protected right pursuant to subsection (c) of Section 1942.5 of the Civil Code of the state. It is unlawful for a lessor to increase rent, decrease services, cause a lessee to quit involuntarily, bring an action to recover possession, or threaten to do any of such acts for the purpose of retaliating against the lessee because he has lawfully and peaceably exercised any right established by the city rent mediation and hearing process as set forth in this chapter. In any action brought by or against the lessee, the lessee shall bear the burden of producing evidence that the lessor's conduct was, in fact, retaliatory. However, any action brought by the owner within three months after the determination of a petition filed with the board shall be presumed to be retaliatory. This presumption affects the burden of proof and is rebuttable by the owner. (Ord. 1761 § 13, 2015: prior code § 12-1.123)

**14.04.240 Lessors' rights.**

Nothing in this chapter shall be construed as limiting in any way the exercise by the lessor of his rights under any lease or agreement or any law pertaining to the hiring of property or his right to do any of the acts described in Section [14.04.230](#) for any lawful cause. Any waiver by a lessee of his rights under this chapter shall be void as contrary to public policy. (Prior code § 12-1.124)

**14.04.250 Repossession of dwellings.**

Notwithstanding the provisions of Sections [14.04.230](#) and [14.04.240](#), a lessor may recover the possession of a dwelling and do any of the other acts described in Section [14.04.230](#) if the notice of termination, rent increase, or other act and any pleading or statement of issues in a hearing, if any, states the ground upon which the lessor, in good faith, seeks to recover possession, increase rent, or do any of the other acts described in Section [14.04.230](#). If such statement shall be controverted, the lessor shall establish its truth at the trial or other hearing. (Ord. 1761 § 14, 2015; prior code § 12-1.125)

**14.04.260 Remedies for retaliatory evictions.**

Any lessor or agent of a lessor who violates Section [14.04.230](#) shall be liable to the lessee in a civil action for all of the following:

- A. The actual damages sustained by the lessee;
- B. Punitive damages in an amount of not less than one hundred dollars nor more than one thousand dollars for each retaliatory act where the lessor or agent has been guilty of fraud, oppression or malice with respect to such act; and
- C. Reasonable attorneys' fees. (Prior code § 12-1.126)

**14.04.270 Enforcement.**

- A. Violations of the provisions of this chapter shall not constitute a crime.
- B. A tenant at any time may bring an action in the courts of the state alleging a violation by an owner of any of the terms of this chapter and may seek a court order requiring compliance with the provisions of this chapter.
- C. An owner at any time may file an action in the courts of the state alleging a violation by the tenant of the provisions of this chapter or may seek a court order directing compliance with the provisions of this chapter. (Prior code § 12-1.127)

**14.04.280 Notice of mediation and hearing procedures.**

The board shall prepare a booklet outlining the provisions of this chapter. Owners of residential rental units shall provide at least one booklet to the residents of each unit owned by them. New tenants shall be provided with a copy of the booklet at the time of occupancy. Notification of the current rent increase shall have no effect, and a tenant shall have a defense to any unlawful detainer action for failure to pay such increases in rent, if the tenant has not been provided with a booklet as required by this section. The burden of proof in disputes as to whether a

booklet has been provided shall be on the landlord. Failure to provide a booklet may also be considered by the hearing officer in determining the distribution of costs pursuant to Section [14.04.200](#). A tenant's signed statement, which may be included in the rental agreement, acknowledging that the owner has provided the tenant the booklet required by this section, shall constitute proof of the owner's compliance with this section. (Ord. 1799 § 3, 2018; Ord. 1709 § 5, 2008; prior code § 12-1.128)

**14.04.290 Reports.**

Reports of the results of all mediation hearings shall be made to the board and transmitted to the council. All such reports and the petitions for hearings shall be public records. The board, in addition to such reports, shall provide copies of the minutes of all board meetings to the council. (Ord. 1761 § 15, 2015; prior code § 12-1.129)

**14.04.300 Severability.**

If any section, subsection, subdivision, paragraph, sentence, clause or phrase of this chapter, or any part thereof, is for any reason held to be unconstitutional, such decision shall not affect the validity of the remaining portion of this chapter or any part thereof. The city council hereby declares that it would have passed each section, subsection, subdivision, paragraph, sentence, clause or phrase thereof, irrespective of the fact that any one or more section, subsection, subdivision, paragraph, sentence, clause or phrase be declared unconstitutional. (Ord. 1761 § 16, 2015)



**Chapter 14.08  
TENANT DISPLACEMENT AND RELOCATION FEES**

Sections:

[14.08.010 Purpose.](#)

[14.08.020 Definitions.](#)

[14.08.030 Relocation assistance.](#)

[14.08.040 Exceptions.](#)

[14.08.050 Tenant notification.](#)

[14.08.060 Payment schedule.](#)

**14.08.010 Purpose.**

The purpose of this chapter is to provide relocation assistance to tenants facing eviction due to demolition or removal of their building, condominium conversion or other land use changes affecting residential rental property, including mobile home and trailer parks. (Prior code § 12-1.201)

**14.08.020 Definitions.**

For purposes of this chapter, unless otherwise apparent from the context, the following definitions shall apply:

“Landlord” means an owner, lessor or sublessor (including any person, firm, corporation, partnership, or other entity) who receives or is entitled to receive rent for the use of any rental unit, or the agent, representative or successor of any of the foregoing.

“Rental unit” means a dwelling unit together with the land and building appurtenant thereto, and all housing services, privileges, furnishings and facilities supplied in connection with the use or occupancy thereof, including garage and parking facilities.

“Tenant” means a tenant, subtenant, lessee, sublessee, or any other person legally entitled to use or occupancy of a rental unit. (Prior code § 12-1.202)

**14.08.030 Relocation assistance.**

In every case involving the demolition or removal of a multiple-family residential rental facility, or a condominium conversion or other land use change affecting residential rental property, including mobile home and trailer parks, and the tenants therein, are facing eviction due to such demolition, removal, conversion, or change, no required permits or approvals shall be issued unless and until the landlord submits to the city planner proof of payment of a relocation fee in the amount of three thousand dollars per rental unit to assist in the relocation of the tenants. (Prior code § 12-1.203)

**14.08.040 Exceptions.**

The following are exceptions to the provisions of this chapter:

- A. Projects involving one single-family dwelling;
- B. Housing accommodations in hotels, motels, inns, tourist homes and boardinghouses and roominghouses; provided, that at such time as an accommodation has been occupied by one or more of the same tenants for sixty days or more such accommodations shall become a rental unit subject to the provisions of this section;
- C. Housing accommodations in any hospital, convent, monastery, extended medical care facility, asylum, nonprofit home for the aged, or fraternity or sorority house or housing accommodations owned, operated, or managed by an institution of higher education, a high school, or an elementary school for occupancy by its students;
- D. Housing accommodations which a government unit, agency, or authority owns, operates, or manages or which are specifically exempted from municipal rent regulations by state or federal laws or administrative regulations;
- E. Demolition required by the city or other public agency for health or safety reasons. (Prior code § 12-1.204)

**14.08.050 Tenant notification.**

A. Applications for demolition or removal, condominium conversion or other land use changes affecting residential rental property, including mobile home parks, shall be accompanied by a notarized statement from the applicant that each tenant on the property has been notified by registered or certified mail of the application and notice of the relocation assistance provisions of this chapter. The statement shall include the name and address of each notified tenant.

B. Any person who becomes a tenant of a multiple-family dwelling or a mobile home park after the date of such application, shall be given written notice of the pendency of the application prior to entering into any written or oral rental agreement, but shall not be eligible to receive relocation assistance.

C. A rebuttable presumption shall exist that a tenant who is evicted from the premises within six months prior to the date of application was evicted in contemplation of such application and is therefore eligible to receive the required assistance. (Prior code § 12-1.205)

**14.08.060 Payment schedule.**

The relocation assistance specified in this chapter shall be provided as follows:

The landlord shall pay each eligible tenant the required relocation assistance not later than the date the tenant is required to vacate the premises. (Prior code § 12-1.206)



**Chapter 14.12**  
**MOBILE HOME PARK RELOCATION IMPACT REPORTS**

Sections:

[14.12.010 Relocation impact reports \(RIR\).](#)

[14.12.020 Time for filing relocation impact reports.](#)

[14.12.030 Contents of relocation impact reports.](#)

[14.12.040 Hearings and notices.](#)

[14.12.050 Commission findings and decisions.](#)

[14.12.060 Effective date and appeals.](#)

[14.12.070 Subsequent modifications of mitigating measures.](#)

[14.12.080 Performance of mitigating measures.](#)

[14.12.090 Expiration and extension of relocation impact reports.](#)

[14.12.100 Revocation.](#)

**14.12.010 Relocation impact reports (RIR).**

For the purposes of this chapter, any closure of a mobile home park or trailer park or any part thereof or any change of the park's status to a vacant use shall be deemed to be a conversion of the park.

Prior to the conversion of a mobile home park or trailer park or any part thereof to any other use or to a vacant use, the person or entity proposing such conversion (referred to in this chapter as "owner") shall file and obtain the approval of a relocation impact report (referred to in this chapter as "RIR") in accordance with the provisions contained in this chapter. (Prior code § 12-1.301)

**14.12.020 Time for filing relocation impact reports.**

An RIR shall be filed by the owner and be approved by the planning and environmental quality commission prior to the giving of the written notice of change in use of a mobile home park or trailer park or any portion thereof required by subsection (f) of Section 798.56 of the Civil Code of the state. The RIR shall constitute an application for a permit requesting a change of use within the meaning of subsection (2) of subsection (f) of said Section 798.56.

If an owner files a tentative tract or parcel map to a subdivision to be created upon the conversion of a mobile home park or trailer park to another use prior to giving the written notice under subsection (f) of said Section

798.56, then the RIR shall be filed concurrently with the filing of the map.

If the written notice of change in use has been given to the tenants prior to December 18, 1984, the RIR shall be submitted on or before February 16, 1985. (Prior code § 12-1.302)

**14.12.030 Contents of relocation impact reports.**

The RIR shall contain the following:

- A. A description of the proposed new use;
- B. A timetable for the conversion of the park;
- C. A legal description of the park;
- D. The number of spaces in the park, the length of occupancy by the current occupant of each space, and the current rental rate for each space;
- E. The date of manufacture and size of each coach;
- F. The appraised market and on-site value of each of the coaches in the park. The appraiser shall be selected by the city, and the cost shall be borne by the applicant;
- G. The number of residents per space in the park, the number under sixteen years of age, the number sixty years of age or over, and the number who are handicapped;
- H. The name and mailing address of each tenant;
- I. A list of known available spaces in the South Bay-Long Beach-Orange County area, including any written commitments from mobile home park owners willing to accept displaced tenants;
- J. Estimates from two moving companies as to the per mile cost of moving coaches of various sizes, including the tear-down and set-up of coaches;
- K. Proposed measures to mitigate the adverse impacts of the conversion upon the park residents; and
- L. Information as to whether tenants have been offered the option of a long-term lease of the land and purchase of the improvements if the park is to be sold. (Prior code § 12-1.303)

**14.12.040 Hearings and notices.**

Upon the filing of an RIR, the community development director shall examine the RIR and advise the owner within thirty days after the receipt thereof whether it is complete. When a complete RIR has been filed, it shall be accepted by the director and the director shall set a time, date and place for the review of the RIR by the

planning and environmental quality commission not later than thirty days after the date of acceptance. The director shall mail a copy of the RIR to all tenants of the mobile home park or trailer park and shall give notice by first-class mail or personal delivery to the owner and the tenants of the date, time and place of the hearing at least fifteen days prior thereto. The notice shall also contain a general explanation of the matters to be considered by the commission. The director may give such additional notice as the commission deems necessary or desirable. (Prior code § 12-1.304)

**14.12.050 Commission findings and decisions.**

A. Upon the review of the RIR and consideration of the written and oral evidence received at the hearing, the planning and environmental quality commission, by resolution, shall render its decision. The commission shall approve the RIR if the commission is able to make an affirmative finding that reasonable measures have been provided in an effort to mitigate the adverse impact of the conversion on the ability of the park residents to be displaced to find alternative housing. If the commission does not make such finding and is unable to impose reasonable measures to mitigate the adverse impact, the commission may disapprove the RIR. No other permit or approval shall be granted in furtherance of the proposed conversion, and no change of use shall occur until and unless an RIR has been approved.

B. In approving an RIR, the commission may impose reasonable measures to mitigate the adverse impacts created by the conversion, which may include, but not be limited to, any of the following:

1. Provision for the payment of the cost or partial cost of physically moving the coach to a new site, including the tear-down and set-up of coaches;
2. For those tenants who move to apartments, provision of the first and last month's rent, plus the security deposit, not to exceed the fair market rents for new construction and substantial rehabilitation for the Los Angeles area as established by the United States Department of Housing and Urban Development. Mobile home households of one or two persons may be compensated based on a one bedroom apartment; households of three or more mobile home tenants may be compensated based on a two bedroom rental;
3. Provision of a replacement space within a fifty-mile radius of the mobile home park or trailer park;
4. Postponement of the conversion for a reasonable period of time;
5. A requirement to purchase the coaches at fair market values, determined by an independent appraiser based on either the value of the coach sold in place, including improvements, yards and the like, or the market value;
6. A provision for setting aside a certain number of units if the park is to be converted to another residential use;
7. A longer notification period allowing the owner to pay a smaller portion of the relocation costs, the

amount of financial relocation to be determined by the amount of prior notification given; and

8. The owner to pay the difference in rent between the new and old park for a specified period of time. (Prior code § 12-1.305)

**14.12.060 Effective date and appeals.**

The decision of the planning and environmental quality commission shall become effective and final seven days after the date of its action, unless an appeal is filed in accordance with Chapter 18.72 of this code. (Prior code § 12-1.306)

**14.12.070 Subsequent modifications of mitigating measures.**

After an RIR has been approved, the modification of the mitigation measures imposed, including additions or deletions, may be considered upon the filing of a written application by the owner or his authorized representative. Any such application for modification shall be subject to the hearing and notice procedures set forth in Section [14.12.040](#). The decision and any appeal in connection with a modification request shall take place as with the initial approval. A modification of the RIR may be granted upon a finding that the approved RIR or a change of circumstances has created a substantial hardship for the owner and that any such modification will not unreasonably prejudice the interests of the tenants. (Prior code § 12-1.307)

**14.12.080 Performance of mitigating measures.**

All mitigation measures imposed in the approval of an RIR shall be fully performed as to each resident prior to or concurrently with such resident's required vacation of the mobile home park or trailer park, unless otherwise provided in the mitigation measure. No resident shall be required to vacate a mobile home or trailer space unless the owner is in full compliance with all mitigation measures imposed pertaining to such resident and has otherwise fulfilled the notice requirements of the Civil Code of the state relating to "Termination of Tenancy." (Prior code § 12-1.308)

**14.12.090 Expiration and extension of relocation impact reports.**

A. An RIR shall become automatically null and void if the conversion of the mobile home park or trailer park has not occurred within eighteen months after the effective date of the RIR, unless extended as provided in subsection B of this section or unless otherwise provided in the RIR or the resolution of approval of the RIR.

B. Upon an application by the owner filed with the community development director on or before the date of expiration of the RIR, an RIR may be extended by the planning and environmental quality commission, or the council on appeal, if the commission finds that the termination of the RIR would constitute an undue hardship to the owner and that the continuation of the RIR would not be detrimental or have any further adverse impact on the residents of the park. An application for an extension shall be subject to the hearing and notice procedures set forth in Section [14.12.040](#). In approving an extension, the commission may subject the RIR to any additional mitigation measures deemed necessary to mitigate any adverse impacts resulting from the extension. Multiple extensions may be granted, but no one extension shall be issued for more than eighteen months. (Prior code

§ 12-1.309)

**14.12.100 Revocation.**

A. Proceedings for the revocation of an RIR may be initiated by the council, the planning and environmental quality commission, or the community development director. Upon the initiation of a revocation, the commission shall conduct a hearing with notice given in the same manner as set forth in Section [14.12.040](#), except that notice to the owner shall be by registered mail or summons. After the hearing, the commission, by resolution, may revoke the RIR if any of the following findings is made:

1. Approval was obtained by fraud, deceit, or misrepresentation; or
2. The owner is not or has not been in compliance with the mitigation measures contained in the RIR or with the provisions of this chapter.

B. A revocation shall be effective fifteen days after the date of action by the commission, unless an appeal is filed in accordance with Chapter 18.72 of this code.

C. Upon revocation, the owner shall not be entitled to convert or change the use of the park until such time as a new RIR is filed and accepted as complete by the director, a new written notice of change of use is given to park tenants, and a new RIR is approved by the commission. (Prior code § 12-1.310)



## Chapter 14.16 EVICTIONS

Sections:

[14.16.010 Eviction.](#)

[14.16.020 Notification.](#)

[14.16.030 Legal proceedings.](#)

[14.16.040 Failure to institute action.](#)

### **14.16.010 Eviction.**

A. A landlord may, or shall, if required by Section [14.16.030](#), give notice required by law and bring an action to recover possession of a rental unit upon the happening of any of the following events:

1. The tenant is using the rental unit, or allowing the rental unit to be used, for illegal drug dealing activities or purposes.

The term “illegal drug dealing activities or purposes” includes, but is not limited to, possession for sale or sale of illegal drugs from the rental unit;

2. The tenant is committing or permitting to exist a “drug-related nuisance” in the rental unit or the appurtenances thereof, or the common areas of the complex containing the rental unit.

B. The term “drug-related nuisance” includes, but is not limited to, any activity commonly associated with illegal drug dealing such as complaints of noise, steady traffic day and night to a particular unit, barricaded units or sighting of weapons, brought to the attention of the landlord by other tenants, persons within the community, or law enforcement agencies. (Prior code § 12-1.401)

### **14.16.020 Notification.**

The landlord shall state the reason for the eviction in the written notice of termination served on the tenant pursuant to California Civil Code Section 1946.

When the termination of tenancy is for any ground set forth in Section [14.16.010](#), the landlord shall file with the city attorney a declaration in a form prescribed by him setting forth the reasons for the termination with specific facts to permit a determination of the date, place, witnesses and circumstances concerning the reason. (Prior code § 12-1.402)

### **14.16.030 Legal proceedings.**

An action under this chapter to recover possession of a rental unit shall be commenced by the landlord within sixty days after notice and request of the district attorney, city attorney, or chief of police, in a letter sent

certified mail with a return receipt requested, notifying the landlord of the ground or grounds specified in Section [14.16.020](#). (Prior code § 12-1.403)

**14.16.040 Failure to institute action.**

If a landlord does not commence an action when required under the provisions of this chapter to recover possession of the rental unit, the district attorney, city attorney, or chief of police may file an action to evict the tenant from the premises of the rental unit and name the landlord as a defendant in the action if it can be established that the landlord aided or acquiesced to the illegal activity or nuisance described in Section [14.16.010](#). If the landlord has been named as a defendant in the action, the court may impose a civil penalty in an amount not to exceed five thousand dollars against the landlord for his or her failure to comply with this section. (Prior code § 12-1.404)