

October 3, 2016

Dear Park Owners/Managers:

RE: RENTAL DISPUTE FEE EXEMPTION REQUEST—**DEADLINE: NOVEMBER 3, 2016**

According to our records, you own or manage a mobilehome park covered by the City of San José Mobilehome Rent Ordinance (Municipal Code Chapter 17.22). This law limits the allowable rent increases for most space lots constructed with a permit issued prior to September 7, 1979.

A cost recovery regulatory fee is charged on all covered space lots on an annual basis to pay for the administration of the San Jose Rent Control Ordinance by the City's Rental Rights and Referrals Program (RRRP). For 2016 park owners of covered space lots must pay a Mobilehome Rent Fee of **\$33.48** per space. The Mobilehome Rent Ordinance (Chapter 17.22.920) allows one-half of the fee (\$16.74) passed to the resident of the space lot as a pass-through charge itemized on the rental statement as a separate line item from the base rent.

The San José Mobilehome Rent Ordinance allows park owners to request an annual fee exemption for the reasons described below. **All exemption requests require a completed fee exemption request form** (see enclosed document) and additional written documentation. A park owner claiming an exemption bears the burden of proof that the space lot is exempt (Chapter 17.22.390). The determination of exemption eligibility and/or appeal is in accordance with Chapter 17.22.1020 and Regulations 1.01.01.

### **Allowable Exemptions and Required Documentation**

**THE BURDEN OF PROOF IS ON THE PARK OWNER TO ENSURE THAT THE RRRP HAS ALL REQUIRED DOCUMENTS ON FILE IN ORDER TO RECEIVE THE EXEMPTION.**

#### **1. Owner-Occupied (Chapter 17.22.270)**

A mobilehome or space lot that is unavailable for rent because the park owner uses it for their personal residence (manager residence does not qualify). Required documentation:

- **Annual requirement**—Provide a completed form with: 1) the space lot number; and 2) a dated proof of residency.

#### **2. Government Owned, Operated, or Rent Subsidized (Chapter 17.22.360)**

A mobilehome or space lot which is government agency owned, operated, or has its rent subsidized pursuant to the Housing Assignment Payments Program (Pub. 93-383, Section 8, as amended). Required documentation:

- **Annual requirement**—Provide a completed form with: 1) resident's name; 2) space lot number; 3) the name and contact information of the government agency; and 4) a photocopy of EACH lease between the park owner and agency for EACH space lot.

### 3. Long Term Leases (LTL) (Chapter 17.22.370)

A mobilehome or space lot with a lease entered into on or after January 1, 1986 with a lease term in excess of 12 months that is voluntarily agreed upon, the mobilehome is owned by and resided in by the lessee, and the lease contains provisions informing the lessee that the lease is exempt from the Ordinance. The exemption applies only for the duration of the lease; therefore, the LTL must extend throughout the entire fee period. Required documentation:

- Initial requirement for each lease—Submit a completed form with: 1) a photocopy of EACH entire lease for EACH exempted space lot (lease in electronic format is acceptable). When a new lease is executed, a copy must be submitted. Also, if a lease is amended or extended, a copy of the extension or amendment must be submitted with the entire lease.
- Annual requirements—Provide a completed form with: 1) resident's name; 2) space lot number; 3) move-in date; 4) lease expiration date for EACH exempted space lot; and 5) a copy of EACH entire lease and all addendums unless the lease was submitted to the RRRP in 2011 or later and that lease contains an expiration date that is after the end of the calendar year (December 31, 2016) for which the Mobilehome Fee is assessed. If #5 applies, park owners may submit in lieu of the lease copy a signed affidavit that the lease was submitted to the RRRP and an exemption granted, and that the lease has not been amended or extended.

### 4. Mobilehome Space Lots Permitted after September 7, 1979 (Chapter 17.22.350)

Space lots for which the initial plumbing, electrical, and sewer permits were issued after September 7, 1979 are exempt from the Ordinance. Required documentation:

- One-time requirement—Submit a completed form with a copy of the initial permit showing date and space number for sewer, electrical, and plumbing for EACH space lot listed. This one-time requirement only applies to space lots where permit date was submitted before 2011.
- Annual requirement—Provide a completed form with space lot number. If proof of permit date for EACH space lot was submitted to the RRRP in 2011 or later, this submittal is an annual requirement.

**All fee exemptions requests must be received by the RRRP on or before NOVEMBER 3, 2016, 5:00pm. To confirm that your exemption request was received and for other inquiries, please contact Theresa Ramos at (408) 975-4475 or email: [theresa.ramos@sanjoseca.gov](mailto:theresa.ramos@sanjoseca.gov).**

Mobilehome Fee Invoices will be mailed after the November 3, 2016 deadline. Payments are due within 30 days of the invoice date. Late payments shall be subject to penalty in accordance with the Mobilehome Rent Ordinance, Chapter 17.22.940.

Sincerely,



J. Paul Lippert  
Rental Rights & Referrals Program Manager

\*Park Owner shall maintain this information and provide within 10 business days if required by the City.

**Building Relationships in Rental Communities**



**MOBILEHOME FEE EXEMPTION REQUEST**

**DEADLINE: RECEIVED BY 5:00pm on Thursday, NOVEMBER 3, 2016**

No late or incomplete exemption requests will be accepted. Postmarks are not accepted.

**DELIVER OR MAIL TO:** **CITY OF SAN JOSE, HOUSING DEPARTMENT**  
Rental Rights & Referrals Program, Theresa Ramos  
200 E. Santa Clara Street, 12<sup>th</sup> Floor, San José, CA 95113-1905

**PARK OWNER'S INFORMATION**

Name:	Phone:	Phone:	
Address:	City:	State:	Zip:

I request exemption from the FY 2016-17 Rental Rights & Referrals Program (RRRP) Mobilehome Fee for:

**MOBILEHOME PARK INFORMATION**

Park Name:	Manager's Name:	Phone:
Address:	Total # of Spaces:	# of Exemption Requests:

**EXEMPTION REQUEST SUMMARY—THE BURDEN OF PROOF IS ON THE PARK OWNER TO ENSURE THAT THE RRRP HAS ALL REQUIRED DOCUMENTS ON FILE.**

EXEMPTION TYPE	#EXEMPTIONS	REQUIRED DOCUMENTATION
1 Owner Occupied:		Provide a completed form with: 1) space lot number; and 2) a dated proof of residency.
2 Government Owned/Operated/Rent Subsidized:		Provide a completed form with: 1) resident's name; 2) space lot number; and 3) name and contact information of the agency. Submit a completed form with: 1) a photocopy of EACH entire lease between the park owner and the agency for EACH space lot.
3 Long Term Leases (LTL): (Electronic format is acceptable)		Provide a completed form with: 1) resident's name; 2) space lot number; 3) resident's move-in date; and 4) LTL expiration date. Submit a completed form with: 1) a photocopy of EACH entire LTL for EACH space lot. However, if an entire LTL was submitted to the Program in 2011 or later, an exemption was granted, and that lease contains an expiration date that is after the end of the calendar year (December 31, 2016) for which the Mobilehome Fee is assessed, park owners may satisfy the documentation requirement by submitting in lieu of the actual lease, a signed affidavit that such proof was submitted to the RRRP, that the lessee and the lease has not been amended or extended, (provided that if a copy of the entire LTL is requested by the RRRP, it must be provided within 10 business days of the request and prior to granting the exemption.)
4 Spaces permitted after September 7, 1979:		Provide a completed form with: 1) space lot number Submit a completed form with: 1) proof of permit date for sewer, electrical and plumbing for EACH space lot listed. However, if proof of permit date for EACH space lot was submitted to the RRRP in 2011 or later, and exemption was granted, additional information is not required (provided that if copies of the permits are requested by the RRRP, they must be provided within 10 business days of the request and prior to granting the exemption).
<b>Total Exemptions Requested:</b>		

**I declare under penalty of perjury that the foregoing statements are true and correct.**

Signature: \_\_\_\_\_ Date: \_\_\_\_\_