

October 2, 2020

RE: MOBILEHOME FEE EXEMPTION REQUEST
DUE: NOVEMBER 2, 2020

Dear Park Owner or Manager,

The City of San José Mobilehome Rent Ordinance (Municipal Code Chapter 17.22) limits the allowable rent increases for space lots constructed with a permit issued prior to September 7, 1979. Your park contains covered units.

On an annual basis, a fee is charged on all covered space lots to allow the City's Rent Stabilization Program (RSP) to administer the Rent Control Ordinance. This year, Park owners of covered space lots are required to pay a Mobilehome Rent Fee of **\$20.00** per space adopted by City Council in April 2020. The Mobilehome Rent Ordinance (Chapter 17.22.920) allows one-half of the fee (**\$10.00**) to be passed through to the resident of the space lot as an itemized charge on the rental statement as a separate line item from the base rent.

The 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). Please refer to Chapter 17.22.1020 and Regulations 1.01.01 for determination of exemption eligibility and/or appeal.

Allowable Exemptions and Required Documentation

Park owners must ensure that the Rent Stabilization Program has all required documents on file in order to receive the exemption. Please contact Guadalupe Gonzalez at (408) 535-5621 with questions. Refer to the list below:

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). To fulfill the:

- Annual requirement, please 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 is rent subsidized pursuant to the Housing Assignment Payments Program (Pub. 93-383, Section 8, as amended). To fulfill the:

- Annual requirement, please 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. To fulfill the:

- Initial requirement for each lease, please submit a completed form with: 1) a photocopy of each entire lease for each exempted space lot (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 requirement, please 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.

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. To fulfill the:

- One-time requirement, please 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.
- Annual requirement, please provide a completed form with the space lot number.

Due to Covid-19, City Hall remains closed and staff are working remotely. Please submit by email to: RSP@sanjoseca.gov
Mailing exemption request by U.S. Postal Service remains an option and may cause a delay.

All fee exemption requests must be received by the RSP on or before:

November 2, 2020 by 5:00pm

To confirm that your exemption request was received and for other inquiries, please contact **Guadalupe Gonzalez** at (408) 535-5621 or email: guadalupe.gonzalez@sanjoseca.gov.

Mobilehome Fee Invoices will be mailed after the November 2, 2020 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. Park Owners shall maintain this information and provide it within 10 business days if required by the City.

Sincerely,



Theresa Ramos, M.A.
Senior Analyst, Housing Department
Rent Stabilization Program



MOBILEHOME FEE EXEMPTION REQUEST

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

DELIVER OR MAIL TO: City of San José, Housing Department
Rental Rights & Referrals Program, Guadalupe Gonzalez
200 E. Santa Clara Street, 12th Floor, San José, CA 95113-1905

PARK OWNER'S INFORMATION

| | | | |
|----------|--------|--------|------|
| Name: | Phone: | Phone: | |
| Address: | City: | State: | Zip: |

I request exemption from the FY 2020-21 Rent Stabilization Program (RSP) Mobilehome Fee for: **MOBILEHOME PARK INFORMATION**

| | | |
|------------|--------------------|--------------------------------|
| Park Name: | Manager's Name: | Phone: |
| Address: | Total # of Spaces: | Exemption Requests (#): |

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

| EXEMPTION TYPE | EXEMPTIONS | REQUIRED DOCUMENTATION |
|------------------------------------|--|--|
| 1 | Owner Occupied: | <u>Provide a completed form with:</u> 1) space lot number; and 2) a dated proof of residency. |
| 2 | Government Owned/Operated/Rent Subsidized: | <u>Provide a completed form with:</u> 1) resident's name; 2) space lot number; and 3) name and contact information of the agency. <u>Submit a completed form with:</u> 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) | <u>Provide a completed form with:</u> 1) resident's name; 2) space lot number; 3) resident's move-in date; and 4) LTL expiration date. <u>Submit a completed form with:</u> 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 RSP, 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 RSP, it must be provided within 10 business days of the request and prior to granting the exemption.) |
| 4 | Spaces permitted after September 07, 1979: | <u>Provide a completed form with:</u> 1) space lot number <u>Submit a completed form with:</u> 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 RSP in 2011 or later, and exemption was granted, additional information is not required (provided that if copies of the permits are requested by the RSP, they must be provided within 10 business days of the request and prior to granting the exemption). |
| Total Exemptions Requested: | | |

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

Signature: _____

Date: __