

ORDINANCE NO. 4368

**AN ORDINANCE OF THE CITY COUNCIL OF CITY OF
POMONA, CALIFORNIA, AMENDING SECTIONS 30-551
AND 30-563 OF THE POMONA MUNICIPAL CODE
RELATING TO FEES ASSOCIATED WITH MOBILE
HOME RENT ADJUSTMENT PETITIONS**

WHEREAS, the City of Pomona City Council adopted Ordinance No. 3652, Ordinance No. 3702, and Ordinance No. 4069 establishing the Mobile Home Rent Stabilization Ordinance (“RSO”), and,

WHEREAS, the RSO caps the annual rent increase allowed for spaces within mobile home parks to the lesser of 5% or the consumer price index (“CPI”) percentage increase for January, and,

WHEREAS, the RSO allows landlords and tenants to petition for rent adjustments *above or below the allowable rent cap*. A landlord may file a fair return petition where they contend that the base year net operating income yielded other a fair return, in which case the base year net operating income may be adjusted, if certain findings are made. A landlord may also file a rent adjustment petition based on capital improvements, other than ordinary repair, replacement and maintenance, and,

WHEREAS, rent increase adjustment decisions are subject to a hearing and are considered and decided by the Mobile Home Rent Adjustment Board, and,

WHEREAS, payment of fees are not included in the RSO. The City’s actual costs include expert review and other expenses to process the rent adjustment petitions. Such costs are currently absorbed by the City from administering the City’s other grant and loan programs and this funding is very limited, and,

WHEREAS, City staff has reviewed fee structures for similar cities with mobile home RSOs and this review shows that cities typically charge a “fixed rate fee plus”, and,

WHEREAS, in order to recover costs of processing mobile home rent adjustment petitions, staff proposes amending the RSO to require payment of a petition fee modeled after comparable cities.

NOW THEREFORE, the City Council of the City of Pomona does ordain as follows:

Section 1. The above recitals are true and correct and are hereby incorporated into this ordinance by this reference.

Section 2. Definitions. Section 30-551 of Division 3, Article VIII, Chapter 30 of the Pomona Municipal Code is amended to add the following definition:

“Petition fee” means the rent adjustment petition fees contemplated by this chapter to be adopted by resolution of the City Council.”

Section 3. Maximum Rent Adjustment Hearings. Section 30-563 of Division 3, Article VIII, Chapter 30 of the Pomona Municipal Code is amended to read as follows:

“Sec. 30-563. – Maximum rent adjustment hearings.

(a) *Petitions and Petition Fee.* Under this division the mobile home hearing rent board shall consider an adjustment of rent for an individual rent-controlled unit filed by the landlord or tenant of such a unit. No such adjustment shall be granted until after the board considers the petition at an adjustment hearing. *A rent adjustment petition shall be submitted on a form approved by the mobile home rent administrator and shall be accompanied by a Petition Fee and documentation supporting the request.*

(b) *Notice.* The board shall notify the Park Owner, if the petition was filed by the tenant, or the tenant, if the petition was filed by the Park Owner, of the receipt of such a petition. The board shall schedule a hearing no earlier than the 16th day after the postmark of the notice of the hearing sent to the parties and shall notify both parties as to the time, date and place of the hearing. Hearings shall be scheduled for times most convenient for all parties, including evenings and weekends. Hearings may be postponed or continued for good cause, provided that all parties receive timely notice of such action.

(c) *Records.* The board may require either party to a rent adjustment petition to provide it with all pertinent books, records and papers. Such documents shall be made available to the parties involved at least seven days prior to the hearing at the office of the board.

(d) *Open hearings.* All rent adjustment hearings shall be open to the public.

(e) *Decisions.* The board shall make a final decision no later than 15 days after the conclusion of the hearing. No rent adjustment shall be granted unless supported by the preponderance of the evidence submitted at the hearing. All parties to a hearing shall be sent a notice of the board's decision and a copy of the findings. At the same time, parties to the proceeding shall also be notified of their right to judicial review.

(f) *Consolidation.* The board may consolidate petitions relating to rent-controlled units in the same mobile home park with the written consent of a majority of the tenants, and all such petitions may be considered in a single hearing.

(g) *Repetition.* Notwithstanding any other subsection of this section, the board may, without holding a hearing, refuse to adjust a maximum rent level upward for an individual rental unit if a hearing has been held with regard to the rental level of such unit within the prior 12 months.

(h) *Inadequate or false information.* If information filed in a petition for rent adjustment or in additional submissions filed at the request of the board is inadequate or false, no action shall be taken on such petition until the deficiency is remedied.

(i) *Right to assistance.* All parties to a hearing may have assistance in presenting evidence and developing their position from attorneys, legal workers, tenant union representatives or any other persons designated by such parties.

(j) *Hearing record.* The board shall make available for inspection and copying by any person an official record which shall constitute the exclusive record for the decision on the issues at the hearing. The record of the hearing or any part of one shall be obtainable for the cost of copying. The record of the hearing shall include the following:

- (1) All exhibits, papers and documents required to be filed or accepted into evidence during the proceeding;
- (2) A list of participants present;

- (3) A summary of all testimony accepted in the proceeding;
- (4) A statement of all materials officially noticed;
- (5) All findings of fact;
- (6) The ruling on each exception or objection, if any are presented;
- (7) All recommended decisions, orders or rulings;
- (8) All final decisions and/or orders; and
- (9) The reasons for each recommended and each final decision order or ruling. "

Section 4. Severability. If any provision of this Ordinance or the application thereof to any person or circumstance is held invalid, such invalidity shall not affect any other provisions or applications, and to this end the provisions of this Ordinance are declared to be severable.

Section 5. Effective Date and Posting. The City Clerk shall attest to the passage and adoption of this Ordinance and shall cause the same to be posted as required by law, and its Ordinance shall take effect thirty (30) days after its final adoption.

Section 6. Compliance with CEQA. This Ordinance was assessed in accordance with the authority and criteria contained in the California Environmental Quality Act (CEQA), the State CEQA Guidelines, and the environmental regulations of the City. The City Council hereby finds that pursuant to CEQA Guidelines section 15061(b)(3), this Ordinance is exempt from the requirements of CEQA because it can be seen with certainty that the provisions contained herein would not have the potential for causing a significant effect on the environment. Further, and in the alternative, the City Council finds that the Ordinance is exempt from the requirements of CEQA pursuant to CEQA Guidelines sections 15307 and 15308 as an action by a regulatory agency taken to protect the environment and natural resources. The City Council hereby directs the City Manager to prepare and file a Notice of Exemption within five business days following adoption of this Ordinance.

The foregoing ordinance was introduced at a regular meeting of the City Council of the City of Pomona held on the _____ day of _____, 2026.

ADOPTED and ordered posted at a meeting of the City Council of the City of Pomona, held on the _____ day of _____, 2026, by the following vote:

AYES:
NOES:
ABSENT:
ABSTAIN: