

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF CAMARILLO, CALIFORNIA, AMENDING AND RESTATING CAMARILLO MUNICIPAL CODE CHAPTER 10.50 LANDLORD-TENANT MEDIATION

The City Council of the City of Camarillo ordains as follows:

SECTION 1. General Findings. The City Council finds as follows:

A. In 1981, the City Council adopted rent review procedures under Ordinance No. 505 to establish a forum to assist in the resolution of disputes that may arise from time to time between tenants and the owners of mobilehome parks and residential rental complexes.

B. In 2016, the City Council adopted Ordinance No. 1121, amending Chapter 10.50 of the Camarillo Municipal Code to clarify and emphasize the availability of the City's rent review mediation forum to resolve rental disputes, and to expand the availability of this forum to tenants in all residential rental complexes.

C. In 2019, the Governor signed AB 1482 establishing the Tenant Protection Act of 2019. This bill established statewide requirements for rent increases in California.

D. It continues to be necessary to provide a forum which may assist in the resolution of rental disputes concerning fair and equitable rental rate adjustments and for other rent-related landlord-tenant disputes. However, it ~~may be more-is more~~ streamlined and efficient to move from a seven-member voluntary commission ~~that meets from time-to-time~~ to a hired mediator process.

E. Accordingly, the City Council desires to amend and restate Chapter 10.50 to provide landlord-tenant mediation services through a hired mediator, affirm how such landlord-tenant mediation is intended to promote community harmony, communication and informal resolution of such disputes, and affirm how such mediation is not intended to adjudicate issues concerning state regulations concerning rent control.

SECTION 2. Environmental Review. The City Council exercises its independent judgment and finds that the enactment of this ordinance is exempt from the California Environmental Quality Act ("CEQA") under the State CEQA Guidelines (Chapter 3 of Title 14 of the California Code of Regulations beginning at Section 15000), specifically: Section 15060(c)(2), because the proposed ordinance will not result in a direct or reasonably foreseeable indirect physical change in the environment; Section 15061(b)(3), because the ordinance is covered by the general rule that CEQA applies only to projects which have the potential for causing a significant effect on the environment; and Section 15378(b)(2), because this ordinance addresses mediation services and does not result in any physical change in the environment. Therefore, the adoption of this ordinance is exempt from CEQA.

SECTION 3. Amendment and Restatement of Chapter 10.50. Chapter 10.50 of the CMC is amended and restated as follows:

“Chapter 10.50 LANDLORD/TENANT MEDIATION

10.50.010 - Purpose.

The purpose of this chapter is to establish a mediation forum to assist in the resolution of rental disputes that may arise from time to time between tenants and owners of residential rental complexes containing 5 or more residential units and mobilehome parks. ~~The mediation provided by this chapter is not intended to provide guidance for or enforce state rent control law, including the Tenant Protection Act of 2019 as set forth in Civil Code section 1947.12.~~

10.50.020 - Definitions.

The following words or phrases as used in this chapter have the following meanings:

“Eligible lease” means a lease that is: (1) month-to-month or for a period of 12 months or less, or (2) a multi-year lease in which ~~that has been for a term longer than 12 months and the term is set to expire within 6 months and~~ the amount of any rent increase for the new term is not established or defined under the lease.

“Mediator” means a person designated by the city manager to mediate landlord/tenant disputes as set forth in this chapter.

“Mobilehome park” means an area of land that contains 25 or more mobilehome spaces that are rented, or held out for rent, to accommodate mobilehomes used for human habitation.

“Owner” means an owner of a residential rental complex or mobilehome park, or the manager, agent, or representative of the owner.

“Rent” means consideration, including any bonus, benefits or gratuity demanded or received in connection with the use and occupancy of any residential rental unit or space.

“Residential rental complex” means any property that has five or more residential rental units.

“Residential rental unit” means any dwelling unit that is rented to a tenant within a residential rental complex.

“Space” means the area in a mobilehome park upon which a mobilehome is placed and for which rent is charged.

“Tenant” means any person or persons entitled to occupy a residential rental unit in a residential rental complex or space in a mobilehome park pursuant to an eligible lease.

“Term” means the duration of the rent increase.

10.50.030 - Landlord/tenant mediator.

- A. Selection of mediator. The city will maintain a list of mediators who will be randomly selected for the purpose of conducting landlord/tenant mediations, as set forth in this chapter.
- B. Powers and duties. The mediator is empowered to act in an advisory capacity to assist in the settlement of rental disputes between tenants and owners.
- C. Docket. The city clerk will maintain a record of all mediation proceedings conducted before the mediator.

10.50.040 - Notice to tenants of landlord/tenant mediation forum.

- A. Notice upon rent increase. Owners must distribute a notice of the availability of the landlord/tenant mediation forum provided by the city with every rent increase to existing tenants with an eligible lease. The notice must be in substantially the following form:

THE CITY OF CAMARILLO HAS A LANDLORD/TENANT MEDIATION CHAPTER THAT PROVIDES A VOLUNTARY NON-BINDING MEDIATION FORUM TO REVIEW RENT INCREASES. COPIES OF THE CITY'S LANDLORD/TENANT MEDIATION CHAPTER ARE AVAILABLE UPON REQUEST AT OUR OFFICE OR MAY BE OBTAINED AT CITY HALL (601 CARMEN DRIVE) OR ON THE CITY'S WEBSITE AT: WWW.CITYOFCAMARILLO.ORG.

- B. General notice of landlord/tenant mediation forum. Owners must also post in the on-site management office, or if no such office exists, then in a publicly accessible location, a notice that is at least 8 x 10 inches in substantially the same form as in subsection (A) above.

10.50.050 – Mediation procedures.

- A. Request for mediation. A tenant on an eligible lease who receives a notice of a proposed rent increase may file a request for a mediator to review the proposed rent increase. The request ~~must~~should be filed with the city clerk within 30 calendar days of receipt of notice of a proposed rent increase. The request must identify the owner and state the reason for the tenant's claim that the proposed rent increase is unreasonable or unfair. If the proposed rent increase will affect 25% or more of the tenants with ~~non-fixed~~eligible term leases in the residential rental complex or mobilehome park over the ~~next 12-month~~term, then at least five tenants in similarly situated units or spaces must sign the request for a landlord/tenant mediation.
- B. Scheduling of a mediation. Upon the city clerk's receipt of a request for a landlord/tenant mediation, the city clerk or mediator, as applicable, will contact the owner named in the request and the tenant and attempt to set up a mediation to be held before the mediator. The mediation will be scheduled within a reasonable time. If the increase affects more that 25 percent of the tenants with eligible ~~non-~~

~~fixed~~-term leases, then the owner must provide a list of all such affected tenants so that notice of the mediation may be provided to all interested tenants.

- C. Submissions by owner. If the owner agrees to participate in the landlord/tenant mediation, then at least seven days before the mediation, the owner should submit to the City clerk or mediator, as applicable, information concerning the residential rental unit or space at issue, which may include, but is not limited to the following:
1. The actual operating expenses by category for the residential rental complex or mobilehome park for the preceding three-year period.
 2. The anticipated expenses for the residential rental complex or mobilehome park for the ~~12-month period~~term of the proposed rent increase, including details of changes in any cost elements.
 3. The rent schedule for each residential rental unit or space within the residential rental complex or mobilehome park for the last three years.
 4. A schedule of other fees and income from the residential rental complex or mobilehome park.
 5. The vacancy rates of each unit in the residential rental complex, or for mobilehome parks, the lots where rent is being paid or for vacant units which are owned by the park owner during the preceding three-year period.
 6. Any other factors affecting the need for the proposed rent increase.
- D. Submission by tenant. At least seven days before the mediation, the tenant should submit to the city clerk or mediator, as applicable, any additional information not included in the initial request for review regarding the proposed rent increase that the tenant would like the mediator to consider.
- E. Mediation procedure. At the mediation, the parties may offer any statements, documents, or other information that is relevant to the proposed rent increase.
- F. Failure to appear at mediation. Failure of any of the noticed parties to appear at the scheduled mediation will not preclude the mediator from conducting the mediation as scheduled and from issuing its recommendation as provided in Section 10.50.070.
- G. Consolidation. The mediator may consolidate requests for mediation received from tenants within the same residential rental complex or mobilehome park with respect to a proposed rent increase and all such requests may be considered in a single mediation.

10.50.060 – Mediation considerations.

In making a recommendation based on a request for a landlord/tenant mediation, the mediator may consider all relevant factors including but not limited to the following:

- A. Increases or decreases in property taxes;

- B. Unavoidable increases or decreases in operating and maintenance expenses, including utility rates, insurance, government assessments, materials and services;
- C. Capital improvements, as distinguished from normal repair, replacement and maintenance;
- D. Increases or decreases in size of the space or residential rental unit;
- E. Substantial deterioration of the structure or degradation of material improvements, other than as a result of ordinary wear and tear;
- F. Failure on the part of the owner to provide adequate services, or to comply substantially with applicable housing, health and safety codes;
- G. Federal and state income tax benefits;
- H. Downgrading, reduction or elimination of services; and
- I. Fair and just return on the property to the owner, including comparable market rents within the city.

The mediator will not support a rent increase solely by reason of a change of ownership that results in increased costs of debt service or a refinancing of the mobilehome park or residential rental complex that results in increased costs of debt service.

10.50.070 - Recommendation of the mediator.

- A. The mediator will consider all relevant information in determining whether the proposed rent increase is fair, equitable, and necessary in order for the owner to receive a just and reasonable return on its investment. The mediator may also make recommendations regarding other issues indirectly related to the rent increase, which include but are not limited to, issues concerning maintenance and communication.
- B. At the conclusion of the landlord/tenant mediation, the mediator will issue their recommendation and will cause a written summary of the recommendation to be sent by email to the tenant(s) and owner within ten business days after the mediation, with a copy to the city clerk.
- C. At the conclusion of the mediation or no later than five business days after receipt of the mediator's written recommendation, the parties to a landlord/tenant mediation are encouraged to advise the city clerk whether they accept the mediator's recommendation.
- D. The city clerk will submit to the city council, for information purposes only, a copy of all rent review recommendations made by the mediator.

10.50.080 - Rent review a protected right and retaliation prohibited.

Use of the landlord/tenant mediation process provided in this chapter is declared to be a protected right pursuant to California Civil Code section 1942.5(c). Tenants cannot be

required to waive their rights under this chapter and any such purported waiver will be void as contrary to public policy. No owner or tenant who has been a party to a landlord/tenant mediation process under this chapter may undertake or cause any type of retaliatory act or omission against another party as a result of the other party having invoked or participated in the landlord/tenant mediation process.

10.50.090 – Mediation proceedings as a public record.

Documents, testimony, and recommendation related to the landlord/tenant mediation may be subject to disclosure in accordance with applicable law, including the Public Records Act.

SECTION 4. Severability. If any section, subsection, subdivision, sentence, clause, phrase, or portion of this ordinance, is for any reason held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, such decision will not affect the validity of the remaining portions of this ordinance. The City Council hereby declares that it would have adopted this ordinance, and each section, subsection, subdivision, sentence, clause, phrase, or portion thereof, irrespective of the fact that any one or more sections, subsections, subdivisions, sentences, clauses, phrases, or portions thereof be declared invalid or unconstitutional.

SECTION 5. Publication. The City Clerk is directed to certify the adoption of this ordinance and cause it to be published in the manner required by law.

PASSED, APPROVED, AND ADOPTED _____, 2022.

Mayor

Attested to on _____.

City Clerk

I, Kristy Buxkemper, City Clerk of the City of Camarillo, certify Ordinance No. _____ was introduced by the City Council at a meeting held _____, and subsequently passed and adopted by the City Council at a regular meeting held _____ by the following vote:

YES: Councilmembers:
NO: Councilmembers:
ABSENT: Councilmembers:

City Clerk