

RESOLUTION NO. 2023-XXXX

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF
SAN MARCOS, CALIFORNIA ADOPTING AMENDED AND
RESTATED PROCEDURES FOR THE SAN MARCOS
MOBILEHOME RENT REVIEW COMMISSION

WHEREAS, the San Marcos Mobilehome Rent Review Commission (MHRRC) was created in 1978; and

WHEREAS, pursuant to a successful voter initiative which was formalized by Resolution MHP 88-7, the MHRRC has operated pursuant to procedures authorized by Chapter 16.16 of the San Marcos Municipal Code; and

WHEREAS the regulations and procedures governing MHRRC proceedings were modified by Resolution 96-4673, and further modified by Resolution 2002-5900, and Resolution 2009-7272; the MHRRC has performed its functions in accordance with the then-current version of such regulations and procedures; and

WHEREAS, from and after 2009, numerous petitions for MHRRC review have been filed and the MHRRC has conducted several rent review proceedings to conclusion for those petitions that were not otherwise resolved; during that time period City staff and MHRRC consultants have determined that additional revisions are necessary and/or desirable to enable the MHRRC to efficiently and fairly conduct its rent review proceedings for the protection of the rights of all concerned parties.

NOW, THEREFORE, the City Council of the City of San Marcos, California, does hereby resolve and order as follows:

Section 1. The foregoing recitals are true and correct and are hereby incorporated by reference into this Resolution.

Section 2. The City Council finds that the revisions and clarifications offered by the Amended and Restated MHRRC Procedures, attached hereto as Exhibit 1 and incorporated herein by reference, will result in more efficient proceedings, as they, inter alia, specify the Consumer Price Index information and additional background documentation to be provided by park owners, provide for service of documents in a more efficient manner, and modify the hearing and briefing schedule to address timing issues that have been experienced in prior MHRRC proceedings.

Section 3. Based on the information set forth herein and that adduced during the City Council proceedings for this item, the City Council hereby approves and adopts the amended and restated MHRRC Procedures and related documents attached hereto as Exhibit 1 and incorporated herein by this reference as though set forth in full at this point, and all previously adopted procedures and schedules are superseded and replaced with attached Exhibit 1 and associated documents.

Section 4. The revisions to the MHRRC requirements for written submissions and pre-hearing procedures are hereby approved for immediate implementation and use by the San Marcos Mobilehome Rent Review Commission, and the amended and restated rules and regulations are effective and applicable to any MHRRC proceeding occurring subsequent to the effective date of this Resolution.

Section 5. This Resolution is not intended to, and shall not operate as, an amendment to the provisions of Chapter 16.16 of the San Marcos Municipal Code, but rather as the procedural regulations followed in conjunction with processing applications for space rent increase. In the event of any conflict between the amended and restated regulations adopted by this Resolution and the provisions of Chapter 16.16 of the San Marcos Municipal Code, the provisions of Chapter 16.16 shall prevail.

Section 6. If any term, provision or condition of this Resolution is, to any extent determined by a court of competent jurisdiction to be invalid or unenforceable for any reason, the remaining terms, provisions or conditions of this Resolution shall be valid and enforceable to the fullest extent permitted by law.

PASSED, APPROVED, AND ADOPTED by the City Council of the City of San Marcos, California, at a regular meeting held on this 14th day of November 2023, by the following roll call vote:

AYES: COUNCILMEMBERS:
NOES: COUNCILMEMBERS:
ABSENT: COUNCILMEMBERS:

Rebecca D. Jones, Mayor
City of San Marcos

ATTEST:

Phillip Scollick, City Clerk

ATTACHMENTS:

Exhibit A: Amended and Restated Procedures for the San Marcos Mobilehome
Rent Review Commission, Form Petition