

**FINDINGS OF FACT, DECISION AND ORDERS OF
DAVID B. HART, HEARING OFFICER, IN THE MATTER OF:
Country Club Mobile Estates, Protest of 2023 C.P.I. Rent Increase;
and Determination of Effective Date of C.P.I. Rent Increase**

Date of this Decision: May 18, 2023

I. FINDINGS OF FACT

1. Country Club Mobile Estates is a 103-space mobile home park located in south Oxnard. It is subject to the jurisdiction of the City of Oxnard Mobile Home Park Rent Stabilization System, which is codified in Chapter 24 of the City Code and City Council Resolution No. 11,468 (Exhibits No. 1 and No. 2).

2. On January 12, 2023, the City of Oxnard received from Country Club Mobile Estates (hereinafter “the Park”) a C.P.I. formula rent adjustment application (Exhibit No. 3). The application sought a 5.74% rent increase, and requested that the rent increase be effective on March 1, 2023.

3. On February 2, 2023, Assistant Oxnard Housing Director Albert Ramirez wrote a letter to Country Club management representative Mr. James Koehler, of Newport Pacific (Exhibit No. 4). In that letter, Mr. Ramirez advised Mr. Koehler that the park’s application had not been submitted in a timely manner in order to be processed for an increase date of March 1, 2023, stating that it had been submitted “*after the deadline ...to allow processing and to prepare the notices for mailing no later than 45 days prior to the increase.*” Instead, the letter advised, the City would process the application for an increase date of April 1, 2023. The letter also advised Mr. Koehler that the park had the right to appeal the Housing Department determination.

4. On February 2, 2023 the City mailed Notices of CPI Rent Adjustment to homeowners in County Club Mobile Estates. That Notice has been identified as Exhibit No. 5.

5. On a date which fell sometime between February 2 and February 27, 2023, Mr. Koehler responded to the letter of February 2, 2023, by writing to Mr. Ramirez. The letter from Mr. Koehler erroneously bears a date of “January 9, 2023”, and constitutes the appeal of Country Club challenging the City’s decision to not process the park’s application for the March 1, 2023, rent increase date. That letter has been designated by the Hearing Officer as Exhibit No. 13.

6. On February 27, 2023, at 12:34 p.m., Mr. Ramirez sent an email to the undersigned Hearing Officer (Exhibit No. 14), which reads in pertinent part as follows:

“A hearing has been requested for the Mobile Home Program by Country Club Mobile Estates. Time is of the essence as the owner is looking to increase his rents by March 1.

In a nutshell, the park owner did not submit his application on time. They are to submit the application to the city 60 days before the rent increase would go into effect. They historically submit their application by December 30th and their rent increase is effective March 1.

However this year they submitted their application on 1/12. Therefore their new effective rent increase would begin April 1. Based on our conversations the late submission was due to a staff member being out ill.

“Is there any chance we can have the hearing tomorrow? If so please provide some times that work for you. We can do the hearing virtually.”

7. The undersigned Hearing Officer responded by email to Mr. Ramirez the same day, February 27, 2023, at 3:04 p.m. (Exhibit No. 15), which reads in pertinent part as follows:

“Please note that while I am responding to you, I request that you immediately forward a copy of your email and of this response to the representative of the management of Country Club Mobile Estates... This is to ensure that there are no *ex parte* communications, and to protect due process for all.

“While I cannot comment on the substance of the case, it appears to be a matter where the city staff has made a decision regarding the timeliness of a rent increase application, and the park has appealed that decision, as is their right. From your email, it sounds like the substantive issue involves one month’s rent.

“Whenever a controversy arises regarding the amount or the effective date of a rent increase, the home owners pay the amount requested by the park management while the hearing process takes place...If the park has already billed the homeowners for the increase effective in March, then the park may collect that increased amount beginning in March. If I ultimately were to rule that the correct increase date is April, then I could direct the park to give the home owners credit for the increment collected for March. Similarly, if the park does not collect the rent increase on March first, and I ultimately rule that they have the right to do so, I can direct the home owners to pay that increment for March...

“So there is no urgency to resolve this dispute before March first (and my experience tells me that the home owners have probably already received their March rent statement). My first available hearing dates are March 22 and March 23. I ask the park and the city to please let me know which date you would prefer.”

8. On March 6, 2023, a protest petition (Exhibit No. 6) challenging the rent increase was submitted by Mr. Francisco Sanchez on behalf of homeowners in the Park. The protest petition alleges the following ten (10) specific service level reductions as services or amenities that were reduced or eliminated:

1. The pool shower has been removed and has not been reinstated
2. Access to the clubhouse has been restricted after 4:00 p.m. and on weekends
3. Pool hours remain the same as during the Covid-19 pandemic, despite the situation improving. Before, it closed at 9:00 p.m.
4. A waste disposal container which had previously been provided is now unavailable
5. Visitor permits are not being issued after 4:00 p.m. or on weekends

6. The streets and driveways in the park have not been repaired in over twenty years, resulting in dangerous potholes
7. Most of the streetlights in the park are not functioning, increasing the security risks in the community
8. The presence of homeless individuals entering and exiting the club at all hours of the day and night has raised concerns about the safety of the community
9. The security company contracted does not appear to be doing enough to address these issues.
10. The drainage fees vary too much from month to month

The residents who signed the protests are hereinafter jointly referred to as “Petitioners” of “homeowners”.

9. On March 6, 2023, City of Oxnard Rent Housing Department administrative technician Mary Chappell notified the undersigned Hearing Officer, and the park management representatives, that the homeowners had filed a timely protest of the rent increase, and that the signatures would be reviewed and compared to the rent roster to ascertain if there were sufficient valid signatures to meet the City Code’s threshold to trigger a protest hearing (Exhibit No. 7).

10. Ms. Chappell conducted that review immediately, and on March 7, 2023, notified the parties of her conclusion that the protest petition contained verified signatures representing at least fifty-four (54) of the 103 spaces in the park, and that therefore the 25 percent minimum threshold to trigger a hearing had been met; see Exhibit No. 16.

11. The sequence of events described in the previous paragraphs led to a situation where both the park management and the homeowners had submitted separate and distinct legal challenges to the processing of the rent increase application. The park’s challenge concerns the effective date of the CPI rent increase (that is, the park seeks an effective date of March 1, 2023, while the City holds that the appropriate increase date must be April 1, 2023), while the Petitioners challenge the park’s right to receive any CPI rent increase in any amount whatsoever, due to alleged reductions in park-provided services and amenities.

12. A hearing was scheduled for 1:30 p.m. Thursday, March 23, 2023, on the matter of the park's challenge of the effective date of the increase. At that date and time, the undersigned Hearing Officer convened the hearing. It became clear in the opening moments of the hearing that the Notice of Hearing (Exhibit No. 8) had not been placed in the mail to homeowners in the park until late afternoon on Monday, March 20, 2023. That date was just three days prior to the March 23, 2023 date of the hearing.

13. The Mobile Home Park Rent Review Board has a long-standing policy which requires at least seven days prior Notice of Hearing. In addition, it is presumed that any notice placed in the U. S. mail will be received by a recipient within three days of mailing. The undersigned Hearing Officer advised the parties that he was not comfortable proceeding with conducting the hearing on the third calendar day after the Notice was placed in the mail, since there was no assurance that those Notices had even been received; and further advising that even if such a Notice was delivered to homeowners the day prior to the hearing, such would constitute insufficient advance notice to enable one to make arrangements to be absent from work or to make other necessary arrangements to attend a mid-day hearing.

14. Due to these reasons, the evidentiary hearing was not conducted on March 23, 2023. In accordance with an agreement among all parties, the evidentiary hearing on the Protest was continued to April 10, 2023. The City was directed to prepare and issue a Notice of Hearing Continuance, in both English and Spanish, which was mailed to all homeowners in the park on April 3, 2023 (Exhibit No. 10).

15. On April 10, 2023, the evidentiary hearing on the Protest was conducted before the undersigned Hearing Officer, following the provision of appropriate written notice to all of the time, date, and location of the hearing. The Petitioners were represented by Mr. Francisco Sanchez, their designated representative, and the Park was represented by Mr. James Koehler, of

Newport Pacific. The City of Oxnard was represented by Deputy City Attorney Andrew Gonzalez, and Assistant Housing Director Albert Ramirez. A Certified Shorthand Reporter was present and created a stenographic record and transcript of the hearing.

16. The various documents in this case have been marked as Exhibits, and a list of those Exhibits is appended to this Decision. The City staff prepared a packet containing Exhibits No. 1 through No. 12. Given that it is essential that the administrative record include all relevant documents as exhibits, the undersigned Hearing Officer has *sua sponte* identified five other documents as Exhibits No. 13 through 17, and those Exhibits are disseminated with this Decision.

17. Prior to the hearing of April 20, 2023, the undersigned Hearing Officer sent a letter dated March 29, 2023 (Exhibit No. 9), in which the Petitioners were advised to focus on presenting testimony and evidence only on those allegations, from among the ten listed allegations, where Petitioners could also present evidence of cost savings accruing to the park.

18. At the hearing of April 10, 2023, the Petitioners, as the moving party, presented first, through their representative Mr. Sanchez. A set of thirty (30) photographs were introduced into evidence by the homeowners (Exhibit No. 12), photographs which depict various locations in the park, showing the condition of the street pavement, lights that are not functioning, and other items. Mr. Sanchez' testimony, however, was that he did not have any evidence as to any cost savings that might have accrued to the park as a result of any of the claimed reductions or eliminations in services or amenities.

19. The Park also introduced a set of photographs, accompanied by graphics and text (Exhibit No. 11), to support the Park's contention that there had been no undue reduction in service levels or amenities, and that several of the conditions complained of in the protest petition are addressed in the normal course of operations or have been remedied. The Park and its security

contractor, Signal of Oxnard, acknowledged that there are issues with unauthorized persons, some of whom are believed to be homeless, who enter the park, and state that they regularly take steps to remove any such unauthorized individuals.

20. At the conclusion of the evidentiary portion of the hearing, the undersigned Hearing Officer requested that the parties submit a post-hearing written summary setting forth their positions with respect to the issue of the alleged service level reductions. On April 15, 2023, Mr. Koehler submitted a written statement on behalf of the park (Exhibit No. 17), which reads in pertinent part as follows:

“[Petitioners] failed to provide information that the services stated in their protest letter met the requirement...to show that a service or amenity in the park has been eliminated, reduced, or deteriorated [and] failed to provide evidence of the dollar value of the eliminated or reduced service or amenity.”

21. Upon receipt of that submission, the evidentiary portion of the hearing related to the issue of the alleged service level reductions was deemed closed.

22. The undersigned Hearing Officer then moved on to the park’s challenge of the City’s administrative determination regarding the proper effective date of the rent increase, and requested assistance from representatives of the park and the City to narrow down the issue. Specifically, those two parties were asked to submit stipulations of fact on the relevant chronology.

23. On April 25, 2023, Mr. Ramirez submitted a letter to the undersigned Hearing Officer which set forth the City’s interpretation of the facts and arguments in favor of its position in this matter. Shortly thereafter, the Park submitted its own interpretation and arguments on the matter of the effective date. Rather than submitting factual stipulations agreed to by both parties, the parties had each submitted a written statement setting forth their own legal arguments. This exchange of

correspondence revealed that both the City and the Park were under the mis-impression that the undersigned Hearing Officer was urging them to reach an agreement on what the effective date should be, or requesting that they submit arguments. On May 8, 2023, the undersigned Hearing Officer clarified that what he was inviting from the City and the Park were stipulations of facts upon which the parties did agree, rather than opposing arguments or interpretations.

24. As of the date of the issuance of this Decision, no such stipulations of fact had been received.

II. APPLICABLE SECTIONS OF CITY CODE AND GUIDELINES

25. Chapter 24 of the Oxnard City Code and Oxnard City Council Resolution No. 11,468 set forth the procedures that govern the processing of C.P.I. formula adjustment rent increase applications.

26. Chapter 24-9 of the Oxnard City Code states in pertinent part as follows:

SEC. 24-9. C.P.I. FORMULA ADJUSTMENT

(A) Procedure –

...
(2) CPI formula adjustment applications may be submitted no more than once a year. Any space rental increase as provided herein shall be effective on the date specified in the application or as otherwise approved by the Hearing Officer.

27. Section III of the Resolution states in pertinent part as follows:

III. CPI Formula Adjustment

(D) Notice and Petition for Hearing

4. The specific grounds for the protest shall be limited to a challenge of the Director's determination as to the accuracy of the application or the determination as to whether the owner has maintained the service level of the park. The hearing by the Hearing Officer shall be limited to those matters which are specifically identified in the protest.

5. In the event a protest is filed, residents shall remit to the park owner the full amount of the requested CPI formula adjustment, in accordance with the application, while the protest hearing is conducted by the Hearing Officer. Upon the conclusion of the protest hearing, the Hearing Officer shall issue a written decision which shall specify the amount of the permissible rent adjustment for each covered space.

28. Chapter 24-13 of the Oxnard City Code states in pertinent part as follows:

SEC. 24-13. MAINTENANCE OF SERVICES

(C) Hearing Officer review of services –

- (1) Residents shall have 35 days from the date that a notice of an owner's application for a space rental adjustment...is mailed to file a protest with the Director to the adjustment based on the owner's reduction or deletion of services within the park since the last adjustment.
- (2) ...If an owner deleted or reduced a service after the last adjustment, the Hearing Officer shall have the power to reduce the pending adjustment by the amount saved by the owner due to the deletion or reduction...

29. Section III of City Council Resolution No. 11,468, reads in pertinent parts as follows:

III. CPI Formula Adjustment. The following procedure shall govern the processing of a CPI Formula Adjustment application.

- A. Application. An owner shall request a CPI formula adjustment by submitting an application to the Director. For any rent adjustment taking effect after April 1, 1999, a complete application must be received at the Director's office at least sixty (60) calendar days prior to the date of the proposed rent adjustment...
- D. If the information in the application is correct, the Director shall give notice by mail to each affected resident. The notice shall contain the method of calculation and the amount of the proposed increase, and state that the increase will automatically be effective

on a stated date not less than forty-five days from the date of the notice...

30. Chapter 24-15 of the City Code establishes the right of park owner and homeowners to appeal Hearing Officer decisions. Subsection 24-15(A)(6) states that "except for protests of CPI formula adjustment applications, the execution of any Hearing Officer decision shall be stayed for 90 days from the date of filing of a notice of appeal."

III. ISSUES

31. The questions that must be answered by the undersigned Hearing Officer in this matter are:

Issue #1. What are the facts related to the pool shower? Do those facts constitute evidence of a reduction of services and/or amenities?

Issue #2. What are the facts related to access to the clubhouse? Do those facts constitute evidence of a reduction of services and/or amenities?

Issue #3. What are the facts related to the pool hours? Do those facts constitute evidence of a reduction of services and/or amenities?

Issue #4. What are the facts related to the waste disposal container? Do those facts constitute evidence of a reduction of services and/or amenities?

Issue #5. What are the facts related to the issuance of visitor permits on weekends and evenings? Do those facts constitute evidence of a reduction of services and/or amenities?

Issue #6. Did the park reduce or unduly delay major capital improvement-type maintenance with respect to the maintenance of the streets and driveways? Do the park's actions support a finding of a reduction of services and/or amenities?

Issue #7. What are the facts related to the street lights? Do the park's actions support a finding of a reduction of services and/or amenities?

Issue #8. What are the facts related to the presence of homeless individuals in the park? Do the park's actions support a finding of a reduction of services and/or amenities?

Issue #9: What are the facts related to the actions of the park-retained security contractor? Do the park's actions support a finding of a reduction of services and/or amenities?

Issue #10: What are the facts related to the drainage fees? Do the park's actions support a finding of a reduction of services and/or amenities?

Issue #11. If any of the park's actions regarding the matters set forth in the previous ten questions are found to constitute reductions in services and/or amenities, is there any evidence to demonstrate that the park enjoyed the benefit of any monetary savings due to said reductions in services and/or amenities? If so, what is the dollar value of said savings?

Issue #12: If a C.P.I. rent adjustment is granted, shall the effective date of that increase be March 1, 2023, or April 1, 2023?

IV. DISCUSSION

32. At the outset of the hearing, I stated that in order for the homeowners to prevail on this rent protest hearing, the Petitioners would need to (a) demonstrate that the park had eliminated or reduced services or amenities; and (b) introduce evidence showing the dollar value of cost savings accruing to the park as a result of one or more of the alleged service level reductions.

33. The burden was thus on the Petitioners to present, at the evidentiary hearing of April 10, 2023, any evidence in their possession as to the dollar value of the claimed service level reductions. At that hearing, the Petitioners' representative conceded that Petitioners had no such documentary evidence, nor any witnesses who could testify regarding any such possible cost savings. Petitioners had not availed themselves of their right to seek such cost savings evidence by requesting subpoenas for production of records, or subpoenas for witnesses that might have been able to provide such evidence.

34. The facts set forth in the preceding paragraph lead to the conclusion that even if the Petitioners had demonstrated the existence of any reductions in service levels or amenities, there would have been no change in the amount of the rent adjustment to which the park is entitled. Therefore, with respect to Issue Number 1 through Issue Number 11, the determination of the undersigned Hearing Officer is that there is no evidence supporting the conclusion that the park enjoyed any monetary savings due to any reductions in service levels or amenities.

35. I now turn to Issue Number 12, regarding the appropriate date for the 2023 CPI rent increase. The issue can be succinctly expressed as follows: Can a rent increase sought by an application for an increase submitted 48 days prior to said date legally take effect on said date?

36. Both the park and the City have presented arguments in support of their positions on this question. The park points to section of the City Council Resolution (Section III(D)) which requires that the City send out a Notice of Rent increase to homeowners at least forty-five (45) days prior the proposed effective date of the increase to support its position that submission of an application forty-eight days in advance of said date is sufficient. Under the park's interpretation, the City would have three days to review the application, resolve any discrepancies or issues presented in the application, and prepare and mail a notice to homeowners.

37. In support of its position, the park points to the letter dated February 2, 2023 from City of Oxnard Assistant Housing Director Albert Ramirez, which specifically referred to the 45-day requirement for the City to send out to homeowners the notice of the proposed rent increase (Exhibit No. 4).

38. The central tenet of the City's position is that the language set forth in Section III(A) of Resolution No. 11,468 is controlling. The key wording in that Section reads as follows: "...a complete application must be *received at the Director's office at least sixty (60) calendar days prior to the date of the proposed rent adjustment...*" [Emphasis added]

39. The undersigned Hearing Officer has known and worked with City of Oxnard Housing Department staff during the course of conducting hearings over more than twenty years. My primary point of contact with Housing Department was with former Rent Stabilization Director Karl Lawson, who retired from City service on December 30, 2022, just two weeks before Country Club submitted the application that is before me in this case. As of mid-January of 2023, when that application was submitted, the City had not designated anyone to replace Mr. Lawson as Rent Stabilization Director, and Mr. Ramirez was acting in an interim role.

40. Having just been designated to assume these responsibilities on an interim basis a few weeks prior, it is completely understandable that Mr. Ramirez, who has worked with the City less than one year, was as of early February 2023 perhaps not as conversant in the administration of the program as the previous Rent Stabilization Director was, and perhaps might not have yet received from the City the extensive legal training necessary to administer the mobilehome rent stabilization program. Notwithstanding this, the statement that Mr. Ramirez set forth in his letter of February 2, 2023 to the park was made in good faith, his citation of the 45-day requirement was factual, and his conclusion was well-founded.

41. That conclusion – that the park’s application had not been submitted in sufficient time to qualify for a March 1, 2023 effective date -- was the correct conclusion, albeit not for the reason that Mr. Ramirez stated in his letter of February 2, 2023 (Exhibit No. 4). Rather, the legal basis which he should have cited in support of his conclusion is the wording of Section III(A) of City Council Resolution No. 11,468 (which requires receipt of an application at least sixty calendar prior to the requested rent increase date). A correct determination does not become incorrect simply because a staff person cited the wrong provision of the Resolution in support of the conclusion.

42. The Hearing Officer is bound to interpret the language of the City Code and of the City Council Resolution as written, and to interpret that language in light of the facts of any given case. The Hearing Officer has no authority to change the language, to ignore or nullify wording, or to substitute my own opinion for what I might think would be a different or (from my own point of view) better way to have written the ordinance.

43. In this case, the operative language is clear and unambiguous: Section III(A) requires an application to be received at least sixty calendar days prior to the date of the proposed rent increase. The phrase “must be received” establishes an absolute, mandatory, and non-discretionary requirement that park owners must comply with when applying for a rent increase. There is simply no way to interpret that sentence in any way that would permit an application for an increase 48 days following its submission to be approved, a result the park seeks in this case. *Not only was the City correct in rejecting a rent increase date that was less than sixty days following submission of the rent increase application, the City itself would have been derelict and acting in violation of the City Code and Resolution if it had processed an application for a rent increase to take effect less than sixty days following submission.* There is simply no wiggle room in the interpretation of the wording of Section III(A).

44. Moreover, there is no conflict between the language of Section III(A) – which requires parks to submit applications sixty days in advance of the increase date – and the wording of Section III(D), which requires *the City* to send its notice to homeowners at least 45 days prior to the increase date. The first imposes an obligation on parks (which are the intended beneficiaries of the rent increase application), and the second imposes an administrative requirement on the city staff, a requirement that staff can only meet after it has reviewed and evaluated the application. To hold that an application submitted less than 60 days, but more than 45 days, prior to the requested increase date would nullify the wording of Section III(A).

45. The City thus made the correct decision when it determined that the application received on January 12, 2023, could not be processed for a March 1, 2023 increase date. The City decision to process the application for an increase date of April 1, 2023 was well-founded and in accordance with the City Code and Resolution No. 11,368

IV. ORDERS

46. In accordance with the above, the Hearing Officer issues the following orders:

Order #1: The protest filed by Petitioners alleging service level reductions is dismissed with prejudice.

Order #2: The City determination to process the application for an increase date of April 1, 2023 (rather than March 1, 2023) is upheld.

Order #3: The park is granted a C.P.I. rent adjustment of 5.74%, effective April 1, 2023.

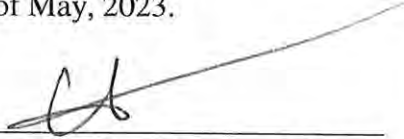
Order #4: Within thirty days of this Decision becoming final, the park is directed to refund to homeowners the 5.74% rent increment that was collected for the month of March, 2023, and to present to the Rent Stabilization Director and the undersigned Hearing Officer written confirmation of the dollar amount of the refund applicable to each space in the park, and the date the refund occurs. The refund may be handled via a credit to each homeowner.

47. The undersigned Hearing Officer shall retain jurisdiction over this matter should any dispute arise as to the calculation of the afore-mentioned refund/credit. However, if either party submits an appeal of the portion of this Decision that relates to the effective date of the rent increase, the

execution of Orders 2, 3, and 4 shall be stayed for ninety days from the date of filing of the Notice of Appeal, in accordance with Chapter 24-15(A)(6) of the City Code.

48. In order to ensure due process for all involved, the City staff is directed to prepare a full administrative record, including all seventeen (17) Exhibits and a copy of this Decision, for dissemination to the parties' representatives, and to be filed with the City Attorney and the Office of the City Clerk. In addition, all homeowners in the park are to be provided by the City with a notice summarizing this decision for the purpose of commencing the time period under Section 24-15 of the City Code.

It is so ordered on this 18th day of May, 2023.



David B. Hart, Hearing Officer

LIST OF EXHIBITS

- No. 1 Oxnard City Code, Chapter 24: Mobile Home Parks
- No. 2 Oxnard City Council Resolution No 11,468 (Guidelines for Implementation of Implementation Oxnard Mobile Home Park Rent Stabilization Ordinance)
- No. 3 C.P.I. Formula Adjustment Application submitted by Country Club Mobile Estates, dated 1/11/23
- No. 4 Letter from Albert Ramirez to James Koehler, dated 2/3/23
- No. 5 Notice of C.P.I. Formula Adjustment (four pages, English and Spanish) dated 2/3/23
- No. 6 Letter from Mr. Francisco Sanchez (2 pages, English and Spanish) with six (6) page Protest Petition attached, received 3/26/23
- No. 7 Letter from Mr. Ramirez to Hearing Officer David B. Hart, 3/6/23
- No. 8 Notice of Hearing dated 3/20/23
- No. 9 Letter from Mr. Hart to Mr. Sanchez and Mr. Koehler, dated 3/29/23
- No. 10 Notice of Hearing Continuance, dated 4/3/23 (English and Spanish)
- No. 11 Photographic and graphic exhibits presented by Park at hearing of 4/10/23
- No. 12 Photographs (30) presented by Homeowners at hearing of 4/10/23
- No. 13 Letter from Mr. Koehler to Mr. Ramirez, bearing date of 1/9/23
- No. 14 Email from Mr. Ramirez to Mr. Hart, 2/27/23, 12:34 p.m.
- No. 15 Email from Mr. Hart to Mr. Ramirez, 2/27/23, 3:04 p.m.
- No. 16 Email from Mary Chappell to parties, 3/6/23
- No. 17 Letter from Mr. Koehler to Mr. Hart, 4/16/23

(end)

Country Club Mobile Estates

17

3700 Olds Road Oxnard CA 93033 (805) 488-1719 Fax (805) 488-5129

April 15, 2023

Mr. David Hart,
Housing Department
435 South D Street.
Oxnard, California 93030

RE: Request to Appeal, Country Club Mobile Estates

Dear Mr. Hart.

I am writing this letter upon your request as a result of the hearing regarding the protest for a rent increase from the residents of Country Club Mobilehome Estates.

Regarding the ten (10) subjects brought up in the protest submitted by the resident of Country Club Mobilehome Estates. The resident failed to provide any of the following information to overturn the increase as outlined by your letter dated March 29, 2023.

The resident failed to provide information that the services stated in their protest letter met the first requirement. This required the residents to "show that a service or amenity in the park has been eliminated, reduced or deteriorated."

Second, the resident failed to provide "evidence on the dollar value of the eliminated or reduced service or amenity."

The ten-item listed on the resident's protest letter provided by Francisco Sanchez, petitioner representative, to the City of Oxnard that the park reduced, eliminated, or deteriorated any of the ten items listed on their protest letter, was not proven.

Therefore, the Park, Country Club Mobilehome Estates, request the hearing office rule on this case brought before him in favor of Country Club Mobilehome Estates.

Upon review of the enclosed documents, should you have any questions or concerns, please contact me at your earliest convenience.

Sincerely,
NEWPORT PACIFIC CAPITAL COMPANY, INC.



James Koehler
Regional Manager

cc: Emilio Ramirez, Housing Director
Albert Ramirez, Oxnard Housing Department
Mary Chappell, Administrative Technician
Jose Mendoza, Resident Manager

January 9, 2023

Mr. David Hart,
Housing Department
435 South D Street.
Oxnard, California 93030

RE: Request to Appeal, Country Club Mobile Estates

Dear Mr. Hart.

I received a letter from Albert Ramirez, Attached, notifying us that our application for a rent increase will be pushed from our requested application month of March 1, 2023 to April 1, 2023 due to the application was submitted after the deadline.

In the letter, the deadline is stated "no later than 45 days prior to the increase". The letter also states that the application was received on January 12, 2023. The application was requesting the increase date for March 1, 2023.

Upon reviewing the application date and the date of the requested increase of March 1, 2023, I can calculate a total of 48 days. This is three days prior to the deadline of March 1, 2023. Residents of Country Club Mobile Estates were served a letter of the increase on November 22, 2022 in accordance with California Civil Code 798.30 for the increase of rent for March 1, 2023.

I'm asking that you review the attached letter from Mr. Ramirez and reconsider his increase date of April 1, 2023 to our requested increase date of March 1, 2023 since we had submitted the application prior to the required 45 days.

Upon review of the enclosed documents, should you have any questions or concerns, please contact me at your earliest convenience. My direct contact number is (661)-816-6213 or you may contact me at my email jamesk@newportpacific.com.

Sincerely,
NEWPORT PACIFIC CAPITAL COMPANY, INC.



James Koehler
Regional Manager

cc: Emilio Ramirez, Housing Director
Albert Ramirez, Oxnard Housing Department
Mary Chappell, Administrative Technician
Jose Mendoza, Resident Manager

Exhibit No. 14

On Monday, February 27, 2023, 12:34 PM, Ramirez, Albert <albert.ramirez@oxnard.org> wrote:

David,

I don't believe we have met, but my name is Albert Ramirez. I'm the Assistant Director for the Housing Department and filling in for Karl in the interim.

A hearing has been requested for the Mobile Home Program by Country Club Mobile Estates. Time is of the essence as the owner is looking to increase his rents by March 1.

In a nutshell, the park owner did not submit his application on time. They are to submit the application to the city 60 days before the rent increase would go into effect. They historically submit their application by December 30th and their rent increase is effective March 1. However this year they submitted their application on 1/12. Therefore their new effective rent increase would begin April 1. Based on our conversations the late submission was due to a staff member being out ill.

I attached the letter they sent us, the ordinance and our operating standards.

Is there any chance we can have the hearing tomorrow? If so please provide some times that work for you. We can do the hearing virtually.

Thanks

Albert Ramirez
Assistant Director of Housing and Redevelopment
Oxnard Housing Department
435 South D Street
Oxnard, CA 93030
(805) 385-8016 ph.



From: **DAVID HART** <davearb@aol.com>
Date: Mon, Feb 27, 2023 at 3:04 PM
Subject: Re: Mobile Home Program - Hearing for Country Club Estates
To: Ramirez, Albert <albert.ramirez@oxnard.org>, <DaveArb@aol.com>
Cc: Chappell, Mary <mary.chappell@oxnard.org>, Christian Lopez <christian.lopez@oxnard.org>, Kenneth Rozell <kenneth.rozell@oxnard.org>

Dear Mr. Ramirez,

Thank you for writing. Please note that while I am responding to you, I request that you immediately forward a copy of your email and of this response to the representative of the management of Country Club Mobile Estates, and please advise me of the name and contact information for that representative. This is to ensure that there are no ex parte communications, and to protect due process for all.

While I cannot comment on the substance of the case, it appears to be a matter where the city staff has made a decision regarding the timeliness of a rent increase application, and the park has appealed that decision, as is their right. From your email, it sounds like the substantive issue involves one month's rent.

Whenever a controversy arises regarding the amount or the effective date of a rent increase, the home owners pay the amount requested by the park management while the hearing process takes place. Under the terms of the Council Resolution, I as Hearing Officer have the authority to determine the effective date of an increase. If the park has already billed the homeowners for the increase effective in March, then the park may collect that increased amount beginning in March. If I ultimately were to rule that the correct increase date is April, then I could direct the park to give the home owners credit for the increment collected for March. Similarly, if the park does not collect the rent increase on March first, and I ultimately rule that they have the right to do so, I can direct the home owners to pay that increment for March.

So there is no urgency to resolve this dispute before March first (and my experience tells me that the home owners have probably already received their March rent statement). My first available hearing dates are March 22 and March 23. I ask the park and the city to please let me know which date you would prefer.

I thank you and I await your response as soon as possible.

Sincerely,

David. B. Hart

Hearing Officer

Ex. #16

On Tuesday, March 7, 2023, 1:13 PM, Ramirez, Albert <albert.ramirez@oxnard.org> wrote:

David,

Please see the email below from Mary. The signatures have been confirmed and the petition has more than 25% of the spaces as required by ordinance.

----- Forwarded message -----

From: **Chappell, Mary** <mary.chappell@oxnard.org>

Date: Tue, Mar 7, 2023 at 12:55 PM

Subject: Verification of Signatures for Country Club ME Protest filed 3/6/2023 at 4:30 pm

To: Ramirez, Albert <albert.ramirez@oxnard.org>

Good afternoon,

I reviewed the addresses, names, and signatures of those who signed the petition. Fifty-four (54) clearly signed names matched the name on the space in the Rent Roster for the 2023 CPI Increase Rent Roster. There were three whose last name was illegible or missed altogether. One was signed by possibly the wife but not noted on the rent roster as the homeowner.

There are a total of 102 spaces in the park. There are four (4) exempt = 99 spaces under the ordinance. However, on the Reports files, County Club pays for 101 spaces. Using 99 spaces * 25% requires 24.75 or 25 signatures to protest. Using 101 spaces * 25% requires 25.25 or 26 signatures to protest. Therefore, there are sufficient verifiable signatures on the protest petition to proceed with the protest. Please look at tab two on the attached rent roster for Country Club ME.

You will need to contact David Hart and Country Club that the verification has been done.

Best regards,

Mary Chappell

Mary Chappell
Administrative Technician
City of Oxnard
Affordable Housing and Rehabilitation Division
Mobile Home Park Rent Stabilization Program
435 South "D" Street
Oxnard, CA 93030
Phone: (805) 385-7402 Fax: (805) 385-7416
Email: mary.chappell@oxnard.org

Country Club Mobile Estates

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3700 Olds Road Oxnard CA 93033 (805) 488-1719 Fax (805) 488-5129

April 15, 2023

Mr. David Hart,
Housing Department
435 South D Street.
Oxnard, California 93030

RE: Request to Appeal, Country Club Mobile Estates

Dear Mr. Hart.

I am writing this letter upon your request as a result of the hearing regarding the protest for a rent increase from the residents of Country Club Mobilehome Estates.

Regarding the ten (10) subjects brought up in the protest submitted by the resident of Country Club Mobilehome Estates. The resident failed to provide any of the following information to overturn the increase as outlined by your letter dated March 29, 2023.

The resident failed to provide information that the services stated in their protest letter met the first requirement. This required the residents to "show that a service or amenity in the park has been eliminated, reduced or deteriorated."

Second, the resident failed to provide "evidence on the dollar value of the eliminated or reduced service or amenity."

The ten-item listed on the resident's protest letter provided by Francisco Sanchez, petitioner representative, to the City of Oxnard that the park reduced, eliminated, or deteriorated any of the ten items listed on their protest letter, was not proven.

Therefore, the Park, Country Club Mobilehome Estates, request the hearing office rule on this case brought before him in favor of Country Club Mobilehome Estates.

Upon review of the enclosed documents, should you have any questions or concerns, please contact me at your earliest convenience.

Sincerely,
NEWPORT PACIFIC CAPITAL COMPANY, INC.



James Koehler
Regional Manager

cc: Emilio Ramirez, Housing Director
Albert Ramirez, Oxnard Housing Department
Mary Chappell, Administrative Technician
Jose Mendoza, Resident Manager