

# **Writ of Mandate Regarding Mobile Home Rent Control Arbitrator Award**

**Nomad Village Mobilehome Park**



**Matthew P. Pontes, Director  
General Services Department**

- On June 17, 2014, the Superior Court held a hearing on a petition brought by Park Management against the County and Real Party in Interest Debra Hamrick.
- On November 10, 2014, Judge Anderle entered Order on Writ of Mandate, which granted in part and denied in part the relief Petitioners sought.
- Today's review occurs pursuant to the court order in Judge Anderle's remand, as well as County Code Chapter 11A and the procedural Mobilehome Rent Control Rules for Hearings.

## **County Code Chapter 11A (Mobilehome Rent Control)**

Creates an arbitration process for rent control disputes in mobilehome parks within the unincorporated area whenever a proposed rent increase exceeds 75% of the Consumer Price Index as described within Chapter 11A.

### **The Parties**

Park Management: Lazy Landing, LLC and Waterhouse Management, Inc.

Homeowners: Residents of Nomad Village Mobilehome Park.

## Mobilehome Rent Control Rules for Hearings

Under Rule 23, Board reviews the Arbitrator's Opinion and Award under an "abuse of discretion", which is established only if the Arbitrator:

- Failed to proceed in the manner required by law;
- Made a finding not supported by substantial evidence; or
- Made a decision not supported by the findings.

## Arbitrator's Awards

**Award #4:** “All granted temporary increases are to be amortized at 9% for seven (7) years.”

**Award #5:** “The Homeowners are to pay the \$320,000. If any of these monies are not spent on eligible items within six (6) months from the date of this award, the residual amounts are to be returned to the homeowners.” The Court remanded consideration of the portion of the \$320,000 consisting of specific items of incurred costs in the amount of \$62,145.55.

**Award #6:** “The Homeowners are to pay \$25,000 for professional fees associated with the capital improvements.”

**Award #7:** “The Homeowners are to pay \$40,000 for the A&E fees associated with the capital improvements.”

**Award #8:** “The Homeowners are to pay \$130,531 for the supplemental tax increase payments already paid by the Park Owner.”

**Award #11:** “The Homeowners are to pay \$110,000 for the legal fees associated with the challenges to the rent increase.”

**Award #12:** “The Permanent increase is to be \$25.29 and the temporary increase is to be \$67.09 as supported by Respondent’s Exhibit T.”

## Staff's Recommendations:

Vacate the Board's May 15, 2012 action and reconsider the Petitions for Review of Awards 4, 5, 6, 7, 8, 11, and 12 of the Arbitrator's December 20, 2011 Opinion and Award and make the following determinations:

- i) Find that the Arbitrator did not abuse his discretion; however, remand Award #4 in light of other remanded Awards;
- ii) Find that the Arbitrator abused his discretion and remand Award #5 to the Arbitrator for adequate findings on specific items of incurred costs in the amount of \$62,145.55;

- iii) Find that the Arbitrator abused his discretion and remand Award #6 to the Arbitrator for adequate findings about the nature of the fees;
- iv) Find that the Arbitrator abused his discretion and remand Award #7 to the Arbitrator for adequate findings about the nature of the fees;
- v) Find that the Arbitrator did not abuse his discretion and affirm Award #8;
- vi) Find that the Arbitrator did not abuse his discretion and affirm Award #11;
- vii) Remand Award #12 to the Arbitrator for recalculation in light of other remanded items;



The order for the hearing will be as follows:

- Ex parte disclosures
- Staff presentation (7-8 min)
- Presentation by Homeowners (10 min)
- Presentation by Park Management (10 min)
- Public Comment
- Staff response to public comment
- Rebuttal by Homeowners (5 min)
- Rebuttal by Park Management (5 min)
- Board deliberation and vote

Thank you.