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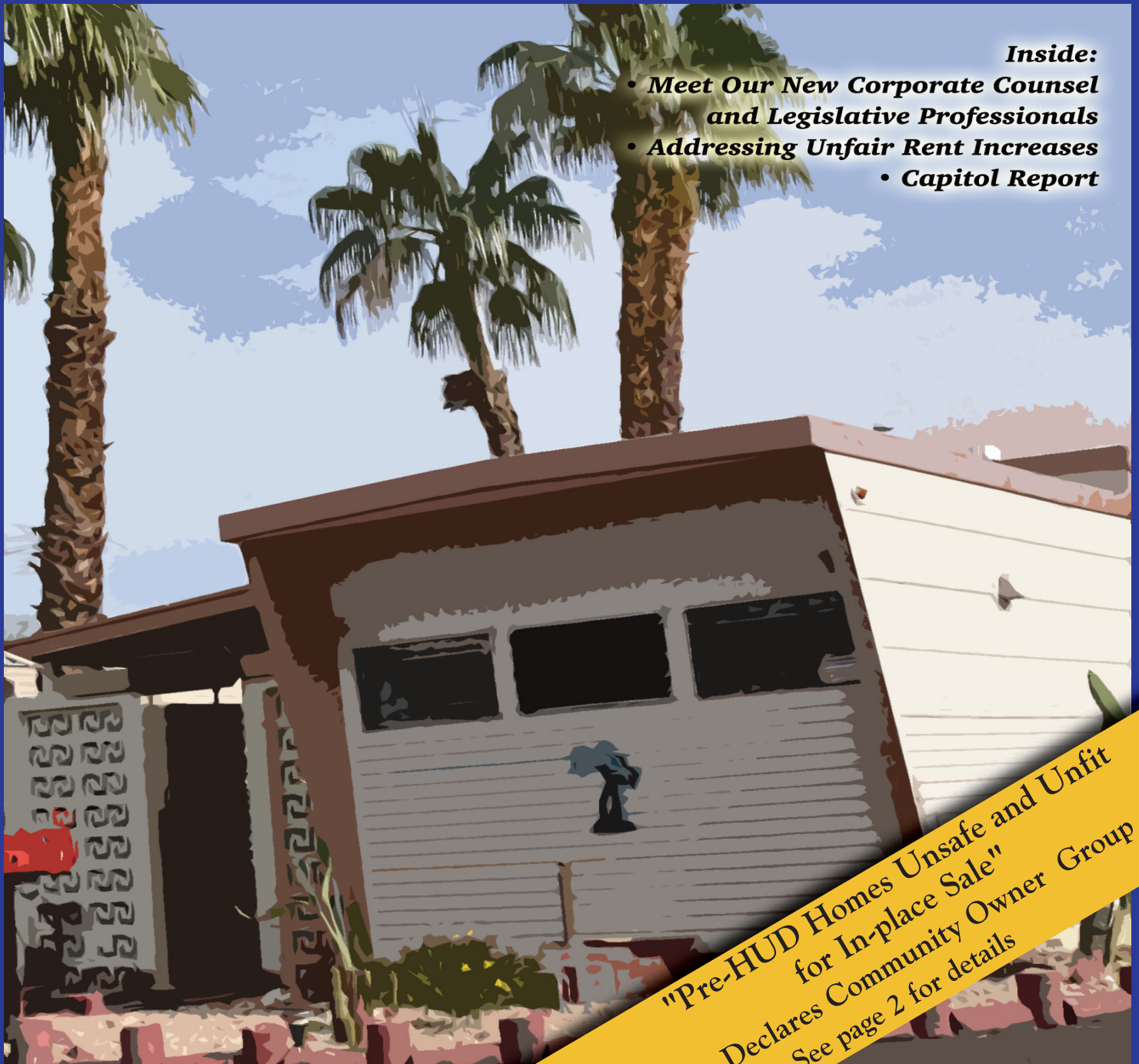
THE
CALIFORNIAN
GOLDEN STATE MANUFACTURED-HOME OWNERS LEAGUE

GSMOL- Advocating for Homeowners Rights Since 1962

Jan/Feb 2009

Inside:

- **Meet Our New Corporate Counsel and Legislative Professionals**
- **Addressing Unfair Rent Increases**
- **Capitol Report**



**"Pre-HUD Homes Unsafe and Unfit
for In-place Sale"
Declares Community Owner Group
See page 2 for details**

"Pre-HUD" Homes Unsafe and Unfit for In-place Sale?

At a December 2, 2008 Fire Safety hearing in Sacramento sponsored by the State Senate Select Committee on Manufactured Homes and Communities, representatives of community (park) owners suggested laws should be changed to classify "Pre-HUD"

mobilehomes as "unsafe" and that such homes should not be allowed to be sold in-place. That chilling proposal sent a reminder of the dark days of yesteryear when community owners were allowed to block sales of homes older than 17 years of age. GSMOL fought to get protective

built, once set in place, those homes became immobile.

Needless to say, preventing any home from being sold in-place would have a devastating impact on the salability and value of that home. Not only would moving a home greatly damage it, there are virtually no MH communities that will accept older homes, meaning a homeowner would face losing his/her investment in that home.

We will be carefully monitoring legislative proposals and try to quash any attempt to erode homeowner rights. It's a shame that this moneymaking strategy by community owners appears to be an attempt to exploit the notoriety of the devastating firestorm that destroyed so many homes at the Oakridge in Sylmar.



laws passed in the early 1980s and as a result, homeowners in California continue to enjoy the right to sell their homes in place, so long as those homes meet the health and safety codes.

The term "pre-HUD" refers to national housing standards adopted by the Federal Department of Housing and Urban Development (HUD) in 1976 to create uniform home construction standards across the country. The 1976 HUD standard is considered by many as the point where mobilehomes became manufactured homes, in a technical sense. At GSMOL, however, we consider all of our homes assembled in factories to be "manufactured homes" because no matter what year they were

Our next state board meeting of the year will be held in the Sacramento area and all GSMOL members are welcome to attend.

The meeting is tentatively scheduled for Friday, March 13 starting at 10 AM. Call the GSMOL home office in March for final verification.

GSMOL
Board of Directors Meeting
Golf Green Estates
8665 Florin Road
Sacramento, CA 95828
March 13, 2009, 10:00 AM

Golf Green Estates is located south of downtown Sacramento. Take the Florin Road exit off Hwy 99 and go East 3.4 miles. Golf Green Estates will be on your left.

Thank you to the homeowners at Golf Green for their generous hospitality!

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President's Report



**Tim Sheahan, GSMOL
State President**

Happy New Year! I hope 2009 will prove to be a great year for you!

As we enter this new year, GSMOL also enters a new era of homeowner advocacy. We are pleased to announce the return of San Jose attorney Bruce Stanton as GSMOL Corporate Counsel and that Christine Minnehan and Brian Augusta will be providing our professional legislative services. Christine will serve as a Legislative advisor and Brian will serve as our registered Legislative advocate. We look forward to working with these three bright and dedicated people whose biographies appear elsewhere in this issue of the Californian.

Do you like our new look?

No doubt you have notice a change in appearance of the Californian. We have returned to our previous printer with this new format and have teamed with the *Desert Mobile Home News* with a plan of providing a bi-monthly newsletter this year. Frequency will naturally depend upon what we can afford so it will be important to build membership and develop more advertising revenue to accomplish our goal. As always, your suggestions on how to improve our newsletter are welcome,

Challenges Still Remain

As I often mention, one of our roles as an advocacy group is that of a vigilant watchdog. We are in an ongoing battle between justice for captive homeowners and the rights of community owners who typically own the land to which our homes are affixed. For every positive accomplishment we achieve, we usually face a strategic response by the opposition to weaken those accomplishments. It is a never-ending "chess game" that won't be fully resolved until manufactured home communities are owned by either the residents themselves or fair-minded non-profit groups.

2008 certainly presented major threats, including several bad legislative bills, all of which we were successful in killing. We all owe AARP a debt of gratitude for its strong stance against Proposition 98, which would have been devastating to homeowners. Initially, AARP was reluctant to take a position on an "eminent domain" measure but GSMOL played a key role in educating AARP leaders and lobbying for support, which did come once they realized how Prop. 98 would have adversely affected so many seniors. I encourage you to get involved in AARP and other senior advocacy groups to influence the focus of their advocacy.

In 2009, we anticipate community owners will once again propose dangerous laws that would erode homeowner rights. Fighting those bad proposals will consume a considerable amount of our time and effort but is a critical role GSMOL plays in serving our members. As of press time, we are

still planning our legislative agenda for 2009.

You Can Make a Difference

In addition to our hired professionals, our volunteer corps of leaders throughout the state remains committed to serving homeowners. I think I can speak on behalf of all of our leaders in saying that the main reason we serve is to hopefully make a difference in preserving homeowner rights. It can be an overwhelming job when our leaders have to represent large geographical areas, though. We are always in need of more leaders willing to serve, even if just for a localized area or chapter level. I want to express my sincere appreciation to all of our leaders currently serving and encourage you to consider becoming involved as a leader for us.

If you aren't comfortable serving as a volunteer leader, there are many other ways you can support homeowners and our volunteers. First and foremost is promoting membership. Please give the enclosed membership application to a neighbor who is not a member and encourage them to join! Do it at your earliest convenience and explain how important it is for all MH owners to have GSMOL serving them at the national, state and local levels. The more members we have, the more services we can provide and the more we can accomplish! We can provide you with membership recruitment packets and more membership applications and hope you will serve as a GSMOL ambassador to recruit new members in your community.

President Report continued page 6

Capital Report

By Christine Minnehan and Brian Augusta,
GSMOL Legislative Advisor and Legislative Advocate

(See page 6 for our bios. Brian Augusta will serve as GSMOL's new legislative advocate, and Christine Minnehan will continue as GSMOL's legislative strategist.)

The 2009 Legislative session began officially on January 5th, although it seems that the Legislature has been in perpetual session for two years, attempting to pass a state budget that works for more than a few weeks before a new fiscal crisis is announced. Newly-elected legislators are training in the legislative process, but no one has a clue about how to do policy work when the budget is the only game in town.

This legislative report will be brief--the session has just begun, and only a handful of bills have been introduced on any subject. Of the new bills, two impact manufactured housing:

SB 23: Senator Alex Padilla (Democrat-Pacoima) has introduced SB 23 to require park owners and managers to develop emergency and fire safety plans for their parks, and to provide emergency services training to their staff. SB 23 establishes the basic requirements for the emergency plans and training, but allows local governments to adopt tougher mandates if they choose. SB 23 is currently brief, but will be fleshed out as the staff works with all the interested parties on crafting appropriate standards. As your advocates, we will be working closely with Senator Padilla and his

staff to develop those important standards.

SB 23 grows out of the recent Southern California wildfires that destroyed hundreds of homes in several mobile-home parks in the past two years. Other bills on this subject are anticipated, including bills sponsored by the Western Manufactured Housing Association (WMA) and the state Department of Housing. On February 6, the Senate Select Committee will conduct a second hearing on the fire and safety issues arising from the recent fires. The hearing will take place 2/6/09 from 11 a.m. to 2:30 p.m. at the LA Mission College, 13356 Eldridge Ave., Sylmar 91342.

The first hearing was held in Sacramento on 12/2/08, and focused on HCD's new emergency regulations that require fire resistant exterior components (roof, siding and windows) on new manufactured housing, and on older mobilehomes when these components are replaced.

SB X1 7: Senator Denise Ducheny (Democrat-San Diego) introduced SB X1 7 that allows the entire balance in the Mobilehome Park Purchase Fund to be loaned to the state to help with the current budget cashflow crisis. The fund plus interest must be repaid; no date is specified. SB X1 7 is one of the "midyear budget bills" which attempts to correct the deficit in the current budget year with program cuts, revenue increases and loans like this one. The bill passed both the Senate and Assembly, and was sent to the Governor

on 1/7. He vetoed it and the other 15 bills in the budget package. The Governor is demanding more policy concessions from the Legislature before he agrees to sign any budget bills. This is the crux of the gridlock. Meanwhile, the state is projected to run out of money to pay its bills in February or March if a solution is not in place. A loan of the Mobilehome Park Purchase Fund is likely to be a part of whatever the Governor agrees to sign. At the moment, the earliest that the budget gridlock is expected to break loose is April, when the Governor may agree to put the various tax increases (like sales tax) to a vote of the people.

In the meantime, the state is quite likely to run out of cash, and will not be able to send taxpayers' their tax refunds or other regular checks.

Mobilehome Park Owners' Agenda: We have learned from several reliable sources that the park owners' lobby will reintroduce several bills that GSMOL has defeated in past years. But no complacency is called for--this is a new, more conservative legislature, and a similar outcome is not guaranteed. The WMA is reportedly approaching legislators to reintroduce last year's AB 1309, which would have allowed park owners in rent control jurisdictions to raise rents dramatically when a manufactured is sold. Last year, GSMOL had to spearhead a fierce fight on the Assembly to kill the bill.

Capital Report

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few bills are being authorized by the Governor's office for any state departments to sponsor.

WMA is likely to try again to exclude 2nd homes from mobilehome rent control protections. Park owners are also considering a reintroduction of the bill to make homeowners liable for the very costly maintenance of trees and driveways. We also expect a bill that would prevent in-place sales of homes built prior to 1976. WMA advocated for legislation to prevent these sales at the December wildfire hearing. They claimed such homes should be universally classified as "unsafe" and unworthy to remain in manufactured home communities on an ongoing basis.

If any of these park owner sponsored bills were successful, the negative impact on homeowners---particularly pocketbooks---cannot be overstated. All of us must work together vigorously to ensure that these dangerous bills are defeated.

Senate Select Committee/HCD Legislation:

The Senate Select Committee on Mobilehomes continues to work on their package of 2009 bills, as does the Department of Housing. HCD has already disclosed that they plan to propose a fee increase for both homeowners and park owners. Details are not available yet, but we will be in the thick of this fight to ensure that the increases are shared equitably, proportionally, and for services that ensure or improve the conditions in your park. HCD is considering several other bills, but in light of the state budget debacle,

GSMOL Sponsored Legislation: In light of the all-consuming state budget wars and the hefty agenda from the park owners, it is vital that GSMOL approach this year with a very focused agenda that secures benefits for all residents, while reserving adequate time to defeat the bills that would diminish existing rights. One bill under consideration that fits this criteria is a reintroduction of GSMOL's "owner /manager training" bill that the Governor vetoed in 2006. Many conflicts between homeowners and park management are attributed to poorly-trained managers who are unfamiliar with the MRL. Many park owners and their employees need to feel more accountability to follow the MRL and conduct themselves in a fair, reasonable and professional manner. We are currently discussing changes to the bill that would assist in gaining the Governor's signature.

A second bill under consideration would provide protections to homeowners when park owners are pursuing a condo conversion or a change of use. We are talking to the City of Carson who is interested in collaborating on this bill, and expect to begin conversations shortly with the City of Chino on a joint effort to pass a bill with these protections.

2009 without a doubt will be an extremely challenging year that will require all the grassroots groups and individuals around the state, with an interest in protecting our current

lifestyle, pocketbook and safety, to work in collaboration. GSMOL is currently working to bring together all these potential partners under one tent.

We will be updating the hotline shortly so that you can stay current on pending mobilehome legislation. After normal business hours and on weekends, call the GSMOL Hotline toll free at 1-800-888-1727.

Those with internet access can subscribe to updates on each bill of interest by visiting the website www.leginfo.ca.gov, entering the bill number, and then clicking on the "subscribe" button. You will then receive automatic emails whenever the bill is amended, heard in committee or when any other legislative action is taken.

Renew Your GSMOL Membership Today!

Around five cents per day is pretty cheap insurance to help protect your investment and way of life!

New GSMOL Paid Legislative Professionals

We are pleased to announce that GSMOL has retained Christine Minnehan and Brian Augusta to lead our Legislative advocacy for 2009. They both served in a consulting capacity for us throughout 2008 and will be very helpful in promoting our legislative agenda, diligently fighting to kill bad legislation, advising the Legislative Action Team, and addressing long-term goals to help ensure the continued viability of manufactured housing as a source of affordable housing

Christine Minnehan



Christine Minnehan, Director of Legislative Advocacy for the Western Center on Law and Poverty, has

worked on affordable housing, tenant, manufactured housing and land use policy for 33 years.

Beginning in the mid-seventies, Ms. Minnehan worked for the Brown Administration, the Assembly Ways and Means Committee, and the Senate President.

During the decade that she worked for Senate President David Roberti as his chief housing policy advisor, she developed several successful bond programs that funded a series of affordable housing programs.

Minnehan has worked on several thousand bills during her tenure, primarily protecting rent control, strengthening

fair housing, increasing land use controls to produce affordable housing and protect manufactured housing. Ms. Minnehan has been responsible for organizing coalitions to defeat legislation dangerous to rent control and housing for lower income Californians.

Brian Augusta



Brian Augusta is an attorney and legislative advocate specializing in housing and land use.

Brian began working on affordable housing issues in 1991, as the director of the Sacramento Housing Alliance, a local affordable housing advocacy organization. He left that position in 1996 to attend law school at Santa Clara University. After graduating in 1999, Brian joined the staff of Legal Services of Northern California, where he worked for six years as a staff attorney. During his tenure with LSNC, Brian's work focused on land use and housing litigation and public policy advocacy, as well as representing renters on a variety of landlord-tenant matters. Just prior to his current work as a legislative advocate, Brian served two years as staff to Assemblywoman Sally Lieber (D-San Jose), most recently as her Legislative Director. He is currently President of the board of the Sacramento Housing Alliance.

President's Report

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For every block of five new members, a recruiter or chapter can request \$5 back from the League, as an added incentive. We also encourage you to renew now even if your renewal date is later in the year. That will help save us the costs of postage for mailing renewal notices and won't reduce your term of membership. Your renewal date and membership number are on the mailing label for your reference.

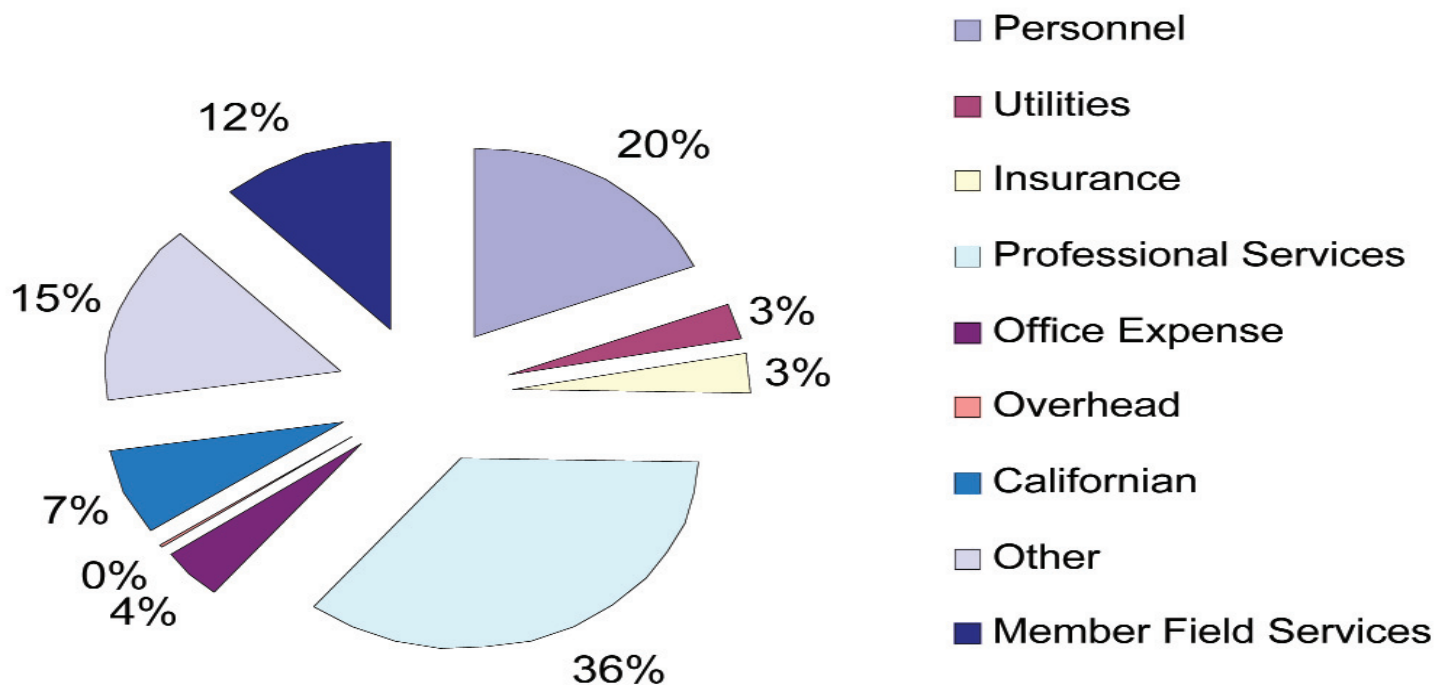
Do you have special skills that might serve us in our mission? GSMOL has several committees dedicated to addressing specific needs of the League. If you have business, legal, writing, technical or other valuable abilities, we might be able to use your help. Please contact the home office if you are interested.

New Laws for 2009

New laws for 2009 were outlined in the last issue of the Californian and we want to remind you that your community owner is required to provide you with a new copy of the Mobilehome Residency Law each year if changes have occurred. If you do not receive a 2009 MRL by February 1, contact your manager. The MRL is your "Bill of Rights" as a homeowner and you should become familiar with its protections.

How Are My Membership Dues Spent?

*Below is a representation of how a typical dollar in membership dues is used
(Professional Services includes Corporate Counsel, Lobbyists and Accountants)*



Bruce E. Stanton - Biography



Bruce has been a practicing attorney since 1982, and has spent the majority of his 26-year legal career specializing in the representation of mobilehome residents, small businesses and families. He has served as general counsel for what was then the Golden State Mobilehome Owners League (GSMOL) from 1991-1996, and the

California Mobilehome Resource & Action Association (CMRAA) from 1996-2008. His practice also includes estate planning and business planning for individuals and families. He has participated in a number of seminars which focus on the importance of financial and estate planning. His duties have routinely take him to Sacramento, where he has authored Civil Code amendments and assisted with the passage of pro-homeowner, and the defeat of park owner-sponsored legislation. He has also argued legal cases in many courts of appeal throughout California, and helped author a brief to the U. S. Supreme Court in 1992 on mobile home rent control issues. He has written manuals about mobilehome rent control, conversion ordinances and long-term leases. He has worked with and assisted City Attor-

neys and other City and County officials to pass or amend mobilehome rent Ordinances in a number of jurisdictions, and has appeared at the Public Utilities Commission on issues involving gas, electric and water charges. Bruce practices in San Jose, where he lives with his wife Jennifer and their two sons.

We will begin a column "Ask Bruce" in our next issue. If you have legal questions you would like answered, please submit them to the home office.

Membership recruitment packets now available! Contact the GSMOL Home Office for details.
Call: 1 (800) 888-1727.

How to Deal With Excessive Or Unfair Rent Increases

By: Bruce Stanton, Esq.
GSMOL Corporate Counsel

ABOUT THE AUTHOR: BRUCE STANTON HAS BEEN A PRACTICING CALIFORNIA ATTORNEY SINCE 1982, AND HAS REPRESENTED MOBILEHOME RESIDENTS AND HOMEOWNERS ASSOCIATIONS AS A SPECIALTY FOR OVER 20 YEARS. HIS PRACTICE IS LOCATED IN SAN JOSE, AND HE IS THE NEW CORPORATE COUNSEL FOR GSMOL

No issue which confronts manufactured or mobile homeowners is more critical or has more impact upon their lives than a rent increase. Since mobile or manufactured homes are not really "mobile" at all, but are really "immobile homes" located in "immobile home parks", a homeowner who receives a large or unfair rent increase notice has limited options. He or she can stay and pay the increase, fight it, try to negotiate a better deal with the park owner or seek political intervention from the local City or County. But moving the home is hardly ever an option.

Mobilehome residents live in what is often described as a "monopoly" environment. They must either pay the demanded rent increase or risk losing their homes. The manner in which they respond to a rent increase notice can be crucial. So which path is the

best to take once a 90-day notice of rent increase is received?

Pre-Rent Increase Notice Preparations

In reality, fighting for fair and affordable rent should start long before the notice is received. Homeowners should organize and have effective leadership, both at the State and local level. This means joining GSMOL and forming an active Chapter, which can provide information to its members and take action when and where required. And it could mean forming a local homeowners association or committee within your park in conjunction with your GSMOL Chapter to deal with such things as rules and regulations, management conduct or rent issues. There is no substitute for the strength that comes from banding together and being heard with one voice. It is also important for residents to have some sort of communication with their park owner wherever possible. Your leaders should attempt to find out in advance if the park owner will be seeking rent increases which are out of the ordinary. That way the rent increase notice does not come as a complete surprise, and the homeowners are ready to spring into action and respond once the notice is received.

There are several scenarios in which homeowners might find themselves when confronting a rent increase no-

tice, and since many GSMOL members fall into each of these categories, each should be separately considered. The difference has to do with whether the homeowners (1) live in a City or County which has a mobilehome rent stabilization ordinance; (2) live where there is no rent ordinance, or (3) have received a lease offer from the park owner regardless of whether there is rent control. Let's take a moment to look at each.

Rent Increase Notices in Rent Controlled Jurisdictions

Homeowners living in the approximate 110 rent controlled jurisdictions throughout California should be protected from large or unfair rent increases. This is because most ordinances only allow a certain annual percentage increase to be charged each year, such as 100% of CPI (i.e. the increase in the Consumer Price Index) or a fixed percentage (i.e. 3-5%). Any increase above and beyond this annual amount must be approved by the City or County in what is typically referred to as a "fair return hearing". The park owner has the burden of coming into the hearing and showing why it needs more than what is annually allowed.

This will usually involve opening its books at least enough to show its income and expenses. -Talk to the park owner about other options.

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How to Deal With Rent Increases

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This kind of rent hearing does not take place in court, but is an “administrative hearing” usually held somewhere at the City or County offices in front of a rent board or commission or an appointed hearing officer. Still, it can become a very complex proceeding, depending upon the theories that the park owner is relying upon to obtain its rent increase. Homeowners faced with such a proceeding should do the following: (1) first and foremost, retain an attorney whenever possible; (2) review the park’s rent hearing petition and the theories cited in support of the increase; (3) obtain any evidence which shows that the park’s income is adequate to cover any increased expenses, or perhaps that the claimed expenses were not incurred at all. The park owner might be required to make boxes of financial information available to the residents for review, and it will be important to find any claimed expenses that has been incorrectly included or overstated.

In preparing for the hearing, residents should especially look for:

- Claimed expenses not actually paid for, such as water meter purchases where the meters have not been yet installed;
 - Expenses such as off-site management which are over-estimated;
 - Expenses which the local ordinance may not allow, such as mortgage interest;
 - Improper expenses, such as hotel or entertainment expenses for managers, or uninsured losses
- Most hearing officers or rent commissions will be very attentive to legiti-

mate arguments in opposition to rent increases. But it will NOT be enough to simply show up at the hearing and claim that the rent increase is “unfair” to seniors, or that homeowners will not be able to pay the requested amounts. These issues should be a part of the presentation to be sure. But more is needed, and often the ordinance contains a certain formula or list of factors which needs to be followed. If put together correctly, an effective hearing defense can be mounted, and then defended if the park owner appeals by filing litigation against the City or County. Residents who are lucky enough to live in a rent controlled jurisdiction are best protected from large or unfair rent increases, as long as their local government is committed to enforcing its ordinance.

Rent Increase Notice in Jurisdictions Without Rent Control

If you live where there is no mobilehome rent ordinance, the response options are more limited. The Mobilehome Residency Law (MRL) provides no protection at the State level for rent increases, other than to require that a 90-day notice be given before the increase can take effect. But the amount of any increase is nowhere mentioned, and it is thus true in theory that the park owner can raise rents to whatever it wishes. Homeowners in these jurisdictions should consider the following options:

-Go to your local City Council or County Board of Supervisors and begin the political process of enacting a rent control ordinance. The details of this process are best left to another article solely devoted to this issue. But in general, the organized homeowners

should identify and then contact at least one government official who can become their ally, and who understands the plight of mobilehome residents. That person needs to be educated about the mobilehome lifestyle, so that they in turn can educate the remainder of their colleagues. Homeowners then need to get the issue on the agenda, so that it can be investigated and acted upon.

Studies and surveys will need to be done first to establish that the local homeowners are vulnerable and require protection. And the ordinance will need to be carefully drafted to pass review by the courts if the park owner threatens to file suit. Most mobilehome rent ordinances were enacted in the 1980s and 1990s. But there are still a few new ordinances being passed today in Central Valley towns such as Modesto and Visalia. It takes a lot of concerted work and effort, but should be pursued so that if negotiations fail there is an option for protection. And it helps to have some “leverage” when you are negotiating rent issues with your park owner. If the park refuses to talk or negotiate in good faith, the local elected officials will usually be more sympathetic to the idea of considering or passing an ordinance.

Usually this will involve a lease with a term of longer than 12 months, which is often referred to as a “long-term lease”. Often the park owner will have already put some sort of long-term lease offer on the table, perhaps as an alternative to the rent increase notice.

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How to Deal With Rent Increases

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Homeowners need to approach any such offer with great care. The two competing issues which residents typically face at a point like this are: Will they ever be protected by a local rent control law that will be passed to prevent exorbitant rents? Is there a fair and reasonable long-term lease which offers economic stability and certainty over the next several years? This is a business decision that each resident must analyze and decide. The key to making your decision is: (1) understanding the risks and the pros and cons of signing a lease; (2) understanding and assessing the likelihood that rent control could ever be passed during the lease term; and (3) making an informed and educated choice when you are not under pressure or duress. Remember: as an existing resident, you never have to sign anything that you do not want to sign. You should only sign if it makes the most sense for you.

Long-Term Leases

The Mobilehome Residency Law contains specific language governing the enforceability and offering of long-term leases. Civil Code sections 798.17 and 18 are the key sections which describe these issues. One thing that stands out is this: Any lease which exceeds 12 months in length is exempt from a local rent control ordinance. It is thus very important for every resident to carefully consider whether or not the lease terms are fair before signing away this important protection. If you opt for a term of more than one year, you will not be covered by any ordinance that is passed until your

lease term is over.

I am fond of saying that "I never met a long-term lease that I liked". With few exceptions this has been true in my experience. Some parks offer leases exceeding 25 pages, or attempt to induce residents to waive their rights. Hidden rent increases may be present which are not readily apparent. Some of the common "red flag" issues to analyze in a lease are as follows:

1. What is the beginning rent?
2. How often are rent increases given?
3. What is the amount of each rent increase, and how is it calculated?
4. If CPI is used, which index or portion of an index will be utilized?
5. Are there any "pass throughs" costs in addition to base rent, such as taxes or capital improvements?
6. Does rent increase on resale or just before the lease expires?
7. Is there an arbitration clause that requires residents to give up the right to a jury trial?
8. Are there any other express waivers of rights?
9. What is the term of the lease; can it be unilaterally renewed?

The MRL also requires that a long-term lease cannot be offered without certain options being given. Civil Code sections 798.17-18 require that a homeowner be offered at least 2 choices: a month-to-month tenancy or a one-year tenancy. A longer term, such as five or seven years, can also be offered if the park owner desires. But there are certain conditions which apply. Often a park owner will offer a five-year agreement which states that the first year's rent will be lower than if the lease is rejected. The object is to

entice the homeowner into signing the longer term lease, which is what the park owner desires. Here is an example of what a homeowner could be offered as a choice:

Five-Year Lease: Rent will be \$500.00 for first year with \$25.00 increases each year thereafter; or

One-year or Month-to-month Agreement: Rent will be \$550.00.

It is very important for homeowners to know their rights in this type of situation. Civil Code section 798.17 (c) provides that the homeowner can reject the five-year lease, accept the one-year lease, and that the rent during the one-year term must be the same as it would have been under the initial year of the five-year lease.

Thus, in this example, the resident could request a one-year lease with a rent of \$500.00, and the park owner would have to comply. This is an important and little known protection which a homeowner can take advantage of, and which prohibits a park owner from requiring that leases be signed according to some point of "carrot and stick" routine.

Each resident faced with the choice presented to you needs to weigh the pros and cons and make a decision. You should keep the long term in mind, as well as your desire to have "certainty" about rent increases in the future. Annual CPI increases are not unreasonable, since they are tied to the cost of living (CPI), provided that there are no excessive "pass throughs".

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How to Deal With ..

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And there will hopefully be a core of residents who shall organize to lobby for the passage of a rent control ordinance if there is none.

I usually recommend that homeowners choose a one-year lease term so that they are still be eligible for ordinance protection if rent control is passed. And you can insist that the rental charges during the one-year term be the same as the first year of the offered five-year lease. Remember that you are giving up rent control protection for 5 years if you choose the five-year term alternative, since any space that is subject to a long-term lease exceeding one year in length is exempt from rent control protection. But if there is no hope of any local mobilehome rent control in your local jurisdiction, then a five-year lease becomes a more attractive option, which should be considered.

Final Chapter for Mission Valley Village?

- A November 19 San Diego City Council meeting set what appears the final steps in motion to lead to a closure of Mission Valley Village (MVV). GSMOL Associate and MVV resident leader Homer Barrs has lobbied City officials for the past two years to protect homeowner interests.

In 2007, developer Archstone-Smith purchased Mission Valley Village despite a resident offer to purchase the

community at the same price. Archstone plans to convert the 119-space community with a 444-unit apartment complex.

While the San Diego Council failed to preserve the zoning protection of the community, which would have blocked a conversion to a change of use, they did bolster the compensation allowance for homeowners unable to re-locate their homes to another community. Former guidelines allowed for compensation amounting to 48 months of what it would cost to rent an apartment above what had been paid in space rent but Archstone agreed to an expansion of that time period to 84 months. For some homeowners, that could amount to over \$100,000 in compensation.

Statewide, local ordinances vary greatly regarding the amount of compensation for homeowners. Some allow minimal "bluebook" or "NADA" value, while others use in-place market value or insurance replacement value. Interestingly, a Los Angeles City ordinance requires up to \$17,700 for some apartment dwellers who have to re-locate. Shouldn't any homeowner be entitled to greater compensation than apartment renters? We certainly think so.

We want to wish the homeowners of Mission Valley Village well and note that no matter what the financial compensation, no amount of money will adequately make up for the loss of their community and social network.

Chapter 1152 Twin Oaks Mobilehome Park in La Verne, California Reactivates Chapter



Newly Elected Chapter 1152 officers, left to right:

William Packer-VP, Gail Fisher-Treasurer, Jefferson Hill-President, Kathleen Letourneau-Secretary

Renew Your ELF Membership Now

ELF membership needs to be renewed on an annual basis and now is a good time to do it so your protection doesn't lapse. New members must be members for at least 90 days prior to making a request for assistance. As the fund continues to grow, we will be able to help assist in more ways, such as with letters from specialist attorneys. We used the fund in many ways in 2008 and hope to expand even more in 2009!

Minnie on a Mission



After attending a Sun Meadows, GSMOL Chapter #1718 meeting Minnie McDaniel decided she wanted more of her neighbors to belong to the Golden State Manufactured Home Owners League. During the next several months Minnie did just that – and in a big way. Going door to door she single-handedly recruited 70 new members!

Colleen Fenrich, GSMOL vice president and membership chairman contacted Tim Sheahan, President of GSMOL in the Garden Grove headquarters to inform him of Minnie's remarkable achievement. He said, "it is remarkable for one member to recruit so many new GSMOL members in so short a time." Tim sent his congratulations and thanks to Minnie as well as to the new members of our Sun Meadows GSMOL Chapter #1718.

Minnie is living proof that all it takes to get something done is persistence and a personal commitment to do it. Minnie says there's really no secret to her membership drive success. "I just contacted people, told them a little

about GSMOL and made it really easy for them to sign up. I said just give me your check or \$20.00 cash for the annual membership fee and I'll do the rest, including sending in the application and fee."

Minnie feels strongly about Sun Meadows residents becoming GSMOL members and was willing and able to do something about it. She is aware that GSMOL represents and protects our interests as manufactured home owners through legislative efforts at the state level.

She laughs as she says she enjoys being "Minnie on a Mission" during 2008. Our Sun Meadows Board of Directors congratulates Minnie McDaniel for her fantastic membership achievement of 86 new GSMOL members in 2008 and looks forward to her continuing contribution.

Submitted by Colleen Fenrich, Vice President, GSMOL Chapter #1718

Oakridge Fire

November 15 marked a disastrous moment in California history. That was the day a tsunami of fan-fed flames swept through Oakridge Mobilehome Community with the heat of a blast furnace. Nearly 500 of the 600 homes in the community in Sylmar, CA were destroyed, leaving roughly 1000 residents without a home and without personal belongings as they entered the holiday season. Thankfully, and likely due to an emergency preparedness drill performed only days before the fire, no lives were lost in the fire.

GSMOL has several dozen members in Oakridge and virtually all of them lost their homes. Our modest GSMOL Disaster Relief Fund is being used to assist members who request help and we are continuing to solicit contributions that could be used to help all impacted homeowners at Oakridge. Coincidentally, many of the same homeowners also lost their homes in the aftermath of the 1994 Northridge Earthquake when fumes from broken natural gas lines were ignited.

GSMOL President Tim Sheahan and Legislative Advocate Brian Augusta testified before a special hearing of the Senate Select Committee on Manufactured Homes and Communities held at the Capitol in December to address proposed improvements to home construction meant to reduce fire vulnerability in fire-prone areas. A second hearing will be held in Sylmar on February 9 to address other factors for providing improved resident safety and limit damage to property. Senator Alex Padilla has authored legislation, SB 23, to address concerns raised in light of the recent firestorms.

Please consider donating to the GSMOL Disaster Relief Fund to help rebuild the fund so we can help others in the future

Contact GSMOL

Hotline:

1 800 888-1727

Website: www.gsmol.org

GSMOL Chapter 359

by **Richard Harlow,**
Chapter President

This is GSMOL Chapter 359's story. In April of 2008 Green Lantern Village Mobile Home Park (in Westminster, CA) was given notice. The residents were told that the park owner's land lease expires in January of 2013 and will not be renewed. Shock and denial was the first reaction...and then panic followed. Surely, we'd first thought, someone would pay to relocate our homes to a nearby park. Wrong, we found out later. Nearby parks only want and allow new homes into their park. Some, like me, will have mortgage payments even after the park is closed in four years. Will we be paying for a home that no longer exists?

Ours is a senior park with approximately 250 in residence. The majority of us are retired or disabled and live on limited incomes. One neighbor told me his income was \$739 a month. Space rent is currently \$632 a month, so he does yard work to earn money for his utilities and other living necessities. Others live on modest pensions and social security checks, barely surviving and sometimes relying on relatives to help out. Our park is full of these kinds of stories.

I decided we needed help. But where could we get it? One morning I stopped to talk to Cathy Reher, a neighbor. She showed me a GSMOL Newsletter. I read the letter and decided it was our best hope. So, with a lot of help from Jean Stirling-Stevens (Orange County GSMOL Region 5 Manager and Action Team Coordinator), GSMOL Chapter 359 was established.



Chapter 359 officers, left to right
Richard Harlow – President, Nghia Bui – Vice President,
Cecile Driskill – Secretary, Paul Labouchere – Treasurer

At this time I wish to thank Michael Turnbaugh, Dee D. Pham, and Tammy Tran of Green Lantern Village for their help.

I also wish to thank Sean Kim (on behalf of Senator Lou Correa), David Everett (on behalf of Assemblyman Van Tran), Ha Tran from the Westminster Planning Commission, and Mary Ann Coleman (GSMOL Administrative Assistant) for all their help, support, and advice.

In the last month our chapter has signed up 61 new members. I wish to take this opportunity to thank all our new members.

Help Needed Now

Your help is needed! The GSMOL Legislative Action Team (LAT) is asking GSMOL members to become a Corresponding Member. The LAT has a goal of at least one member for each California State Legislative Assembly District. You don't even have to leave home. Before you say or think "I can't help out," please read further. Corresponding members will be noti-

fied of upcoming bills sponsored by GSMOL being considered by the California State Legislature. When a bill is scheduled for a committee hearing, LAT will send an email requesting support for the bill in the form of phone calls to the Legislator's local or state office, asking that they vote for the proposed legislation. Also, the bill can be supported by sending cards and letters. You will also receive periodic updates on the status of bills going through the Legislature. If this something you can do and would like to HELP with, we ask you to become a Corresponding Member (CM) of the GSMOL Legislative Action Team. There are no dues, attendance at meetings, etc.

Here's how you become a member? Just send your name, address and email address to Mary Hahn, LAT Secretary, at MaryH2811@aol.com to let her know which Assembly District you are in. This information can be obtained from your local newspaper or telephone book. If you are not sure of your Assembly District, send your information anyway, and we will get the information. All information sent will be kept strictly confidential. You can also send your information to the GSMOL Garden Grove Office and it will be forwarded. You will join your fellow GSMOL Corresponding Members in furthering legislation benefiting mobilehome living.

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REGION 4

COUNTIES: *Butte, Glenn, Shasta, Siskiyou, Tehama and Trinity*

REGION MANAGER

Vacant

REGION 11

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(see left-hand column under State Treasurer)

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(REGIONS 3,5,6)

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Los Angeles County

REGION MANAGER

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REGION 5

Orange County

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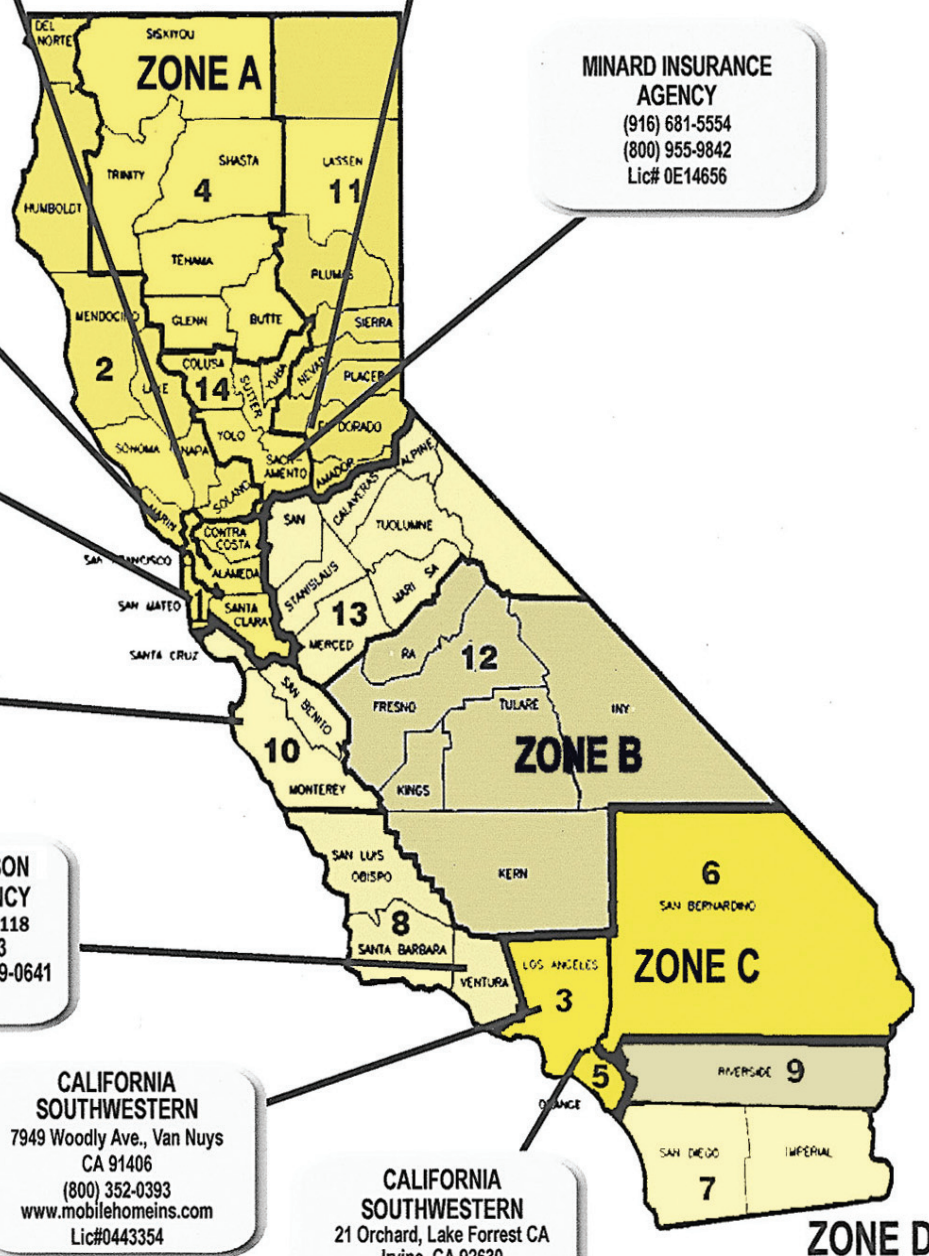
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