

THE

Periodical Dated Material

CALIFORNIAN

GOLDEN STATE MANUFACTURED-HOME OWNERS LEAGUE

GSMOL- Advocating for Homeowners Rights Since 1962

Mar/Apr 2009



Profile in Courage
GSMOL volunteer Donna Matthews faces
possible loss of her home over an alleged
late payment of a \$73.80 trash bill
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Tower Management
and its law firm Hart,
King and Coldren attempt
to raise rents by 142%!

Profile in Courage

Donna's Fight to Keep Her Home

The following article recounts the long struggle against tremendous adversity that GSMOL volunteer advocate, Donna Matthews, has had to endure with her community owner. We commend her for having the fortitude to stand up for what is right, even though it has been very stressful for

Donna and her husband Dick. Donna's courage should be an inspiration to all homeowners and a lesson in the value of knowing your rights as a homeowner and having the ability to retain an attorney to represent you. We trust that Donna will prevail in her quest for justice but hope her saga will give members some insight into the dedication and sacrifice of our volunteer advocates who often become targets for retaliation. They deserve your support and the support of your neighbors. The following is Donna's story:



Donna outside her home at Plantation on the Lake in Calimesa

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Editorial and Advertising Offices:

11021 Magnolia St.,
Garden Grove, CA 92841
mainline (714) 826-4071
fax line (714) 826-2401
toll-free (800) 888-1727
E-mail: gsmol@earthlink.net

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My name is Donna Matthews and I am GSMOL Assistant Manager of Region Nine. As there has been no Region Manager for several years, I have been the one that responds to members' problems in Riverside County. The reason I am writing this article is because; over the years GSMOL members have questioned me and because there was a case pending I was not able to freely discuss the case. Now that the case is over and will be appealed, I want all the GSMOL members in Region Nine to know the facts.

On December 22, 2006, the Friday before the 3 day Christmas holiday, I received a letter from the park attorney stating 1). *Provide park management with an official writing from the city (or CR&R) evidencing the fact that you are somehow exempt from paying for trash collection services or 2).* Pay all trash bills. On December 31, 2006 I paid the trash bill, under protest, and wrote a letter to the park attorney stating I had paid the bill and the problem would be decided in Small Claims Court. January 4, 2007 I received a 3 Day Notice to Pay Rent and 60 Day notice of Termination of Tenancy, and the park owners refused to accept my January rent payments or any rent pay-

ments until a later court order.

When my husband and I contracted to place our mobilehome investment in the Plantation on the Lake Mobilehome Park, in Calimesa, we signed a 10 year lease, dated June 1, 1985. With the lease, we were given a copy of the Mobilehome Residency Law and a Plantation Information Sheet, that contained all the telephone numbers to contact for utilities, cable, telephone, also the information that water (well) would be \$15.00 a month and trash - included.

The park was sold January 1987 and I was told I could not use the park trash bins. I felt "trash-included" information was incorporated into the lease by reference, and I found out that the park Conditional Use Permit also required the park to provide trash bins. Being new to park living and not having the money I did not contest the order, but I, and a few other residents, did not feel it was fair for residents in a senior mobilehome park, where the trash containers were close together, pay the same fee as Calimesa family residents, some owning 1/2 acre lots, so we disposed of our one bundle of weekly trash where it was convenient for us.

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Profile in Courage

Continued from page 2

In October 2006 I received a two month trash bill from CR&R Trash Company, who had never picked up any of my trash. I sent a letter to CR&R explaining the mobilehome trash laws. In December 2006 I received a 4 month trash bill for \$73.80 and a past due notice. December 22, 2006. I received the letter from the park attorney giving me the two above stated choices. I mailed my check to CR&R, Dec. 31, 2006, under protest.

March 15, 2007, the park owners filed an Unlawful Detainer Suit in the Superior Court of Riverside. Fortunately, Darrell Moore, an attorney for the Inland Counties Legal Service took my case. When we went to court a Commissioner was to hear the Case, but the Park Attorney requested the case to be heard by a Judge.

After many appearances in court. Judge Schwartz ruled I was in compliance with paying the trash bill, but ruled that I was responsible for the attorney fees. The decision was the court hereby terminates defendants tenancy, possession to revert to plaintiff'. Judge Schwartz also declared in his Statement of Decision "A landlord can serve a 60-Day Notice on a tenant for no reason at all as long as it is not based on retaliation", I do not believe this is right and should be contested. I also feel the action against me WAS based on retaliation.

Two Things which have bothered me in this case are; that I feel the judge did not take into consideration the laws for a Termination of Tenancy Case. 1). MRL 798.56 (d). "Nothing in this subdivision shall relieve the management from its obligation to demonstrate that

a rule or regulation has in fact been broken". (The park owner never gave any evidence that he did not have to provide trash bins, as required in his Conditional Use Permit and the Plantation Information Sheet) 2). MRL 798.56 (a). *Failure of the homeowner to comply with a local ordinance or state law or regulations relating to mobilehomes within a reasonable time after the homeowner receives a notice of noncompliance from the appropriate governmental agency*" (I had never received a notice of non compliance from the city of Calimesa concerning trash nonpayment or for any other reason)

Thank heavens for the GSMOL Legal fund and Enforcement Legal Fund (ELF). Attorney Darrell Moore is appealing the ruling and several months ago the GSMOL Board appointed Maury Priest to be co-counsel, to see that mobilehome laws are enforced. They have seen that I do not have to sell or leave my home investment at this time. I do not know when the appeal hearing will be but remain hopeful that justice will prevail in the end.

IF YOU ARE SELLING YOUR HOME...BEWARE of SCAMMERS

You should insist that any listing agreement specify in writing what the listing price will be. In fact, it will be in your best interest to hire an independent appraiser to give you an estimate of the value of your home BEFORE signing any listing agreement. Doing this may cost you a couple of hundred dollars, but it will give you a realistic idea of your home's value and will help you avoid the fol-

lowing scenario: The homeowner asks a broker or dealer or agent what he thinks the home is worth. An unscrupulous broker or dealer or agent senses the homeowner does not have a good concept of the home's value, so gives a low figure. The unscrupulous one then points out defects in the home to justify the low figure, the homeowner agrees to the lower figure, and signs a listing agreement that either does not have a specific listing price in it, or has a low-ball price. The unscrupulous one then sells the house for a high figure and completes TWO escrows: one with the home seller at a low figure (with himself as the buyer) and a second escrow with the purchaser at the higher figure (with himself as the seller), and pockets the difference for himself.

A seller who has a realistic estimate of the value of the house and insists that any listing agreement specify IN WRITING a realistic listing price, will be able to avoid being taken advantage of by this ruse.

Lorraine Burns is a Realtor with **Ventura Property Shope**

in Ventura County. She is so impressed with GSMOL that she is sponsoring
A YEAR'S MEMBERSHIP DUES TO GSMOL for every mobile/manufactured home client upon closing!!
Lorraine can be reached at
(805) 901-8805.

Thank You, Lorraine!

We hope GSMOL members will encourage agents in their areas to follow
Lorraine's example.

President's Report



**Tim Sheahan, GSMOL
State President**

Solidarity Summits

One of our goals for this Legislative session is to more effectively foster a spirit of Solidarity and cooperation among the many advocacy groups representing homeowners in manufactured housing communities throughout California. To that end, GSMOL has already sponsored one "Advocates Summit" in Sacramento and as of press time, is preparing for a second. The first Summit held on February 27 was geared toward groups with some statewide influence or presence at the Capitol. The event was moderated by our Legislative professionals and attended by representatives of Neighborhood Friends, CoMO-CAL, CMRAA and GSMOL. Legislative strategies were discussed with the goal of speaking with one voice on matters of concern to homeowners. While we won't always agree, we hope to demonstrate a unity of purpose in advocating for the best interests of homeowners.

A follow-up Summit set for April 2 was expanded to also include many of the groups who represent homeowners at the local, county or regional level. Our goal for the second Summit was to develop a more effective grass-roots network to raise voter awareness and Legislator accountability and, in so

doing, make our Legislative agenda more achievable.

With the adoption of Rent Stabilization Ordinances in many jurisdictions in the state, several local advocacy coalitions have been created at the local level to act as the voice of manufactured home owners in those jurisdictions. I myself have served on the Board of Directors for both a citywide coalition in San Marcos (SMMRA) and a San Diego County coalition (COMPAC) for over ten years. All of these groups can play an important role in representing and educating homeowners in their areas. Many of these groups have worked hand-in-hand with GSMOL for years and continue to follow GSMOL's lead on statewide matters. With the development of the Internet, some groups have been able to expand their sphere of influence to more of a regional or even statewide territory. E-mail networks have proven to be a cost effective means of reaching a large number of people very quickly, for those who have Internet access. We realize many of our members will never have Internet access, and continue to rely on the Californian, but do plan to have a greater focus on expanding our E-mail network and Internet website.

"Pre-HUD" Update

In the previous issue of the Californian, we reported the threat that MH Park owners were lobbying for a law that would prevent homes built prior to 1976 from being sold in-place. In February, I testified before the Senate Select Committee on Manufactured Homes and Communities to voice GSMOL's objection to any attempt to deny owners of "Pre-HUD" homes the

right to sell their homes in place. I warned how devastating such a change in law would be to homeowners and to the preservation of manufactured homes as a viable form of affordable housing.

I am pleased to report we have seen no evidence of any pending Legislative bill dealing with this issue. MH Park owners either backed down, were not able to find an author for such legislation, or plan to sneak such language into an existing bill that was drafted under a different title. We can breathe easy on this issue for the time being, but will remain vigilant in monitoring changes to legislation. It reminds us how important it is to have professionals working for us in the Capitol and that perhaps the most important service GSMOL performs is in blocking attempts by Park owners to erode our homeowner protections.

Board of Directors Meeting

Our next state Board meeting will be held at the Home Office in Garden Grove and all GSMOL members are welcome to attend.

The meeting is tentatively scheduled for *Friday, June 19 starting at 10 AM*. Call the GSMOL home office prior to the meeting for final verification.

Capital Report



Brian Augusta

by *GSMOL Legislative Advocate, Brian Augusta*

The 2009 legislative session is in full swing, with over 2000 new bills introduced by the February 27 deadline for new bills. Nearly two-dozen of those bills relate to manufactured housing. The following are some of the highlights. Be sure to listen to our legislative hotline at 1 800 888-1727 weekly to get up to the minute information on what is happening in the Capitol.

SB 23 (Padilla) – Park Emergency/Evacuation Plans – There is no current state requirement for mobilehome parks to have emergency preparedness or evacuation plans in the event of a disaster, such as the wildfires that affected parks in southern California last year. This bill requires that, on or after January 1, 2010, mobilehome parks must develop and implement an emergency and fire safety plan that includes emergency services training for park managers and on-site employees and requires the park to distribute and post the plan in a public area accessible to all residents. The bill would also provide that these re-

quirements do not prohibit a local government agency from enacting or adopting more stringent standards to ensure fire prevention and public safety.

SB 111 (Correa) – The Mobilehome Residency Law (MRL) Reorganization - This bill would reorganize the Mobilehome Residency Law by regrouping various sections into related categories or articles, such as “Utilities” or “Rental Agreements,” etc., to make the MRL easier for laypersons to understand.

SB 120 (Lowenthal) – Notice of Termination of Utilities in Master-Meter Parks – Revises various protections afforded tenants under existing law, such as the return of security deposits and prohibitions against cutting off utilities or locking residents out, to mortgage lenders and banks, so not just landlords must honor these protections after a foreclosure sale on the property. The bill also provides that a regulated utility, as well as public utility district or agency, providing heat, light or power, must notify renters, including occupants of master metered multi-unit dwellings and mobilehome parks, by mail as well as posting, of the termination of utility service due to the fact the landlord or park failed to pay the utility bill, 15 days prior to termination of utility service.

SB 804 (Leno) - Mobilehome Sales – This bill would prohibit management from requiring a homeowner, who is replacing a mobilehome or manufactured home on a space in the park, in which he or she resides, to use a specific broker, dealer, or other person as an agent in the purchase or installation of the replacement home.

AB 481 (Ma) – Rent Control – Current law provides that a mobilehome

located on a space in a mobilehome park is exempt from local rent control protection if the park management can show, based on public records, the home is not the homeowner’s principal residence. The rent control exemption also does not apply if the park does not permit the homeowner to sublet the space within the park that is subject to rent control. This bill eliminates the public record and subletting requirements.

AB 566 (Nava) – Conversion of Parks to Condominiums - This bill, a priority bill for GSMOL, would address condo conversions in mobilehome parks. The bill would help protect locally enacted ordinances designed to give greater protection to homeowners and more flexibility to local governments. The bill would clarify that local agencies are not prohibited from enacting reasonable measures in addition to current state requirements to prevent conversions that do not have the bona fide support of residents, to preserve affordable housing or to accomplish other local needs.

AB 761 (Calderon) - Mobilehome Rent Control: Vacancy Decontrol – This bill would establish vacancy decontrol in mobilehome parks by providing, that upon the sale, assignment, transfer, or termination of an interest in a mobilehome or a mobilehome tenancy in a mobilehome park, the management of the park may offer a new rental agreement containing an initial rent in excess of the maximum rent established by local rent control. After execution of the new rental agreement, the local measure shall once again control.

Continued to page 6

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

Capital Report

Continued from page 5

AB 869 (Mendoza) Certified Mobilehome Park Manager – AB 869, sponsored by GSMOL, responds to a long-term and widespread problem that some mobilehome park managers are ignorant of the Mobilehome Residency Law (MRL) and create a hostile environment in parks. AB 869 would take the first step by establishing an incentive-based manager-training requirement for mobilehome park managers, modeled on a similar approach for condominium managers. The bill would establish the designation of “certified mobilehome park manager,” and mandate that only those who have completed the specified course of study and training can use the designation.

AB 1108 (Fuentes) Master-Meter Customers – This bill addresses the maintenance of utilities in master-metered parks. It would authorize the PUC, if it finds that a master-meter customer, such as a park owner, has failed to maintain or repair its submeter facilities, to order the master-meter customer to maintain or repair those facilities and would authorize the commission, in addition to its other powers, to order that moneys received as a result of the master-meter discount be held in trust to be expended for maintenance and repair of the submeter facilities. The bill would also require a master-metered park owner to separately bill for gas or electric service, or both, and rent. This bill would prohibit a master-metered park owner from charging a user of electricity or gas any

late charge for nonpayment or delayed payment of rent. The bill would require that any late charge imposed for nonpayment or delayed payment by a user for gas or electric service be in an amount that does not exceed that which the utility company would charge for nonpayment or delayed payment for electric or gas service.

Legislative Action Team (LAT) Update

By, Jim Burr, GSMOL Legislative Chair

We have met many of you during our travels throughout the state, and some have commented that the LAT has been quiet lately. This is very true for a couple of reasons. First, the 2008 Legislative session was a quiet one by comparison. By July, 2008 the GSMOL sponsored & supported bills were either signed into law or died in the process. Second, the current 2009-2010 session is off to a slow start due to the budget fiasco! Even with the recent adoption of a budget, this adds to the time-lapse because no new bills were being considered until the legislature passed a budget.

However, the GSMOL Board and your Legislative Action Team have been busy with our new Legislative Advocacy team - Attorney Brian Augusta, Legislative Advocate, and Christine Minnehan, Legislative Advisor. They have attended the last 2 monthly LAT meetings and were formally introduced to the Board at the January 15th meeting in Sacramento. They outlined the 2009 Legislative Goals (discussed elsewhere in this issue) developed in conjunction with the LAT and our coalition partners, as well as new ideas

to improve the effectiveness of our volunteer grassroots lobbying. And they continue with President Tim Sheahan's vision to reach out to all mobile home advocacy groups that are willing to cooperate in the legislative effort in a positive manner.

Among the changes you will notice for the current legislative session is a reduction in the number of sponsored bills. We have chosen the issues that are most important to us and will focus all our energies on them. The change resulted from last years experience when six minor bills became law and some of the more important ones died along the way. As in the past, we will continue to support bills sponsored by others, and vigorously oppose those sponsored by park owners.

We encourage each of you to get involved in our grassroots network. We have said, “Grassroots Can Trump Big Money Every Time”! And it's very true, but only if our grassroots effort is effective. And to be effective, the legislators we send to the Capitol from our home Districts have to know our issues. Please give serious thought to organizing an LAT Corresponding Member group effort in your park.

Simply start by talking it up and locating 3 or 4 residents who are willing to participate - one with access to a computer with e-mail service. Then send a brief message to the LAT Secretary, Mary Hahn in Sacramento at **MARYH2811@aol.com**. This will connect you with our LAT Corresponding Member E-mail network of over 3,300 members and we will fill you in on the process and what you can do to help. We need to have an active group in each of the 80 State Assembly Districts.

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142% Rent Increase Attempted

Many residents at Mira Mar Mobilehome Park in Oceanside, CA are battling to block an attempted 142% rent increase by Tower Management and community (park) owner Kendall West LLC, with the assistance of the Orange County law firm of Hart, King and Coldren.

Several months ago, the residents received notice of a planned rent increase from an average of around \$350 per month to \$850 per month, supposedly based upon management's belief those homeowners' mobilehomes were not their primary residences. Tower Management has also declared that anyone who buys one of the homes in question will also have to pay "fair market" rent of \$850/month.

While rent of \$350 might be considered low by some folks, it is important to know that Mira Mar has a density of 22 dwelling units per acre, as compared to other MH parks in Oceanside with as few as 7 homes per acre. Many of the homes are single-wides and don't even have a driveway at the side of the home. If the \$850/m rent were to be imposed at Mira Mar, it would be like charging over \$2500/month space rent at communities with more typical home densities.

This outrageous rent increase is yet another attempt to circumvent a rent stabilization ordinance. Apparently, after contributing at least \$88,000 in support of Proposition 98, which was soundly defeated last year, Tower Management has embarked on this new strategy to maximize revenue.

Affected residents at Mira Mar have hired the law firm of Kaloogian and Fuselier LLP to represent them in this fight for justice and have been successful in securing a Temporary Restraining Order and Court Injunction to block the rent increase for the time being. The City of Oceanside has also filed a lawsuit to block the rent increases. GSMOL President Tim Sheahan and Associate Manager Frank Merrifield have made several trips to Mira Mar to support residents and learn more about the case.

GSMOL will continue to track developments concerning Mira Mar, with a special interest in how it relates to AB 481 (Ma), which is pending in the State Legislature and would further erode rent protections for those with second homes. Mira Mar is a chilling example of the potential rent gouging that would take place against many captive owners of manufactured homes if AB 481 became law, while at the same time demonstrating how a senior community can come together to effectively fight park owners who likely anticipated little or no resistance from the residents. GSMOL is considering how to lend assistance to the residents of Mira Mar and wishes them success in their quest for justice!

Renew Your ELF Membership Now

Enforcement Legal Fund 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! Look for the Enforcement Legal Fund line on the application form on the back cover of the Californian to apply or renew.

Legislative Action Team (LAT) Update

Continued from page 6

We have recently expanded the Regular LAT Members to twelve volunteers who attend our monthly meetings in Sacramento. They now include the following:

Jim Burr, Visalia, Region 12 Manager, LAT Chair

Lloyd Logan, Citrus Heights, GSMOL Zone A VP, and LAT Vice Chair.

Mary Hahn, Sacramento, LAT Secretary

Diana Johnson, Redwood City, Region 1 Manager

Herman Osorio, Lincoln, an experienced volunteer lobbyist on mobile home issues

Henry Mazzotte, Sacramento, Active in Veterans Affairs

Richard Hofmann, Vallejo, Region 2 Assoc. Manager, Legislator voting records

Norma Buchannan, Rancho Cordova, Region 14 Assoc. Manager, Legislators vote records

Betty Storey, Rancho Cordova

Darrell & Ruth Garrison, Fremont, experienced lay lobbyists for education

Ruth DeGroot, Galt

Property Tax

"On February 20, 2009, the Governor signed Chapter 4, Statutes of 2009, which immediately suspends the Senior Citizens' Property Tax Deferral Program. This legislation prohibits the filing of claims for property tax

postponement and prohibits the Controller from accepting claims filed after February 20, 2009. As a result of the program suspension, the Controller will no longer accept claims for property tax postponement

pending modification or repeal of this new law. However, the Controller's Office will continue processing claims postmarked prior to February 20, 2009. For the most current information on the PTP program please visit the website www.sco.ca.gov." (Editor's note: this does not apply to those with pre-HUD homes and pay annual home registration to HCD instead of property tax).

Those who do pay property tax and have seen the value of their homes drop might consider requesting a "Prop. 8" home re-appraisal to reduce annual property tax. Contact your County Assessor for instruction on how to apply for a re-appraisal based upon comparable sales of similar homes in your area. Those with Internet access can visit: <http://www.boe.ca.gov/proptaxes/faqs/prop8.htm> to learn more about the Prop. 8 Program.

Another ELTH Success Story

CASE: Alexander, et al. v. Reynolds Resort, et al.;
Tuolumne County Superior Court
Case No. CV53024

On July 26, 2007, forty-five current and former residents and homeowners of Woods Creek Mobilehome Park located in Jamestown, California, sued the owner of the Park for failure to maintain. The San Diego law firm of Endeman, Lincoln,

Turek & Heater LLP ("ELTH") represented the residents and homeowners and in December 2008, achieved a great result through mediation. The residents and homeowners agreed to settle their lawsuit over the substandard living conditions at the Park for \$960,000.00.

The case started when the Park owner sought an \$80 per month rent increase from their rent control board. The residents banded together, contacted GSMOL and fought the rent increase. During this process the residents became aware of their rights under the Mobilehome Residency Law ("MRL").

One of the most basic principles under the MRL is that in exchange for rent the Park owner must provide and maintain the common areas of the Park. If the Park owner fails this obligation then the residents are entitled to have a portion of their rent rebated.

At Woods Creek, the Park owner refused to trim the many oak trees, causing this to threaten residents' homes. The drainage allowed water to flow under homes causing the homes to shift and buckle. The residents sued forcing the Park owner to rebate their rent and pay for the damage caused by the Park owner's negligence.

In addition to money, the settlement required the Park owner to trim the trees, correct drainage issues, repair electrical pedestals and maintain the sewer system. This all occurred because the residents, while fighting the rent increase, became informed of their rights and proceeded to enforce them.

"For most of the residents this case was not about the money," said resident attorney Jim Allen. "This case was about enforcing their rights and holding the owner responsible. They were tired of being cheated, the rent increase was the last straw."

PROPOSED BY LAW REVISIONS FOR 2010 CONVENTION DEADLINE - AUGUST 15, 2009

Do you have any recommendations or proposals for changes to the GSMOL By Laws? If you do, now is the time to submit them for consideration. Article X of the GSMOL By Laws provides for proposed By Law amendments to be voted on by Convention Delegates. The next Convention will be held in April of 2010 in Southern California.

Any proposed changes should be submitted to the By Laws Committee for action. The committee will review your submission; discuss it and forward recommendations to the Board of Directors for their action.

If you have any recommendations or proposals for changes to the By Laws, please submit them by **August 15, 2009** to the following Chairladies: Diana Johnson, 3015 Bayshore Rd, #6, Redwood City, CA 94063; Mary Hahn, PO BOX 19126, Sacramento, CA 95819 or to GSMOL Office, 11021 Magnolia Ave, Garden Grove, CA 92811. Email Addresses: Diana, gsmolreg1@yahoo.com; Mary, MaryH2811@aol.com, and Garden Grove Office, gsmol@earthlink.net. If you need a copy of the By Laws, check with your Chapter President.

HELP GSMOL HELP YOU

by Bob Markley, Membership Chairman

It is the responsibility of every chapter

officer to help increase the membership rolls of GSMOL. By doing so, you will help GSMOL do a better job of helping our members all over the state. The efforts GSMOL undertakes on members behalf in Sacramento and in local parks all require money, especially in Sacramento. The more members we have, the greater our resources will be in fighting battles on behalf of GSMOL members.

It is easy to see how not just chapter officers, but in fact every GSMOL member, has a strong reason to support and HELP our efforts to increase our membership by recruiting new members and convincing current members to renew their memberships.

Your Membership Committee has been hard at work in creating more new literature for our recruitment efforts. The newest pieces of literature are:

A 4-page list of the major accomplishments of GSMOL over the years, from our inception to the present, and a quite impressive list it is.

Our membership pamphlet (this is the tri-fold brochure explaining who GSMOL is, and why homeowners should join), translated into Vietnamese.

Additionally, we are hard at work on a translation of the membership pamphlet into Spanish, and a door-hanger list of the top 10 reasons why homeowners should join GSMOL. By the time you read this, these two additional pieces should be

near completion.

With the addition of this new literature, GSMOL membership recruiters will have the best tools they have ever had in their efforts to recruit new members and to convince current members to renew their memberships.

Also by the time you read this, the 4-page list and the Vietnamese translation mentioned above will already be in the hands of chapters who have signed up for our e-mail contact system. As mentioned in a previous edition of The Californian, we have set up an e-mail address for electronically distributing new literature and for chapters to connect directly with your Membership Committee. Chapters who have not already done so can establish this connection by sending an e-mail message to gsmol.membership@yahoo.com stating the name, e-mail address, and GSMOL membership number of the contact person, and the name of the park where you reside. If you are a GSMOL member in a park where there is no active chapter currently, you can still designate a contact person and establish this connection.

If members have ideas for additional pieces of literature, or for improvements in the existing literature, all suggestions are welcome. Just send your ideas to the above e-mail address.

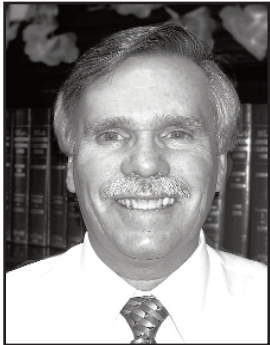
Contact GSMOL

Hotline:

1 800 888-1727

Website: www.gsmol.org

PROTECTING MOBILEHOME INHERITANCE RIGHTS



By: Bruce E. Stanton, Attorney at Law
ABOUT THE AUTHOR: MR. STANTON HAS BEEN A PRACTICING ATTORNEY

SINCE 1982, AND HAS BEEN REPRESENTING MOBILEHOME RESIDENTS AND HOMEOWNERS ASSOCIATIONS AS A SPECIALTY FOR OVER 20 YEARS. HIS PRACTICE IS LOCATED IN SAN JOSE, CALIFORNIA AND HE IS THE CORPORATE COUNSEL FOR GSMOL

I am often contacted by families following the death of a mobilehome resident, and asked what they can do to get the home secured and sold, or just to obtain an understanding of their rights as heirs to the estate. The Mobilehome Residency Law (MRL) portion of the California Civil Code contains a specific section which sets forth the rights of heirs or joint tenants when a homeowner dies. It is important that certain steps be followed by the heirs to ensure that they protect their rights to the home. It is equally important that heirs know their rights ahead of time, so they will not fail to do what is necessary to maintain the mobilehome tenancy after the death of a family member. Otherwise, the park owner can use what is typically a time of confusion and emotions to deprive the estate of what is often its most significant asset value. Where rent is not paid, or some other violation of park rules occurs due to the actions of unsuspecting relatives, the park owner can use it as justification for requiring that the home be evicted from the park, or to de-control and raise space rent where there is local rent control in

place. Absolute vigilance by the decedent's family is required to ensure that this does not occur.

Any homeowner reading this article can take pro-active steps now to ensure that his or her family understands what needs to be done to protect the mobilehome inheritance once the homeowner passes away. Like any other part of estate planning, the homeowner should be thinking in advance. GSMOL recommends planning for the following issues:

1. **KNOW YOUR RIGHTS.** This is essential. A homeowner needs to know his or her rights so that they can communicate them to family members. Every mobilehome resident should have a copy of the MRL. Anyone can go on line to download a copy of the complete MRL for free at: www.sen.ca.gov/mobilehome, or can write to the Senate Publications Office in Sacramento to purchase a copy for \$5.25. Or any resident can go to the park office and request a copy. The MRL requires a park owner to distribute a copy to all residents each year where a "significant change" of the MRL provisions is made by the legislature, so there will often be a copy kept in the home. But heirs who do not know anything about the MRL will need to know where to look for a copy of the law. This leads us to step 2 below.

2. **INFORM YOUR HEIRS OF WHERE TO FIND MRL INFORMATION CAN BE FOUND.** Just as you would tell family members where to find important papers, a Will or funeral instructions, you should also advise your heirs how to secure and sell your home after your passing. Be sure that they know where to find a copy of Civil Code section 798.78, which is the

MRL section that sets forth the rights and responsibilities of heirs. Make a copy of that section and leave it in a place where they can locate it, or give it to them in advance with a copy of this article.

3. **WHAT SHOULD HEIRS DO AFTER THE HOMEOWNER DIES?** It is important that heirs act immediately to present the loss of their inheritance rights in the home. Two options are set forth in section 798.78. First, any heir, joint tenant or personal representative may seek to sell the home "in place" in the park. Alternatively, any heir or joint tenant may seek to establish a tenancy with the park and move into the home. But for either of these options to be available, it is required that the decedent's estate satisfy all of the decedent's responsibilities, such as payment of rent and utilities or maintenance of the homesite. Thus, if the rent is allowed to go into default or other maintenance issues arise which are not performed after a notice is served, the right to establish a tenancy or sell the home is lost. 798.78(b) specifically provides that in such a case the park owner can require the home to be removed from the park.

Continued on page 11

GSMOL Corporate Counsel, Bruce Stanton, may be available to present seminars in your community on such topics as:

- Rental Agreements/Leases
- Rent Control Issues
- Rules and Regulations
- Utilities
- Rights of Free Speech/Assembly
- Evictions
- MH Resale

GSMOL Chapters will be given first priority for sponsoring a presentation. For more information, contact the GSMOL Home Office at 1 800 888-1727.

PROTECTING MOBILEHOME INHERITANCE RIGHTS

Continued from page 10

IT IS THUS CRITICAL FOR THE HEIRS TO LEARN WHAT THE SPACE RENT AND UTILITIES PAYMENTS ARE AND PAY THEM IMMEDIATELY AS THEY COME DUE. The death of the homeowner does not deter many park owners from claiming a breach of the rental agreement if the rent or utilities payment is even one day late. And since the heirs may not visit the home immediately, they might be unaware that the first of the month has rolled around and a rent payment is due. No payments can be missed if the family wants to be certain that its rights are protected. And if a three-day notice to pay rent or utilities is served, it must be satisfied at once within the three day period. The three days are calculated from the day after the notice is served. Since service of any 3-day or 7-day notice by the park does not have to be personal, and the notice can thus be posted on the home and mailed to that address, it is important that the heirs visit the home regularly to check for posted notices, and that the mail be immediately forwarded to an address where it will be read. There is nothing worse than opening an envelope after the fact to find that an important deadline has been missed. If a rent payment is not made within the three-day period, and there is a loan on the home, the heirs should immediately contact the lender and request that it "cure" the rent default by paying the rent to the park. Under 798.56(e) (4), a bank may cure a rent default twice every twelve

months, and the park owner is obligated to accept the payment. This section presumably also applies where the homeowner has died, but the estate desires to maintain the right to sell the home "in place".

Equally important is the duty of the estate to maintain the physical appearance of the home and the homesite. This means that landscaping must be maintained, and debris cannot be allowed. Any seven-day notices for Rules violations need to be corrected at once. Newspapers should be stopped, the home should be secured, and vehicles should be either removed or otherwise stored only in the carport at the homesite. A gardener should be hired to mow and weed the homesite if the heirs live out-of-town or otherwise are not likely to visit the home often. But it is also important to check for notices at the home regularly, in case something is posted on the home that is never received via mail.

To ensure the best possible communication, the heirs should meet with management as soon as possible following the death and identify new contact information for communicating with the estate. Rent bills and notices from the park should be sent there, so that communications do not fall into a "black hole" or notices are served which the heirs never see.

4. **WHAT THE HEIRS SHOULD NOT DO.** One of the most frequent problems encountered by estates involves a "caretaker". Often, the heirs allow someone to move into the home if it is otherwise vacant in order to

watch over the home. This sounds reasonable enough, so that the home be protected from crime or vandalism. And if it is perceived that cousin Bob will most certainly qualify to purchase or occupy the home, it might be tempting to allow him to just move into the home early without qualifying for tenancy first. This should never be done. Most parks do not allow a non-tenant to occupy the home if a tenant is not present. Thus, either scenario could trigger an immediate seven-day notice of a rules violation. If the estate desires to allow someone to occupy the home, written permission should be obtained from the park first. Otherwise, the result could be a termination of the estate's right to sell the home "in place". Note that this only applies to actual occupancy. Any authorized person, including heirs or third party contractors or realtors can enter the home to clean, repair or secure it. But no one can occupy it by spending the night or establishing it as their residence. If a seven-day notice is received for this violation, the occupant needs to be removed at once. Note that this scenario also does not help the potential tenant, whom the park might categorize as a "rules violator" when an application for tenancy is later presented for review. *Continued on page 12*

This time of year it's a good idea to check your Smoke Detectors. Either replace the batteries or replace the whole unit if over 10 years old. Check with your local senior center or Fire Department to inquire whether they know of programs to provide for free replacement of smoke detectors.

PROTECTING MOBILEHOME INHERITANCE RIGHTS

Continued from page 11

5. **WHAT ABOUT SATISFYING AGE RESTRICTIONS?** In senior parks, or parks which seek to meet the Federal guidelines for "housing for older persons", homeowners who are 55 or older often leave the home to much younger heirs who are under age 55. The immediate reaction is that these persons are not old enough to live in the park, and thus cannot qualify for tenancy. But special exemption language in the Federal law allows heirs who are under age 55 to still inherit the home and live in it without compromising the park's senior status under Federal law. Otherwise, the inheritance might prove to be without value for the family, and this was never the intent of the Congress when the 1988 laws regarding age limitations were passed. This means that a park can never reject an heir based upon age status by arguing that it will lose its senior status under Federal law if a 40-year old heir is allowed to occupy the home. The key is that only the heirs or blood relatives of the deceased homeowner would probably qualify for this exemption. Note that if the park otherwise has an age limit for all residents in its own rules, those limitations may still be enforceable and prevent occupancy by younger heirs.

6. **CAN THE PARK RAISE THE SPACE RENT?** The answer depends upon the local laws. If there is a local mobilehome rent control ordinance, it should be consulted. Many ordinances do not allow a park to raise rents to the

family following the death of the homeowner. But if the home is sold to a dealer, the rent can usually be raised, since local rent control laws do not protect commercial dealers or agents.

In conclusion, the ability to protect a home during the inheritance process can be tricky. But if these steps are followed, the family of a deceased homeowner should be able to inherit and realize the value of the mobilehome which has been left to them in a Will or Trust. Just as importantly, the intent and last wishes of the deceased homeowner can be honored and successfully implemented.

SCAMMERS STILL AT IT

One senior was visited by a man representing a roofing company who told her home needed a new roof. She wrote a check for \$4000 to start the process of re-roofing her home. This company had no contractor's license, and three previous complaints about jobs that were started and never finished. Fortunately, a Meals-on-Wheels volunteer got involved and her family was able to stop payment on the check. But it is a reminder to always check with both the Better Business Bureau and the Contractors State Licensing Board before signing any contract for home repairs. The website is www.sclb.ca.gov, which has a link to check the status of a contractor's license, or call 1-800-321-2752. That

will tell you if the license is valid and if there are complaints against the company.

Tips for hiring work to be done: Get at least 3 bids. Check their references. By law, anyone doing work valued over \$500 must have a CA contractor license. Check their license on line. Never pay cash up front. Include a payment schedule for the work. The law says; don't pay more than 10% down or \$1,000 whichever is less as a down payment. Don't make payments ahead of the work performed. Don't sign the contract until someone reviews it with you. Don't pay by cash. Be wary of solicitation that offer a "free inspection" and then gives you a list of "necessary" repairs preying on your fears. **Some telephone solicitors have even mentioned their free inspections are by GSMOL! This is absolutely not the case and if happens and you can track the origin of the call, report the call to the GSMOL home office.** When all else fails with contractor scams, call Elder Law and Advocacy through the Aging & Independence Services at 800-510-2020 or the Elder Abuse Division of the District Attorney's office.

Region 7 Meeting

(San Diego and Imperial Counties)

When: April 18th at 2:00 PM

Where: Granada Mobile Estates

501 ANITA ST
CHULA VISTA, CA 91911

Come meet new Zone D Vice President Lanier Harper and other GSMOL volunteer advocates

HOW WE CAN INFLUENCE A BIG OPPONENT OF MOBILE HOME RENT CONTROL

By contributing member Jim Richard

The California Association of Realtors (CAR) has so far supported every bill that would have taken away our rent protections. Right now, CAR is supporting Assembly Bill 761, authored by Calderon. The bill would make us lose most of our home equity by denying rent control to Buyers of our homes.

CAR opposes mobile home rent control because some of CAR's leaders are also leaders of park owners' associations.

CAR caused the defeat of almost every bill that would have preserved our rent control. Right now, CAR opposes Assembly Bill 566, authored by Pedro Nava. The bill would protect us against a forced condo conversion. A forced conversion would end rent control.

Why is the California Association of Realtors (CAR) the most powerful force against our rent control? It has a large lobbying staff and hundreds of millions of dollars. CAR also has 200,000 dues-paying members. No wonder that it has easily influenced how the governor and the legislators vote.

Fortunately, though, CAR does work hard to keep a positive image with the public. We are its customers. That's why it will help if lots of us tell CAR that its policies may take away the value of our homes. We need to tell CAR why our home values depend on rent control. In particular, we need to tell CAR to oppose AB 761 and support AB 566.

But we must act soon. The Assembly is already working on the bills. It's best to send the message directly to CAR's president, James Liptak. One

can write to him or call him, by using the following:

To send Liptak an e-mail, write to:

jiml@car.org

In the subject line, put something like: "Please protect our homes"

To write him a postal letter, use:

James Liptak, President
California Association of Realtors
525 South Virgil Avenue
Los Angeles CA 90020

To call:

Phone: (213) 739-8200

If there is no answer or he is not available, leave a message. Ask realtors in your area to contact CAR. They are also being adversely impacted by CAR's positions against rent protection for homeowners.

Jean Phillips...Thank You for Your Service and Spirit



Jean Phillips has been a member of We recently learned that our GSMOL Region 2 Manager, Jean Phillips, will soon be

leaving life as a homeowner in a manufactured home community. This will be a big loss for the League in that Jean has been a member for 37 years and a volunteer leader of some sort for most of that time; most recently as GSMOL State Secretary in 2006-07 and serving as Region 2 Manager since 1998. Her cheerful spirit, energy and positive attitude have been a model for the rest of us to try to emulate.

Jean became a member of GSMOL

in 1972, when she bought a mobile-home at Salvador Mobile Estates in Napa, CA. Interestingly, the gentleman who sold her his home was a member of GSMOL, and advised her that he was also insured by Barber Insurance Agency of Santa Rosa. Jean followed his lead, joined GSMOL and got her home protection insurance through Barber Insurance Agency. Both forms of insurance proved to be in her best interest all these years. After attending Salvador GSMOL Chapter #336 meetings regularly for several months, Jean was elected as President of the Chapter. She held that post for many years, and also attended GSMOL Regional Meetings throughout Region 2 and served as a delegate to several GSMOL state conventions.

Locally, Jean became very involved in a mediation process that led to the adoption of a Memorandum of Understanding in 1995, providing a form of rent stabilization for manufactured home owners in the City of Napa. Jean credits the good-faith negotiations of the Napa Park Owner Association for achieving a mutually acceptable agreement to govern rent increases. Homeowner representatives and community owner representatives continue to meet every six months to monitor implementation of the Agreement.

As Jean prepares to enter a new and exciting chapter in her life, we want to salute her steadfast devotion to the League and thank her for her many years of service, both as a member and a volunteer leader. Jean is a dear friend a great inspiration to many people. If you have a neighbor who isn't a member of GSMOL, tell them about Jean and how without loyal members and leaders like her, there might not be a GSMOL today.

Happy 100th Birthday Glenn Wesp!



*Glenn Wesp, left, acknowledged by GSMOL
Zone A Vice President, Lloyd Logan*

One hundred years ago, on February 17, 1909, William Glenn Wesp was born in the small town of Fredericksburg, located in the northeast corner of Iowa. Glenn was a star athlete in school and has remained an avid musician.

In his lifetime, Glenn has witnessed advances from rough roads to high speed highways; advances from biplanes to supersonic jets to space travel and men walking on the moon; he has seen the advances from manual adding machines to the first computers to digital personal computers; from sending mail for several cents postage to sending email via the internet. Life has been a remarkable adventure for him and he still takes great joy in living life to the fullest.

Glenn and his wife Eunice live in Golden Palms Mobile Home Estates in Sacramento and enjoy the activities of the park, the Social Club and are active members of GSMOL, Chapter 833. Congratulations Glenn for reaching such a remarkable milestone!

Board of Directors Meeting

Our next state Board meeting will be held at the Home Office in Garden Grove and all GSMOL members are welcome to attend.

The meeting is tentatively scheduled for Friday, June 19 starting at 10 AM. Call the GSMOL home office prior to the meeting for final verification.

Lorraine Burns is a Realtor with **Ventura Property Shoppe**

in Ventura County. She is so impressed with GSMOL that she is sponsoring **A YEAR'S MEMBERSHIP DUES TO GSMOL** for every mobile/manufactured home client upon closing!!

Lorraine can be reached at (805) 901-8805.

Thank You, Lorraine!

We hope GSMOL members will encourage agents in their areas to follow Lorraine's example.

Region 7 Meeting

(San Diego and Imperial Counties)

When: April 18th at 2:00 PM

Where: Granada Mobile Estates

501 ANITA ST
CHULA VISTA, CA 91911

Come meet new Zone Vice President Lanier Harper and other GSMOL volunteer advocates

Convention coming

The dates for the 2010 GSMOL Biennial Convention have tentatively been set for April 9, 10 and 11 at the Marriott Hotel in Ontario California. Start planning today for how you can attend the convention!

This time of year it's a good idea to check your Smoke Detectors. Either replace the batteries or replace the whole unit if over 10 years old. Check with your local senior center or Fire Department to inquire whether they know of programs to provide for free replacement of smoke detectors.



Chapter 1628 El Rancho Verde in Rialto

Newly elected officers include from left to right: Sole Prokopij-President, Virginia Inman-VP, Angie El Fattal-Secretary and Sandra Schwartz-Treasurer.



➤ Special thanks to the Central Coast Mobile Homeowners Alliance for their generous financial contribution to our Legal and PAC Funds.

With DECADES of experience as MOBILE HOME INSURANCE SPECIALISTS, we are here to ADVISE you of what is AVAILABLE and ASSIST you in obtaining WHAT IS BEST for YOU personally. Contact the nearest agent and see for yourself!

INSURANCE AGENTS EDUCATION NETWORK

*We invite you to
contact the Agent nearest
you for all your Insurance
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Lic#0482753

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Capitola, CA 95010
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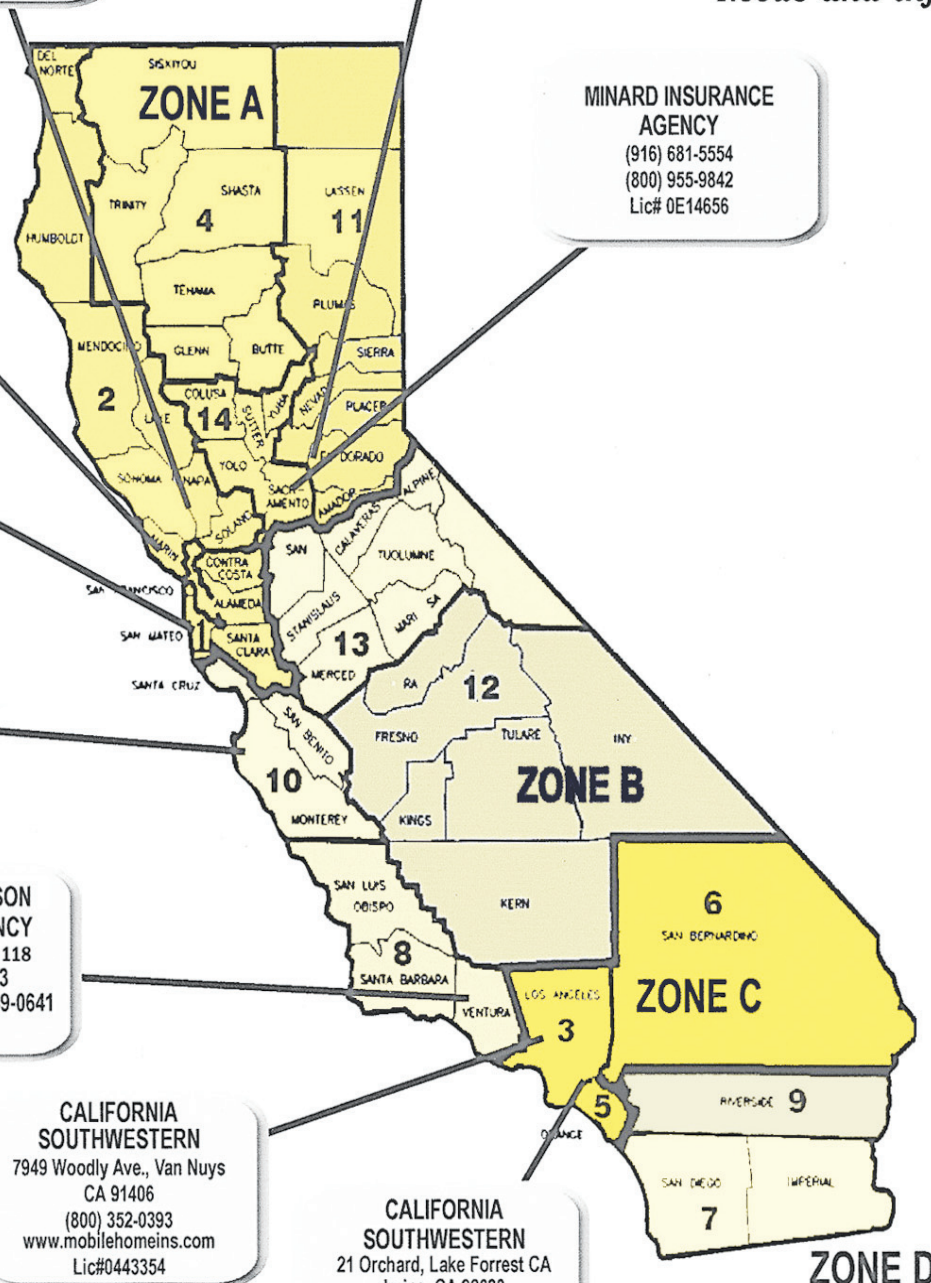
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Ventura, CA 93003
(800) 435-3355 (805) 339-0641
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Top Ten Reasons to Belong to GSMOL!

- 10) GSMOL is the widely-recognized representative of California homeowners at national, state and local levels
- 9) GSMOL advocacy has helped keep YOUR rent lower and home value higher
- 8) GSMOL helped defeat Prop. 98 (2008) and other statewide measures that would have abolished rent control and other crucial homeowner protections
- 7) GSMOL has a long history of accomplishment in serving homeowners since 1962
- 6) GSMOL is responsible for most of the CA Mobilehome Residency Law and other successes that continue to benefit all homeowners in manufactured-home communities throughout California
- 5) GSMOL **Californian** and Mobilizer newsletters, toll-free Legislative hotline, website and E-mail communication network keep members informed
- 4) GSMOL Legal, Political Action Committee and Disaster Relief Funds offer added homeowner protection
- 3) GSMOL's statewide network of chapters and volunteer leaders help members help themselves at the local level
- 2) GSMOL's active Legislative Committee and paid professionals working at the Capitol get protective laws passed and block legislation that would hurt homeowners
- 1) GSMOL membership serves as valuable "insurance" to protect YOUR rights, peace of mind and way of life for only about five cents per day

use this Application to give a "Gift of Membership" to a non-member!

MEMBERSHIP APPLICATION

GOLDEN STATE MANUFACTURED-HOME OWNERS LEAGUE, INC. 800/888-1727 714/826-4071



- ☐ **ONE-YEAR GSMOL MEMBERSHIP for \$20**
- ☐ **THREE-YEAR GSMOL MEMBERSHIP for \$55**
- ☐ **ONE-YEAR ASSOCIATE MEMBERSHIP for \$40**

(Associate members do not own manufactured homes. They do not have voting rights and cannot hold office in GSMOL.)

Comments (For Office Use):	First Name	Initial	Last Name
	Spouse/ Second Occupant		
	Park Name		
	Street Address		Space Number
	City	State	Zip Code
	Daytime Phone Number		Alternate Phone Number
	Email Address		
	Signature		Membership Recruiter (if applicable)

- ☐ **New Member**
☐ **Renewing Member**

GSMOL Chapter # _____

Check # _____ / CASH

You can also contribute to any of the following GSMOL dedicated funds:

Regular Legal Fund \$ _____

PAC Fund \$ _____

Disaster Relief Fund \$ _____

Enforcement Legal Fund \$ _____

DETACH AND KEEP FOR YOUR RECORDS Thank you!
Check # _____ Amount _____ Date _____



FILL OUT AND RETURN THIS FORM ALONG WITH YOUR CHECK TO: GSMOL, P.O. BOX 876, GARDEN GROVE, CA 92842