

THE
CALIFORNIAN
GOLDEN STATE MANUFACTURED-HOME OWNERS LEAGUE

GSMOL- Advocating for Homeowner Rights Since 1962

January/February 2010

IN THE COURTS



**...AND AT
THE CAPITOL**



GSMOL

CONTINUES

THE

FIGHT

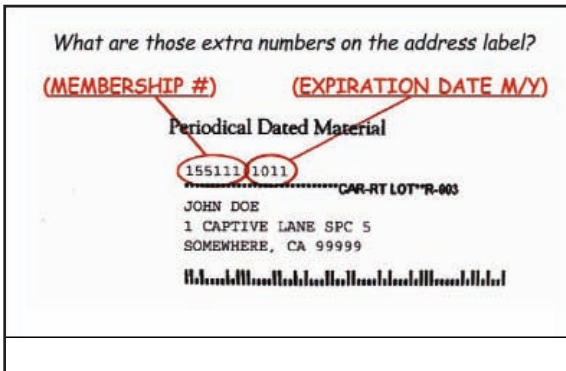
FOR

HOMEOWNER

RIGHTS

(See Page Two)

CONVENTION COMING
Details inside



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About the Cover.... In The Courts and in the Capitol, GSMOL is Fighting For YOUR Rights

Millionaire and Billionaire mobile/manufactured home park owners are continuing their relentless assault against homeowner protections. In 2008, they spent over \$4,000,000 on Proposition 98, hoping to wipe-out rent control and zoning protections of manufactured home communities. In the Courts and at the Capitol, GSMOL is fighting back. In 2008 and again in 2009, GSMOL spent tens of thousands of dollars to fight for homeowner rights in the Courts and spends roughly \$100,000 each year to ward-off threats at the State Capitol. This money comes from contributions and membership dues. GSMOL's lawyers have joined in the fight to overturn the Court decisions in *Guggenheim v. City of Goleta* and *Contempo Marin v. City of San Rafael* that could spell the end of mobilehome rent control if left to stand. That fight might need to be waged all the way to the U.S. Supreme Court. At the Capitol, GSMOL's professional lobbying team is waging a fierce battle to keep the park owners' dangerous vacancy decontrol bill (AB 761) from moving forward. All of these endeavors are very expensive; we need to pool our resources.

Contributions will go directly toward lobbying efforts and fighting lawsuits which threaten the continued viability of Rent Stabilization Ordinances in California. We must continue to be pro-active in standing up for our rights! The membership application on the back cover includes places to contribute to our efforts, for either "Defense in the Courts" or "Defense at the Capitol."

Where Your Rent Monies Went...

In Part, to These Park Owner Contributions Toward Prop. 98 in 2008
(below is a sampling of the top contributors)

THOMAS COATES AND AFFILIATED ENTITY JACKSON SQUARE PROP.	\$ 973,440.00
VEDDER COMMUNITY MANAGEMENT, LLC	\$ 228,525.00
WESTERN MANUFACTURED HOUSING COMMUNITIES ISSUES PAC	\$ 205,677.14
THOMAS TATUM	\$ 125,000.00
HOMETOWN AMERICA, LLC	\$ 123,680.00
JEFFREY KAPLAN	\$ 99,999.99
TOWER COMMUNITIES, LLC	\$ 88,600.00
ABRAHAM KEH	\$ 85,000.00
MANUFACTURED HOUSING EDUCATION TRUST PAC	\$ 80,000.00
BART THOMSEN	\$ 58,340.00
FOLLETT INVESTMENT PROPERTIES, INC.	\$ 57,020.00
DONNA KAPLAN	\$ 50,000.01
EQUITY LIFESTYLE PROPERTIES, INC.	\$ 50,000.00
EQUITY LIFESTYLE PROPERTIES, INC. AND AFFILIATED ENTITY MHC	\$ 50,000.00
MIKE CIRILLO AND AFFILIATED ENTITY STAR MANAGEMENT	\$ 48,080.00
LAGUNA ASSET MANAGEMENT, INC.	\$ 36,540.00
SIERRA CORPORATE MANAGEMENT (Kort & Scott)	\$ 35,000.00
SONOMA COUNTY PARK OWNERS ASSOCIATION	\$ 35,000.00
ED EVANS	\$ 34,780.00
EPM SALES AND LEASING, LP	\$ 34,780.00
NEWPORT PACIFIC PRINCIPALS LIMITED	\$ 32,280.00
CLAUDIA TATUM	\$ 25,000.00
LAKEVIEW VILLAGE MHE	\$ 25,000.00
MEADOWS MANAGEMENT COMPANY, LLC	\$ 20,000.00
COMMUNITY ASSET MANAGEMENT	\$ 19,900.00
DANIEL GUGGENHEIM	\$ 19,160.00

President's Report



**Tim Sheahan, GSMOL
State President**

Homeowner Defense Funds... thank you!

On behalf of the GSMOL Board of Directors, I want to thank every individual, GSMOL chapter, HOA and affiliate group that have contributed to either our "Defense in the Courts" or "Defense at the Capitol" effort. This support will help us continue to protect homeowner rights. Our Homeowner Legal Defense Fund will be dedicated to supporting rent stabilization ordinances throughout the state as they become attacked in the Courts. Contributions to our Defense at the Capitol will help support our continuing efforts in Sacramento.

We will be giving contributors special recognition at the Convention and in the Californian. For those who have not yet given, we have added new lines to the membership application on the back cover for these two purposes and encourage those who would have traditionally contributed to the "General Legal Fund" and "Political Action Committee-PAC" funds to instead give to these Defense Funds this year. ELF members need to continue to pay \$10 per year for the Enforcement Legal Fund, which focuses on violations of the Mobilehome Residency Law (MRL).

Convention Nearing

The 2010 GSMOL Biennial Convention is rapidly approaching. This year, we are celebrating 48 years of

homeowner advocacy and encourage you to attend to gain knowledge, create relationships and be inspired by the knowledge and dedication of others.

The threats to our lifestyle and home values have never been greater; largely due to the huge amounts of money today's era of community landowners are willing to throw into litigation, legislation and statewide initiatives. The "ENRONization" of the industry is a very real threat to the survival of manufactured housing as a form of affordable housing. Already, many homeowners have lost their homes due to unaffordable rent increases or closure of their communities for a change of use.

One value of conventions is the opportunity to network with other homeowners and share stories about life in each other's parks. This can be especially beneficial for those who live in communities who share the same owner or management company, such as communities operated by Equity Lifestyle Properties (ELS), Tatum and Kaplan (Mobile Community Management), Kort and Scott (Sierra Management), Follett Investment Properties, Cal-Am Properties, James Goldstein, Abraham Keh, J & H Management, Waterhouse Management, Star Management, etc. There is a real strength in numbers and networking at conventions can be the start of coordinated efforts by homeowners in several communities to effectively work together in dealing with issues of common concern. We have even added a spot to the membership application to register your park owner and management company for our records.

This will be a very important convention as homeowners and our advocates congregate to discuss threats of today and develop strategies for success into the future. We hope all our members will make a special effort to try to attend this convention. If you want to attend the convention but cannot without financial support, let us know and we might be able to use some of our sponsorship money to help.

2010...a Space [rent] Odyssey

In my latest article, I mentioned how thankful I was to live in a jurisdiction with a rent stabilization ordinance that allows homeowners to challenge unreasonable rent increases. I hoped to have been able to report the outcome of the rent review hearing but it had to be postponed, in part, because the park owner, Carolyn Artis/Norton Karno/Cal-Am Properties and their attorney Anthony Rodriguez failed to provide the necessary financial documents in a timely manner. So, our saga to fight rent increases of up to 78% continues...

For those who might not know how rent control works, I'll give a brief explanation. Nearly 110 cities or counties in California have some form of rent protection ordinance. Often, the ordinance grants an annual "permissive" rent increase to the community owner based upon some inflation index, typically the Consumer Price Index (CPI). If park landowners feel that is not sufficient, they normally have to request a "Rent Review Hearing" to offer reasons why such a "special" rent increase is necessary in order to receive a "just and reasonable" return on their investment, which is a similar standard as used with regulation of utility rates. The burden is on park owners to prove by a preponderance of the evidence why such extraordinary increases are necessary. Administrative hearings provide due process for park owners, while giving rent review boards the opportunity to block unfair rent increases. We wish every mobile/manufactured home owner in California had these valuable protections.

Membership Dues Changes

Regular Membership

Now \$25 per year

\$70 for Three Years

Associate Membership

\$50 per year

Capitol Report

Dangerous Rent Control Bills Stalled for the Moment

By Christine Minnehan

The Legislature returned to Sacramento on January 4th, and immediately became embroiled in yet another budget emergency. Policy committees also held hearings on bills left over from 2009. AB 481(Ma-D-SF) which would establish a process for denying rent control protections on second homes, was scheduled for hearing on 11/13 but was pulled off because the sponsor, the Western Mobilehome Association, decided not to move this bill. WMA plans on introducing a new bill to accomplish the same goal. WMA reportedly is seeking a different legislator to carry the bill and a new method for determining if a second home is not the owner's "primary residence", and thus not protected by local rent control. We will be watching closely for the introduction of the new bill. AB 761 (Calderon-D-Whittier) which would "de-control" rents on park spaces when mobilehomes are sold, is still sitting in the Senate waiting to be referred to its policy

committee--Senate Judiciary. Many homeowners, GSMOL lobbyist Brian Augusta and rent control advocacy groups have been lobbying against AB 761 even though the bill has not even been assigned yet. And then a stroke of good luck... In January the President of the Senate, Darrell Steinberg, changed or reduced the membership of many Senate Committees. Senator Dean Florez, the "swing vote" on Senate Judiciary, whose commitment to vote "no" on AB 761 was not at all certain, was replaced on the 5-member Senate Judiciary Committee by Senator Loni Hancock from Oakland/Berkeley and a rent control proponent. We now have three strong votes on the committee to preserve rent control: the Chair, Senator Ellen Corbett, and members Mark Leno and Loni Hancock. We have no news yet from WMA on their plans for AB 761, but doubt it will be heard in its current form. On the other hand, WMA might very well amend AB 761 or introduce new legislation with other rent control impacts. All 2010 bills must be introduced by February 19th. Only then will we definitely know what comprises the park owner legislative package

Update on GSMOL Legislative Committee Action Team (LAT) January 2010

Our 2010 Legislative Session objective was unanimously approved by the

Board of directors in October. Simply stated, it is to focus on defeating the park owner bills and hold the ground GSMOL and coalition partners we have gained in the past. Considering the lack of support of the current Governor, we intend to take mainly a defensive posture this year to block bad legislation affecting us.

Among the highlights of the LAT's activities since the last report to you is to solidify the MH Advocacy Coalition during the winter legislative break. Christine Minnehan, GSMOL Legislative Consultant and Brian Augusta, Legislative Advocate/lobbyist facilitated two conference calls (Dec. 14th and Jan 15th) to discuss strategies that will broaden the grassroots-lobbying base. We are pleased and blessed to have about 14 to 18 mobilehome advocates participating who represent a dozen or more homeowner's groups including statewide and local associations. Geographically, they range from Sonoma County to San Diego County and from the Inland Empire to the coast. The discussions centered on:

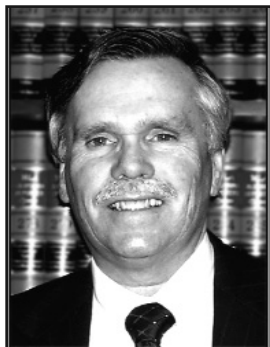
- Defeating AB 761 (Calderon) that would eliminate vacancy control and AB 481 or similar bills that chip-away at rent control.
- Developing campaign strategies to improve effectiveness of volunteer lobbying
- The significance of timing (timing is everything) when lobbying legislators prior to policy committee hearings and floor sessions.
- Creating greater lobbying from MH constituents within key legislators' home districts
- Draft and distribute sample letters and talking points for phone messages
- More effective use of GSMOL Yellow Cards

Legislature Schedule for 2010

- January 22-Deadline to submit proposed bill language or requests for bill language to Legislative Counsel
- February 19 -Deadline to secure an author – All bills for this year must be introduced by that date
- March – April -Committee hearings on bills in the first house
- June 4 -Deadline to pass the bills off of the floor of the first house
- June 6- July 2 -Committee hearings on bills in second house
- July 2 – August 2 -Legislative recess if budget passed (but regardless no other action takes place during that time.)
- August 16 -31 Final floor sessions on bills
- September 30 - Last day for Governor to sign or veto bills

“ASK BRUCE”

STREET PARKING REGULATIONS AND TOWING: WHEN ARE THEY PERMISSIBLE?



**By: Bruce Stanton,
MH Specialist Attorney and
GSMOL Corporate Counsel**

I am frequently asked questions pertaining to street parking regulations and the ability of a park owner to tow vehicles which are parked in violation of such regulations. We begin with the rule itself.

Many parks regulate street parking, or ban it all together. Access to streets in mobilehome parks should be a priority, and GSMOL does not oppose all park rules or regulations which prohibit or restrict street parking. Access must exist for police, fire or other emergency vehicles. These regulations are vital to protect the health and safety of residents, and also enhance the aesthetics of the park by eliminating excessive amounts of vehicles from the streets. Since many parks have streets which are not wide enough to accommodate other vehicles if street parking were to be allowed, these rules are “reasonable” and thus enforceable. But they must also be enforced “reasonably”.

GSMOL is always concerned about the overly aggressive manner used by some parks to enforce “no parking” regulations. Where tow trucks cruise

through parks and sit with engines running, waiting for any vehicle to be left alone for even five minutes so that they can pounce and tow the car, this is not reasonable. Any resident should be allowed a brief period to load or unload in front of their home. Many are elderly or handicapped and require this sort of accommodation. Even where a vehicle is left unattended for a time, a one-time warning notice is appropriate before a resident is forced to pay a \$200.00 towing bill. Civil Code 798.28.5 requires “warning” notices before a park owner can remove vehicles from residents’ designated parking spaces. In order to allow street towing, Vehicle Code section 22658 requires that signs be posted at each entrance to the park, and that notices be given by the tow driver before vehicles can be towed. Random towing without adequate notice is illegal.

An associated problem is the lack of adequate parking in many parks, where visitors and even residents have to either park outside the front gate, or on the street. A park owner should not be allowed to intentionally create a parking shortage, and then harass tenants with predatory towing practices. For example, some parks have been known to reduce the number of parking spaces in order to create additional mobilehome spaces. Where former “adult” parks have become family parks, there is a higher density of residents, and thus more vehicles. If a park has not made adequate provision for resident parking, or has no guest parking, it is difficult to tell residents that there is absolutely no street park-

ing. In such cases, there might be no other alternative if vehicles are to be parked in a secure area. Thus, to summarize:

1. A park owner should create an adequate number of parking spaces for visitors and guests.
2. Street parking should never be allowed unless it is a necessity due to a lack of adequate parking.
3. “No parking” rules should be reasonably enforced. Towing should never occur when vehicles are temporarily loading or unloading, and warnings should be issued before actual towing occurs whenever possible

WHEN CAN A PARK OWNER REQUIRE THAT A HOME BE PAINTED?

A frequently asked question at meetings which I attend centers upon the ability of a park owner to require the exterior painting of homes in certain designated colors. Homeowners want to know if it is “legal” for the park to require this during the tenancy. GSMOL supports reasonable regulation of exterior paint colors, and encourages rules and regulations which require that homesites be attractively maintained. But there are limits to the park owner’s ability to require this kind of expensive repairs or maintenance.

Continued on page 6

WHEN CAN A PARK OWNER REQUIRE THAT A HOME BE PAINTED?

Continued from page 5

Pursuant to California Civil Code section 798.56 (d), park rules and regulations are only enforceable if they are “reasonable”. This word can obviously be the subject of differing interpretations. But “reasonableness” is usually determined by (1) a legitimate purpose for the rule which benefits the community, (2) the ability of a homeowner to understand and comply with the rule, and (3) the monetary cost of compliance with the rule. If a rule does not serve to benefit the community in some way, is too complex or restrictive to be followed or is cost prohibitive, then it is more likely that a court would find the rule to be “unreasonable” and thus unenforceable.

Most parks have enacted rules and regulations which regulate the exterior appearance of homes, and require that they be maintained in a neat and attractive manner. Such a rule exists for the benefit of not only the park owner, but all residents of the park, and in this general form is certainly “reasonable”. Rules which specifically mention the obligation to paint the home are less common, but in general should also be enforceable. But the key is whether the home actually requires painting. The answer must be determined on a case-by-case basis. If a home is rusting or faded, or its paint is peeling, then

requiring that it be painted is probably reasonable. But a park should not be able to require that a home be repainted merely because management has decided that they don’t like the color. Nor should the entire home be re-painted if only the trim, or a certain part of the home requires a touch up. Painting can be a very expensive item which many residents cannot afford. Management should thus not be allowed to require re-painting except where it is clearly needed. The existing MRL effectively prohibit just about all attempts to require re-painting on resale of the home unless a park rule is being violated. Similarly, requiring that existing homeowners repaint is not reasonable unless the evidence shows that cleaning, wash and wax or power washing will not be enough to solve the problem. A resident should first try all of these things before shelling out the cost of repainting.

Many condominiums or housing developments have “covenants, conditions and restrictions” which regulate the types of paint color that can be used on homes. Many park owners have followed their lead, and enact rules limiting available colors. There are distinct benefits to be gained from color uniformity. Resale values could be affected if one neighbor decides to paint his house in the gaudy colors of his favorite football team. But limits on color would be unreason-

able if they are too limited, or were to require that only a certain type of very expensive paint must be used. Since mobilehome parks are typically communities where homes are located close together, park owners are justified in regulating exterior paint colors. But the rules must always be reasonable. The park owner cannot dictate which paint to use or who will perform the work. Requiring reasonable “earth tones” within a variety of colors with no bright or gaudy colors is not unreasonable. Absolute conformity is not necessary.

The required color schemes must be set forth in writing, so that they are known ahead of time and can be reasonably enforced. GSMOL does not support the practice of arbitrarily dictating color schemes. If the restrictions are not clearly set forth in a rule or regulation for all to see, they are not enforceable.

You should have
been provided
with the 2010
CA Mobilehome Residency
Law (MRL) prior
to February 1st.
If you weren’t, contact
your community manager”

ENCOURAGING COURT RULING

COURT RULES THAT THE RESULTS OF A RESIDENT SUPPORT SUR- VEY MUST BE CONSIDERED IN DECIDING WHETHER TO APPROVE OR REJECT A MO- BILEHOME PARK SUBDIVI- SION CONVERSION APPLICATION

*By mobilehome owners' rights
attorney, Will Constantine*

After the veto of AB 566, and the dis-appointing appellate decision in *Sequoia v. Sonoma County*, there is finally some great news in our fight to stop the forced conversions of mobilehome parks to subdivisions that are pursued against the wishes of the residents of the parks. That news is that, on December 30, 2009, Santa Cruz County Superior Court Judge, the Hon. Paul P. Burdick, ruled that Government Code section 66427.5 **requires** local jurisdictions **to consider** the results of resident support surveys, required by subsections 66427.5(e), in determining whether to approve or deny mobilehome park subdivision conversion applications.

Judge Burdick's decision was issued in the case of Paul Goldstone Trust U.T.D. v County of Santa Cruz (Santa Cruz Superior Court Case Number CV 164458 - 2009). In that case, the Park owner's attorney, Thomas Casparian of Richard Close's law firm, Gilchrist & Rutter, filed a Writ of Mandate asking the court to overturn the decision of the Santa Cruz County Board of Supervisors, which had rejected the conversion application of Alimur Mobilehome Park based on its resident support survey's vote of 97 to 2 in opposition to the conversion, thereby, demonstrating that it was a non-bona fide conversion, lacking resident support. Mr. Casparian argued that the recent Sequoia

decision had "acknowledged" that "requiring a conversion to be bona fide or supported by residents is forbidden under state law." He then argued that section 66427.5(e) simply required the County to determine that the Survey was "conducted and submitted" so it could be preserved for court review in possible future litigation.

Assistant Santa Cruz County Counsel, Jason Heath countered Mr. Casparian's argument by pointing out that the *Sequoia* decision only ruled that local regulations were preempted by section 66427.5 and that it did not address the issue of whether or not the County could "consider" the results of the resident support survey in deciding to approve or reject the conversion application. Mr. Heath then relied on the clear directive contained in subsection 66427.5(d) that the County was to "consider" the survey results when acting on a conversion application. He also pointed out that AB 930's (section 66427.5(d) and (e)) uncodified legislative intent section clearly states that it is the legislative intent of AB 930 that the surveys are to be used to prevent non-bona fide resident conversions, which it defined as conversions that did not have resident support.

Judge Burdick agreed with Santa Cruz County that section 66427.5 required a local jurisdiction to consider the results of a resident support survey in determining to approve or reject a conversion application. At the hearing, Judge Burdick responded to Mr. Casparian's arguments by verbally stating that it was not logically possible to interpret section 66427.5(d)'s directive that the survey results "are to be considered" by the local jurisdiction in making their decision to, instead, mean that they are merely to determine whether or not the surveys were conducted and submitted. Judge Burdick's subsequent written decision then stated:

"The Court finds that Government Code section 66427.5, subsection (d)(5), is clear and unambiguous on its face, and

states that the results of the required survey shall be considered by the local agency reviewing the application as part of the subdivision map hearing required by Government Code section 66427.5(e). Based on this plain and clear language, the Court finds that a local agency considering a subdivision application under Government Code section 66427.5 is required to consider (i.e., take into account, deliberate on, weigh, etc.) the results of the resident survey in determining whether to approve, conditionally approve, or deny the application."

Several weeks after Santa Cruz County's hearing, Mr. Casparian again made his same argument to a three-judge panel of the Second Appellate Division in the case of *Carson Harbor Village v City of Carson*. At that hearing, like Judge Burdick, the presiding justice responded to Mr. Casparian that it was not possible to interpret section 66427.5(d)'s directive that the results of a resident support survey are "to be considered" by a local jurisdiction by simply determining that the survey was "conducted and submitted" so it would be available to a future court. The Appellate Court's decision in *Carson Harbor Village* is scheduled to be the issued by March 1, 2010 and we are hopeful that it will be similar to Judge Burdick's Alimur decision given the similarity in the arguments that were made in both cases and how the judges responded to them. While we wait, we can celebrate Judge's Burdick's decision that affirms that GSMOL's efforts in sponsoring AB 930 several years ago, and successfully lobbying it through to enactment, have finally provided us with the tools that are needed to stop the flood of forced conversions that would have inundated California without those protections.

For more information you are welcome to contact me by telephoning me at my office: 831-420-1238.

Proposed GSMOL Bylaw Changes

(Listed proposals will not take effect unless passed by delegates at the convention) Proposed sections are shown in bold. Full text of “omnibus” proposals will be provided to all Delegates prior to the Convention.

#2010-1 “Omnibus” compilation of minor/grammatical changes **supported** by Board of Directors

#2010-2 “Omnibus” compilation of minor/grammatical changes **NOT supported** by Board of Directors

#2010-3 “Article II-MEMBERS”
Board Recommends **SUPPORT**
Available Membership Classes

Section 2.01

GSMOL Membership shall be available in the following classes:

- Regular member (2.02 (a))
- Special member (2.02 (b))
- Member at Large (2.02 (c))
- ROP member (2.02 (d))
- Associate Member (2.03 (e))
- **Corporate Member (2.02 (f))**
- **Affiliate Member (2.03 (g))**

Classes and Qualifications of Members

Section 2.02

(a) Regular Member

(1) *Manufactured/Mobile homeowners or residents other than park owners, their employees or agents who reside in a mobilehome park or recreational vehicle (RV) park shall be eligible to become Regular Members, provided that they reside in the mobilehome, have made application for membership to GSMOL, have paid the required membership fees and are registered in the GSMOL membership records with a valid membership num-*

ber assigned.

(2) *A manufactured/mobilehome household shall be regarded as one membership **unless additional memberships are purchased as provided herein.** Each resident of the household over 18 (eighteen) may become a **separate and distinct Regular Member upon completion and submission of a membership application on the form required, together with** payment of the **then applicable** membership fee. Once the payment has been processed by the GSMOL Home Office, a membership number has been assigned and membership documents have been completed and approved, each regular member in the household **shall be considered a GSMOL member in good standing, and** will be entitled to 1 (one) vote on any issue submitted to a vote of the membership.*

(3) *Stock ownership in a Corporate Community (Park) which consist of less than 1 (one) percent of the outstanding shares shall not disqualify a homeowner from regular membership, so long as that homeowner has no involvement in park operations and/or policies.*

(4) *All Officers, Directors, Managers, Statewide President, Statewide Treasurer, Statewide Secretary, all Zone Vice Presidents, Regional Managers, Assistant and Associate Managers, voting convention delegates and committee members shall be Regular Members or a Member at Large (section 2.02 (c)) prior to being nominated, elected, or appointed to the above positions, Chapter officers shall qualify in accordance with Article V, Section 5.01*

Should this be relocated? Non-GSMOL members may serve on Com-

mittees but will require a 2/3 (two-third) vote of the Board of Directors at a regular Board meeting or by electronic mail prior to appointment.

(b) Special Member

*Manufactured/Mobile homeowners, other than park owners, their employees or agents who reside in a manufactured/mobilehome or RV part-time (minimum of 3 (three) consecutive months in the same location in any calendar year) and have a different permanent mailing address, may become a Special Member **by following the same procedure set forth in subparagraph (a) above.** Their membership card shall state “Special Membership”, but such Members shall have all of the same rights as Regular Members, including the same voting rights. The class of Special Membership shall include homeowners who reside in a mobilehome park or RV park on a seasonal basis, but is not available for mobilehomes or RV’s that are not located in a mobile home or RV park.*

(c) Member at Large

*A homeowner (MRL 798.9) or a resident (MRL 798.11) who has tenancy (MRL 798.12) in a mobilehome park (MRL 798.4) **where** said park does not have a GSMOL Chapter or the Chapter is inactive, may join GSMOL as a “Member at Large” **by following the same procedure set forth in subparagraph (a) above.** A Member at Large shall have all of the same voting rights as a Regular Member. Any such member shall remain a Member at Large until a Chapter is formed **in the park where that member resides** or the Chapter is reactivated. At **such** time, the Member at Large shall become a Regular Member of that Chapter.*

Continued on page 9

Proposed GSMOL Bylaw Changes

Continued on page 8

(d) Member **Residing in Resident Owned Community** ("ROP Member")

(1) A **homeowner** residing upon a parcel owned by the **homeowner or who owns stock in a cooperative may become a "Member Residing in Resident Owned Community" by following the same procedure set forth in subparagraph (a) above.. Members residing on resident owned parcels shall be referred to in these Bylaws as "ROP members". ROP members shall be represented on the Board of Directors on a statewide basis by the Vice President of Resident Owned Parcels (ROP Vice President). ROP members shall retain their ROP membership designation whether or not such members are affiliated with a Park Chapter.**

(2) A mobilehome owner **who resides in a resident-owned park, and who owns a share of the park ownership, or the space upon which their mobilehome is located, shall not be disqualified from membership by virtue of being an owner of the park with other homeowners, or through their membership in the homeowners association. Nor shall such mobilehome owners be disqualified from regular membership if they render a management function in a resident-owned park, either directly or by their participation in a management committee in that park.**

(e) Associate Member

Persons and organizations not eligible to be **Regular Members** may become Associate Members upon application and payment of the required fee to the GSMOL Home Office. Associate Membership shall be **available** on a family unit or business or organization basis with one (1) Associate Membership for each family, or a business organization. A regular member,

who moves from a manufactured/mobilehome or recreational vehicle, thereby losing his or her eligibility for regular membership, may transfer to Associate Membership at the same dues as a Regular Member. Associate Members shall not have any voting rights.

(f) Corporate Member

Business entities and other organizations may become Corporate Members upon application and payment of the required fee to the GSMOL Home Office. Corporate Membership shall be available on an entity or organization basis, with one (1) Corporate Membership for each entity or organization. Corporate Members shall not have any voting rights.

(g) Affiliate Member

Local and regional manufactured-home advocacy groups or organizations may become Affiliate Members by either a financial contribution in an amount to be set by the Board of Directors or by establishing a number of GSMOL members within their membership or advocacy as set by the Board of Directors. Affiliate Membership shall be available on an entity or organization basis, with one (1) Affiliate Membership for each entity or organization. Affiliate Members shall not have any voting rights.

Spousal Membership

Section 2.03

The spouse of any Regular Member shall be granted **separate** voting rights as a Regular Member by paying **additional** dues of \$10.00 (ten dollars) per year. Spousal members shall not be entitled to **receive** an additional copy of The Californian.

#2010-4 "Inspection Rights of Members-Section 2.08 (d)" Board Recommends SUPPORT

[Add] If the corporation reasonably believes that the information will be used for a purpose other than one reasonably related to a person's interest as a member, or if it provides a reasonable alternative under the Section 2.08, it may deny the member access to the membership list.

Anyone who uses the Corporation's membership list in violation hereof, or in violation of Corporations Code Section 8338(a) is liable for any damage that the violation causes to the corporation. Any profit derived as a result of the unauthorized use of the membership list must be accounted for and paid to the corporation. The court may also award exemplary and punitive damages if the violation was fraudulent or malicious.

#2010-5 "Termination and Suspension of Membership-Section 2.12" Board Recommends SUPPORT

[Add] (2) The member shall be given an opportunity to be heard, either orally or in writing, at least 5 (five) days before the effective date of the proposed suspension or termination. Upon request by the member, the hearing shall be held by the Board, or by a committee of no fewer than three (3) disinterested members to be appointed by the President which shall include at least one Board member. The committee shall be authorized to determine whether the suspension or termination should occur. The hearing shall be held at the Corporation's principal office, or in the subject member's Region as determined by the Board or appointed committee.

Continued on page 10

2010 GSMOL STATE CONVENTION

"A New Decade...A New Spirit...A New Commitment" Strengthening Our Voice in Tough Economic Times

**April 9, 10, 11, 2010
Marriott Hotel-Ontario
Airport
Ontario, California**

Our biennial convention is a unique forum for gaining knowledge and exchanging ideas, as well as a meeting place for manufactured home owners from all over California. This year we are focused on revitalizing the power of GSMOL members to protect our homes and our investments as we all confront the consequences of the economic downturn.

Through workshops, forums, discussion groups and lectures we will work together to solve the tough questions confronting us. And we will elect our new leadership team and consider amendments to the Bylaws at the members' business meeting.

This is YOUR Convention. When you attend, you will have an opportunity to:

- Learn how other members throughout California are solving problems in their parks.
- Discover strategies for convincing legislators why we need rent stability and other homeowner protections.
- Get information about energy savings and weatherization support.
- Become educated about the Mobile-home Residency Law.
- Get answers to your legal and legislative questions from our lawyers and lobbyists.
- Work with leaders of affiliated asso-

ciations to build greater regional power.

- Meet with homeowners of other communities owned by a common owner.
- Celebrate 48 years of advocacy with other home owners from around the state.

The convention agenda, speakers list, hotel and travel details will be finalized in February. Please send us your ideas on issues you would like to see covered at the convention. We will post further details on the GSMOL website at www.gsmol.org as soon as they are finalized.

SEE YOU IN ONTARIO!

To find out how to get involved and to give us your ideas please call 1-800-888-1727 or email gsmol@earthlink.net.

Proposed GSMOL Bylaw Changes

Continued from page 9

After selecting a chairperson, the committee shall allow the member to testify, or shall consider his or her written statement or evidence, and shall also permit and hear testimony from witnesses. The committee shall decide whether or not the member should be expelled, suspended or sanctioned in some way, and its decision shall be final.

This new (2) would replace current (3) and (4). Old section (2) should also stay as is, and would become (3)

#2010-6 "Zonal Structure-Addition of Two Additional Zones-Section 6.02" Board Recommends SUPPORT Change first sentence to read: **"The State of California shall be divided into no less than 6 (six) geographical**

areas to be known as Zones and shall be designated as Zone A, Northern California; Zone A1, Northern California; Zone B, Central California; Zone B1, Central California; Zone C, Los Angeles, Orange and San Bernardino Counties; Zone D, San Diego, Imperial and Riverside Counties."

In the event that this proposed Amendment is ratified by the membership, the initial Vice Presidents representing those zones shall be filled prior to the end of this Convention according to the procedures set forth in Section 2.14 (d) for filling Board vacancies for Zone Vice Presidents.

#2010-7 "Bylaw-Amendment-Section 10.02" Board Recommends SUPPORT (Change to read): b) A summary of proposed amendments to the Bylaws shall be published in one issue of The Californian at least 60 (sixty) days prior to the time when a vote will be taken on the proposed amendment.)

Officer Candidates for the GSMOL Board of Directors

**President-Jim Burr
VP Zone B-Jim Gullion
VP Zone D-Tim Sheahan
VP ROP-Jerry Bowles
Secretary-Mary Hahn
Treasurer-Bob Ogle**

Candidate resumes will be provided to convention delegates prior to the convention

Good Luck and Best Wishes Ron and John

Two long-time experts in the field of manufactured housing at the State level have recently retired and we want to express our sincere appreciation for their many years of service. Their retirements will leave voids in Sacramento that will be hard to fill.



Ron Javor, HCD Assistant Deputy Director and former Chief Counsel, announced his retirement effective December 1, 2009, after 32 years at HCD.

During his tenure, he played a major role in various mobilehome and manufactured home issues including strengthening and enforcing the Mobilehome Parks Act when park operators did not maintain parks correctly; writing the law that moved manufactured home sales and registration to HCD and improving unlawful sales activity enforcement; creating the Manufactured Home Recovery Fund; and assisting in strengthening the MRL's protections. During his HCD tenure, he also successfully argued a case to the California Supreme Court that ensured that all renters had a constitutional right against retaliatory eviction for any legal activity, rather than those limited rights in statutes, and before his HCD tenure, while a Legal Aid attorney in San Pedro, represented several Carson mobilehome park tenants against eviction under the then "new" good cause eviction law protecting mobilehome park tenants. Ron has been a long-time supporter of mobilehome park resident associations, and

was the keynote speaker at the 2004 GSMOL state convention.



John Tennyson was Principal Consultant to the Senate Select Committee on Manufactured Homes and

Communities in Sacramento since 1983. He helped to draft or analyze well over 140 bills relating to mobilehomes, parks, common interest developments, local government and housing issues since coming to work for the Legislature in 1978. During that time, he also served as a consultant and bill analyst for the Assembly Local Government Committee, the Senate Local Government Committee, and the Senate Housing and Community Development Committee at the Capitol. Mr. Tennyson is a graduate of Cal Poly San Luis Obispo and the McGeorge School of Law in Sacramento, a Vietnam veteran, a and former Scoutmaster and adult leader in the Boy Scout program. Mr. Tennyson resides in Sacramento with his wife, Nancy, who is director of family ministries for the Trinity Episcopal Cathedral.

DOOR PRIZES FOR CONVENTION

The Convention Committee is asking Chapters and members to provide door prizes for the 2010 Convention in Ontario, CA. The door prizes can be wrapped baskets of non-perishable items, example a basket made up of a selection of tea or coffee, stationery; or toiletry items such as hand lotion, bath gel, etc. or something you just have to win for yourself. You can donate a basket of items you feel members would like to have. Please no perishable items. Instead of donating a basket, you can also send money to help purchase additional prizes. If you will be attending the Convention, please bring these items with you and give them to a member of the Convention Committee. If you will not be attending the Convention, or have any questions please contact Diana Johnson, email address: gsmol-reg1@yahoo.com; phone 650-369-6842 or Mary Hahn, email: MaryH2811@aol.com; phone 916-726-2855. The Convention Committee appreciates any donations to make the Donation Drawing a big success. Thank You.

Yes, CONVENTION, CONVENTION !!!!

Reservations at

Hotel have to be in by March 19, 2010

Reservations may be made online or by phone at:

<https://resweb.passkey.com/go/GSM>

or

1(800)266-9432.

Enforcement Report

From Donna Matthews

I am happy to report that our GSMOL Managers have had some success with helping members see the laws are enforced. Laws that GSMOL has worked so hard to have passed by the Legislature and signed by the Governor. The main complaints received seem to be park manager harassment, intimidation and selective enforcement of the park rules and regulations.

The California Superior Court has upheld that every person is bound legally to their property and is responsible for activities taking place there, so I firmly believe that the park owner would be foolish not to have their representatives follow the laws, after he or she received a written notice of the violation.

I am sorry to say some of the members' problems that GSMOL managers have countered will take more than a letter to management, the park owner, or the park attorney, before the problem is solved, but again I state the laws are there, and there are many avenues to search to see they are enforced..

One of the problems the GSMOL Managers and I have found is that GSMOL members send us documentation of the problem but do not send any particulars or facts concerning the complaints that are needed to help with enforcement. Facts like:

- Are they senior? It may be a senior abuse problem, financial, mental or physical.
- What do their park rules or regulation state? These rules may be in conflict with the laws
- Do they want their name withheld for fear of retaliation?
- If their problem is harassment from the manager, give particulars dates, and the name of the manager.
- Send the park owner's name and address if known.
- State what help they would like with enforcement?

.Any information a GSMOL member

gives along with documentation and pictures of their problem is a great help to the GSMOL Managers, or me, in carrying out our mission of helping GSMOL members protect their home investment, with help in enforcement, to help members protect their home investment....

Unity + Knowledge = Protection

Donna Matthews,

Special Assistant to the President for Enforcement Help

HOW WE RAISED HUNDREDS OF DOLLARS FOR OUR GSMOL CHAPTER

by Bob Markley

chapter needs some money for such things as purchasing paper, photocopying expenses, postage, and maybe even defraying some of the expense of sending delegates to the GSMOL convention. Here's how our chapter raised hundreds of dollars.

We started a group of GSMOL members, mostly chapter Board of Director members, to do chores for homeowners in our park. We call it the GSMOL Chore Gang, and we do such chores as gardening, moving furniture, weeding, painting projects, running errands, clothing alterations, small landscaping projects, etc. There are always people in the park who need things like that done, but who don't have the strength or time (or both) to do the chores themselves. We charge GSMOL members \$10 per hour and non-members \$15 per hour. Non-member customers can join on the spot to get the lower rate. We also offer non-member customers the option of applying the money we would charge them towards a GSMOL membership. We announce our availability periodically in our park's newsletter. Bulletin

boards also work for getting the word out to customers.

Over a period of a couple of years, we raised \$1,600 and donated about half of it to the Defeat Prop. 98 fund. Since then, we have built it back up to about \$1,300, even after covering the cost of a free wine-and-cheese tasting party at our chapter's annual meeting last year.

You can adapt this system to your park depending on who is available to do the chores, and what chores they are capable of doing. Here are a couple of considerations:

- We do not take on projects that require a licensed contractor, such as home wiring projects, major plumbing projects (we do change faucet washers), or any project of \$500 or more.
- We do not drive people anywhere in our cars because of potential liability concerns in case of an accident, and the risk of being accused of running an unlicensed taxi service. (We do, however, run errands for people and charge them for time and mileage.)

Legacy Award Nominations

If you know of a GSMOL member or other long-time supporter of GSMOL who deserves special recognition for their service, nominate them for a "Legacy Award"

MORE ELTH LEGAL SUCCESSES

THE RESIDENTS OF THE EMERALD MEADOWS MANUFACTURED HOME COMMUNITY WIN BIG

CASE: Victoria Allinson, et al. v. Larchmont Associates, etc.

The residents of the Emerald Meadows Manufactured Home Community located in Sacramento, successfully ended a long battle with their Park owner. The residents complained about abusive managers and poor maintenance for years but the owner refused to correct the situation. The residents sued the Park owner for failing to maintain the Park. The Park owner settled with the residents, paying \$1.8 million in damages. However, the Park owner, as part of the settlement, was not required to make any repairs.

"Even though the settlement did not require repairs, we told the residents and the Park owner if no repairs were made we would sue the Park again", said resident attorney, James Allen of the law firm Endeman, Lincoln, Turek & Heater, LLP.

The residents waited three years but the Park made no repairs. The residents sued a second time.

"When we sued the second time, the Park's insurance policy had a provision stating the policy did not cover any failure to maintain lawsuits. This clause forced the Park owner to use his own money to defend the case and pay damages," said Allen. "One of the largest obstacles to getting repairs in the first case was that the park owner did not want to spend the money to replace the utilities. In the second case, the Park owner would pay all damages awarded by the court, the attorneys' fees, and any repairs ordered, out of his own pocket, so the residents had tremendous leverage," said Allen.

The Park owner, shortly after the second case was filed, agreed to replace all the utilities in the Park. The residents now have brand new sewer, water, electric, and gas lines. In addition, the residents' attorneys, Endeman, Lincoln, Turek & Heater, LLP, sued the Park's insurance company alleging the clause excluding insurance coverage for failure to maintain was invalid. The court agreed with the residents and found the clause was invalid. Shortly thereafter, the insurance company for the Park paid the residents an additional \$825,000.

"This case demonstrates the power of our court system", said Jim

Allen. Residents often are afraid of the Park owner and do not hold the owner accountable. Our court system requires the injured party to assert their rights in court. Residents who overcome their fears, like those in Emerald Meadows, can force the park owner to follow the laws. By asserting their rights, the residents of Emerald Meadows now have a brand new utility system and have been compensated over \$2.6 million. This only occurred because they had the courage to insist the Park owner follow the law.

GSMOL CONNECTS PROTECTION OF LOCAL GOVERNMENT FUNDING TO ITS OWN 2010 MEMBERSHIP DRIVE

By Lanier Harper, GSMOL Zone D Vice President

At the Golden State Manufactured-Home Owners League (GSMOL) has voted to endorse the Local Taxpayer, Public Safety and Transportation Protection Act for California's November 2010 statewide ballot. A broad coalition, Californians to Protect Local Taxpayers and Vital Services, is currently collecting signatures to qualify the measure. GSMOL will take in active part in the signature drive as a coalition member and will tie its membership campaign to signature collection efforts, led by the League of California Cities, California Alliance for Jobs and the California Transit Association..

Proponents say this constitutional amendment would prevent the state from diverting, borrowing or taking funds that are currently dedicated to local governments. The measure would also prevent the state from diverting gas tax revenues that voters have dedicated to transportation and transit improvements and services.

Following are the major provisions of the constitutional amendment:

- Revokes the state's ability to borrow local government property tax funds (currently authorized by 2004 Prop 1A).
- Prohibits the state from borrowing Prop. 42 funds (gas tax) which voters have dedicated to transportation and mass transit.
- Prohibits the state from taking or borrowing the Highway User Tax on gasoline (HUTA), which currently fund city, county and state road, highway, transit and other

transportation improvements and services.

- Prevents the state from redirecting or diverting locally levied taxes, including parcel taxes, sales taxes, utility user taxes, TOT's and other locally imposed taxes that are currently passed by local governments and/or their voters and dedicated to cities, counties and special districts.

- Prohibits the state from taking, borrowing or redirecting existing funding for public transit, including existing taxes on gas and "spillover" funds dedicated to the Public Transportation Account.

- Adds additional constitutional protections to prevent the state from raiding redevelopment funds or shifting redevelopment funds to other state purposes.

"This measure is needed because, over the past several years, the state has passed budgets that have diverted or borrowed billions of dollars in local government, transportation and redevelopment funds," said Lanier Harper, Zone D GSMOL Vice President, who will spearhead the association's effort.

The Coalition has until mid-April to collect 694,354 valid signatures to qualify for the November 2010 ballot. Campaign representatives say they will collect more than 1.1 million signatures to ensure qualification.

For more information on this vital GSMOL campaign and to help as a volunteer, please visit www.savelocalservices.com. You may reach Lanier Harper at thingsnstuff88@yahoo.com.

Region 9 homeowner meeting with the League of California Cities Come and meet Supervisor Marion Ashley and Robin Lowe, Hemet Council Member and president of the League of California Cities to discuss the Local Taxpayer, Public Safety and Transportation Protection Act
When: 9:00 AM
February 24, 2010
Where: James A. Venable Community Center
50390 Carmen Avenue
Cabazon, CA (951) 922-1097

GOLDEN STATE MANUFACTURED-HOME OWNERS LEAGUE, INC.

2010 GSMOL CONVENTION**APRIL 9, 10, 11, 2010****OBSERVER REGISTRATION**

EVERY "REGULAR" MEMBER OF GSMOL MAY ATTEND CONVENTION ACTIVITIES AS AN OBSERVER. SEND THIS COMPLETED FORM TO THE GSMOL HOME OFFICE TO REGISTER.

NAME _____ MEMBER # _____

PARK NAME _____ REGION # _____

PARK OWNER _____ MGMT CO. _____

ADDRESS _____ SPACE# _____

CITY _____, CA ZIP CODE _____

TELEPHONE (____) _____ E-MAIL _____

Registration fee for Observer

\$10.00 per person \$ _____

Optional Events:

Saturday- April 10, 2010

Luncheon Workshop

\$15.00 per person \$ _____

Saturday- April 10, 2010

Awards Dinner

\$40.00 per person \$ _____

TOTAL ENCLOSED \$ _____

To ensure availability of Luncheon and Dinner tickets, please return this form with your check as soon as possible. Confirmation of your reservation will be mailed to you or you may receive a phone call from us. Your badge(s) and ticket(s) (if purchased) will be waiting for you at the GSMOL Registration desk. You must wear your badge at all times on the Convention floor.

PLEASE MAKE CHECKS PAYABLE TO: GSMOL
MAIL TO: GSMOL, PO BOX 876, GARDEN GROVE, CA 92842

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!

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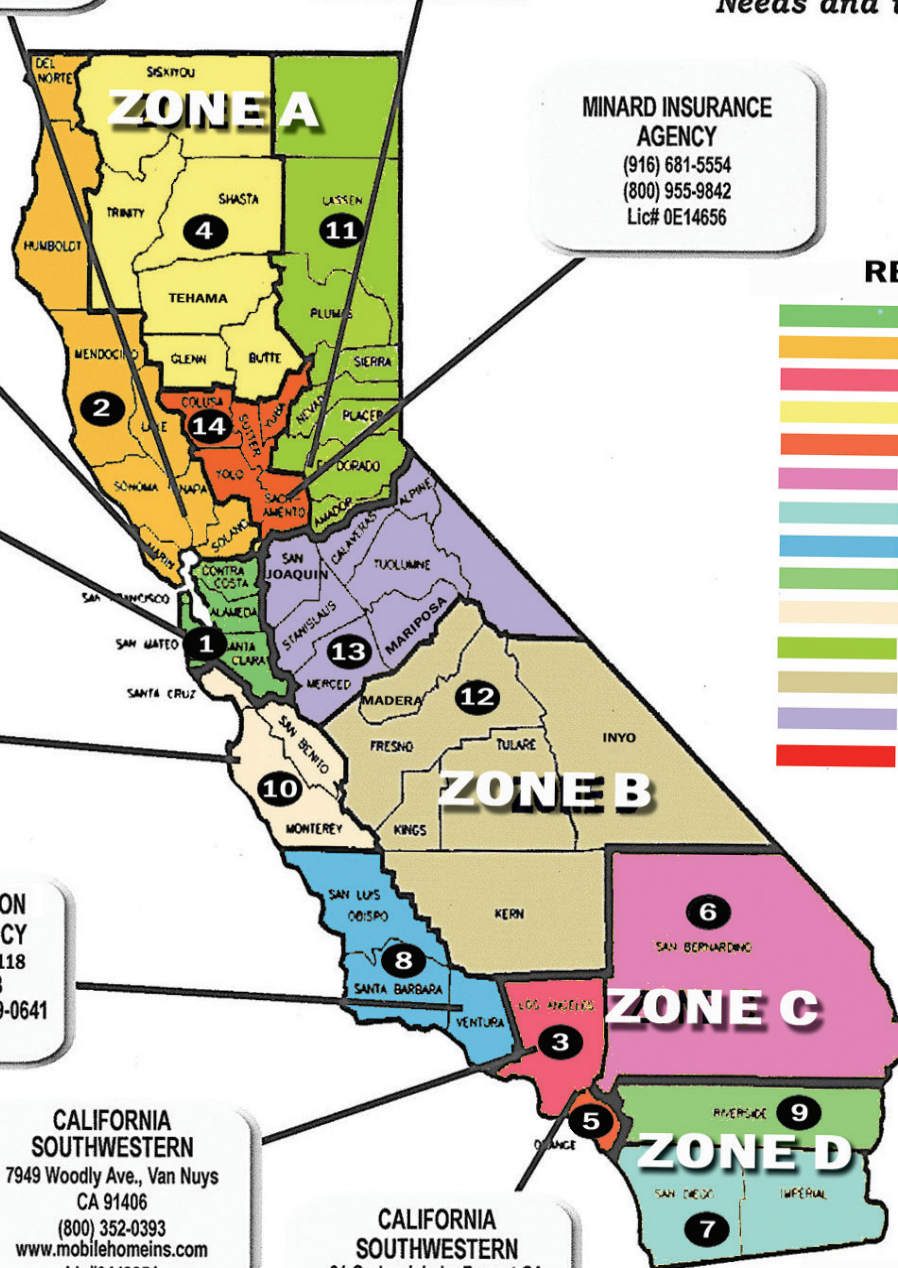
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FIVE FOR FIVE REWARDS PROGRAM

APPLICATION FOR REWARD

(New members only - no renewals)

Mail or fax completed form to the home office, Fax No. (714) 826-2401

Please fill in new members' names, park, space number, and when they joined, below and mail or fax to the home office. After verifying by the home office, a \$5 reward check will be mailed to the individual or chapter named at the bottom of this form. Please send in all new membership applications as soon as you receive them. Do not hold them for this program. This program only requires that you keep track of who they are, and list them on this form.

(More than one person living in the same home and paying one membership dues count as one member for this program.)

PLEASE PRINT LEGIBLY

NEW MEMBERS' NAMES

PARK NAME

SPACE NO. MONTH AND YEAR JOINED

_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____

Please send \$5 reward check to:

_____ name _____ address

(Note: If the reward is going to a chapter's treasury and the chapter does not have a bank account, the check should be made out to and mailed to a chapter officer. The officer can then cash the check and put the money into the chapter treasury.)

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 \$25**
- ☐ **THREE-YEAR GSMOL MEMBERSHIP for \$70**
- ☐ **ONE-YEAR ASSOCIATE MEMBERSHIP for \$50**
(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	Park Owner	MGMT. Co.
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:

DEFENSE IN THE COURTS \$ _____
DEFENSE AT THE CAPITOL \$ _____
Disaster Relief Fund \$ _____
Enforcement Legal Fund (ELF) \$ **10**

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**