

THE
CALIFORNIAN
GOLDEN STATE MANUFACTURED-HOME OWNERS LEAGUE

Volume 45 Issue 3

--GSMOL-- Advocating for Homeowner Rights Since 1962

May/June 2010

GSMOL State Convention 2010
**"A NEW DECADE,
A NEW SPIRIT,
A NEW COMMITMENT"**



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**(See map on page 15 for new Zone boundaries.
Region numbers and boundaries remain the same.)**

President's Report



**Jim Burr, GSMOL
State President**

A Vision for GSMOL

It is fitting and appropriate that each new State President will usher in a new vision and set of goals and objectives for GSMOL. In 2006, Tim created his vision when elected President. Among other priorities, he wanted to increase the efforts of the GSMOL's Standing Committees (Budget, Membership, Legislative and Public Relations). His priority was to have an active Legislative Committee including an outreach effort to involve other manufactured home advocacy groups. He asked me to Chair the Legislative Action Team and this became central to his vision. This allowed me to work very closely with Tim and I observed that he lead by example; he is a true gentleman and displayed professionalism throughout his term. And in the process, my perception of the League and vision was created. Little did I know then that I would succeed him in office and have an opportunity to create a vision and desires for the future and submit them for Board approval.

My Acceptance Speech delivered at the convention appears elsewhere in this issue of The Californian and it best describes this new vision. Please read it and note the six elements of the Vision Statement. Then join me along with the new Board of Directors and our active committees as we attempt to pick up where Tim left off and take the league to the next level.

Last October, both Bruce Stanton and Brian Augusta advised the Board of Directors that 2010 would be the definitive year for GSMOL. In other words, if we are to reverse our membership decline and serve members better, it must start this year! Accordingly, our goal is to institute the process to activate a six element plan by the end of the year. It is not likely we will see a resurgence of membership growth by December; however, we expect to have the framework of the plan in place and look forward to the response in 2011, 2012 and beyond.

At the time of this writing, your new Board of Directors have been in office for only six-weeks and we are pleased to report that the Board and the active Standing and Special Committees are already showing progress. This is likely due to the tremendous send-off that the 2010 Biennial Convention provided. The convention committee, including our professional advisors did an outstanding job that resulted in the best event in the past several years.

Actually, we are now seeing an encouraging trend in membership. As Treasurer Bob Ogle prepared the current FY 2009-2010 budget, he calculated the average rate of decline to be about six percent per year over the last decade or so. A recent study by Budget Committee member, Jerry Bowles, shows the rate of decline is starting to decrease – the line is starting to bend and perhaps flatten. Jerry's most recent 12 month calculation suggests the decline has gone down from the predicted 6% to 2.5%. Bob Ogle's further calculation suggests it started under Tim's leadership in the third year of his term of office. Tim's leadership makes our job easier as he gives us the first indication of a positive change in over 17 years. This must precede a steady resurgence of membership because, obviously, before our numbers can

increase, they must stop declining.

We are preparing for the first Board of Directors Planning Retreat scheduled for June 4th and 5th to be held at the location of our 2002 biannual convention in Visalia. The purpose of the Planning Retreat is to solidify our vision, and our mission statement.

This leads to establishing the objectives and the action items that will allow us to achieve our vision. The board will be joined by Corporate Council Bruce Stanton and Legislative Advocate and Attorney Brian Augusta. We are very fortunate to have as moderator, Michael Perri, a professional Strategic Planning Consultant with Lincoln Crow in Sacramento. He assisted in the convention planning and has generously offered his time and efforts on a pro-bono basis. This makes us very fortunate indeed.

The Board held its first Special Meeting last week via conference call. In just 90 minutes, we received several reports, including one from Attorney Will Constantine, passed 5 motions dealing with important improvements to Garden Grove office and the auditing process.

On a personal note, I am so pleased with the cooperative attitude and positive spirit of your new Board of Directors. When we fill the last remaining vacancy, fully one-half of the members will be new to the board. Some are even relatively new to GSMOL and come with a solid background gained as city or county-wide Homeowner Associations Organizers in their in their respective areas. I feel they share our sense of confidence and resolve that we truly can lead the League in an effective resurgence of new membership by serving our existing members better.

Continued on page 7

Capitol Report

Christine Minnehan and Brian Augusta

News from the state Capitol continues to darken as the budget numbers become grimmer every few weeks. The state budget deficit now stands at \$19.1 billion. The Governor stated as he released the budget on May 14th that we are managing the worst economic crisis since the Great Depression and therefore are not in a position to help out most vulnerable citizens because of a broken budget system. Seniors, children, people who require mental health services, seniors and disabled who require In-Home Supportive Services to remain in their homes, are hardest hit by this budget. The leadership in the Senate and Assembly are pushing back hard on the Governor's proposal.

Policy work on bills of importance to GSMOL and other homeowner groups, is now eclipsed by the hunt for budget solutions. The two houses are sending bills with costs to "the suspense file" where they will more than likely die because of the current budget crisis. On June 4th, all Senate and Assembly bills that survive must be sent to their second house. The state budget will have much to do with the fate of many bills before the end of the session. And, because 2010 is an election year, politics of both the primary and general election cause havoc for the more controversial bills.

AB 761, Assemblymember Calderon's bill to establish vacancy decontrol for rent-controlled mobilehome parks awaits a hearing in Senate Judiciary. Although the WMA-sponsored measure has been amended to allow rent increases up to 20% or \$100 whichever is greater, its future remains uncertain.

A hearing on the measure, if there is one, will occur in June.

The primary pro-homeowner bill of this session, AB 1803 (Nava), which would have established a mediation program to help resolve disputes between parkowners and homeowners, died an unceremonious death in the Assembly Housing Committee. Chair Norma Torres cast a "no" vote on the measure, joined by the Committee's Republican members. All of the remaining members abstained, dooming the bill for this year. Advocates remain committed to working on the issue in coming years.

2010 GSMOL Priority Bills

AB 1964 (Torres) – SUPPORT – Passed Assembly Appropos May 19 – 16-0. Pending on Assembly Floor. Cards or letters to your assemblymember. Description: The MPM program provides for the periodic inspection of mobilehome parks throughout California, targeting a full inspection of 5% of the parks each year. The program also established an advisory task force of homeowner, park owner and governmental representatives who meet periodically with HCD staff to monitor progress under the program. That statute creating that program is scheduled to "sunset" (meaning the program would cease to exist) at the end of this year. This bill would extend the sunset date to January 1, 2019.

SB 951 (Correa) – SUPPORT – Passed Senate Floor April 29; 24-8; Will be heard in Assembly Housing in June; no date set. Cards or letters to members of Assembly Housing Committee Description: The MPM program provides for the periodic inspection of mobilehome parks throughout California, targeting a full inspection of 5% of the parks each

year. The program also established an advisory task force of homeowner, park owner and governmental representatives who meet periodically with HCD staff to monitor progress under the program. That statute creating that program is scheduled to "sunset" (meaning the program would cease to exist) at the end of this year. Both Assemblymember Torres and Correa have introduced bills to extend the sunset date by a number of years (AB 1964 extends it to January 1, 2019; SB 951 to January 1, 2017). In addition, the Correa bill would clarify that the format and content of the report HCD produces twice per year on the status of the program.

AB 1803 (Nava) –SUPPORT – Failed April 14 in Assembly Housing. Dead for the Year. Description: would establish an MRL mediation program, funded by a small fee paid equally by homeowners and park owners. The mediation program would be operated by the state Attorney General, and would provide homeowners a means of resolving disputes with parkowners. The bill is currently in spot form; the actual language will be added to the bill soon.

OPPOSE

AB 761 (Calderon) - OPPOSE – This bill is in the Senate Judiciary Committee. Not likely to be heard, if at all, before June. Description: Would impose vacancy de-control restrictions on local mobilehome rent control ordinances. Upon a sale or vacancy of a mobilehome, the space rent would be set by the park, at market rate (i.e., "vacancy decontrol"). The bill would destroy billions of dollars of homeowner equity.

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GSMOL BIENNIAL CONVENTION, 2010

Acceptance Speech

By Jim Burr, State President

April 11, 2010

As Tim's term as President comes to a close, GSMOL finds its self in the middle of a river. The middle of a river is an interesting place to be, because we only have two choices. We can return to the eroding shoreline behind us or we can continue on the path Tim charted to a more secure future on the other shore.

Four years ago, Tim had the courage to lead us directly into the huge challenges that lie in the swift running waters of change and I am proud to be able to continue working with him to help make sure that GSMOL successfully navigates the waters that separate us from greater success.

And frankly, I feel Tim's successes are not fully realized even today, because they are masked by the huge challenges that still lie ahead. So it is all together fitting and appropriate that we pause and reflect on them, relish them and celebrate them together;

- Within hours after being elected President in 2006, Tim convened a Leadership workshop. At this point, few if any of the Standing Committees were active.
- The Workshop was the genesis of the building process that started with his first vision; to have a robust Legislative Committee. Within weeks, this was accomplished and the "Legislative Action Team" was functioning.
- He responded to then Treasurer Bob Lupo's request for a small Budget Committee and soon a 3-member "Budget Action Team" was formed.
- Later he named a Chair of the PR committee and the "Public Relations Action Team" was under way.
- Next came a functioning membership

committee and the "Membership Action Team" was formed under Chairman Bob Markey.

- Then he selected Co-Chairs to form a special committee for Business Improvement & Special Finance (BIFAT), and within 4-months, they completed a member survey, created a business plan and started the search for sources of financing other than membership dues.

These committees are functioning for the first time in a long time at various levels of success. Therefore, improving their effectiveness will be on the short-list of the new board priorities.

And as he continued to lead, Tim envisioned an outreach to other MH advocacy groups...

- A pilot project was started with the Legislative Action Team and CMRAA to increase the MH owner's presence in Sacramento.
- Then he encouraged an outreach to other affordable housing advocates including Cal. Congress of Seniors, CARA, The Gray Panthers, AARP, the Western Center on Law and Poverty, CRLA, the League of Calif. Cities and more.
- Then came the big one! He led us through a huge change in October, 2008 when we said goodbye to Attorney Maury Priest. Maury served as GSMOL's Lobbyist for 26 years and as Corporate Council for the last 12 years of his tenure.
- Then we were pleased to return Bruce Stanton to the position of Corporate Council, retained attorney Brian Augusta as Lobbyist and added Christine Minnehan as Legislative Advisor. Together, their professional services have made a profound difference.

Now we turn from the past and look forward! I am fortunate that, not only

are there five returning board members – including Tim Sheahan – but with the election of 4 strong local leaders we will have a team of experienced and energized board members to help insure that we can make it across the river.

And with the addition of a new Zone C VP, the new board members will constitute half of the Board with fresh, new leadership.

However, on a personal note, I must caution my colleagues on the board. I am not a patient person. My 55 years of business and volunteer experience have taught me that patience is not always a virtue. As your President, I will push hard to make sure we are making progress toward the other shore.

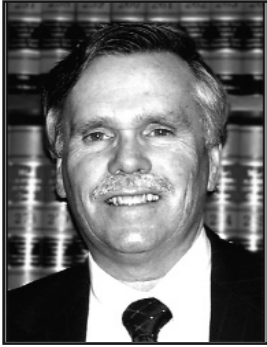
So what is on the other shore?

First, we will convene a two-day Board Retreat in early June that will include our professional advisors and will be facilitated by Consulting Strategic Planner, Michael Perri. This will allow us to revisit our Vision, our Mission Statement, set new objectives and the action items that will cause us to achieve these objectives. Our new vision is as follows:

1. We absolutely must build a larger cadre of good leaders! Recruiting, equipping, enabling and then empowering Region Officers should be our first priority. We cannot –not – do this.
2. They will lead in creating strong GSMOL chapters, cooperate with HOA's and welcome new neighbors. Together they will insure that homeowner's rights are protected by seeking fairness from park owners, and preserve their chosen lifestyles.

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"ASK BRUCE"



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

I routinely am asked to respond to questions from our members or Chapters on a variety of topics. Our goal is to keep our members informed and help wherever we can. I recently wrote the following responses to these questions:

Our management says that homeowners are responsible for root damage to pads, sidewalks or driveways. Our rental agreement says Homeowners shall maintain all of the above. Does this also apply to concrete and blacktop? This seems in conflict with Civil Code 798.37.5.

It must be remembered that no rental agreement language can ever supersede the Mobilehome Residency Law (MRL). State law always supersedes a contract. And Civil Code section 798.15 (c) provides that the MRL is a part of any agreement. Thus, any agreement must be interpreted consistently with the MRL, since MRL provisions literally form a part of the agreement. Civil Code 798.37.5 governs the question of who is responsible for tree root damage. It provides that while homeowners are responsible for ordinary "maintenance" (i.e. trimming, pruning, raking, etc.) related to trees, the park owner is solely responsible for any issues posing a "specific hazard"

or related to "health and safety". This would include tree root damage (in fact I have seen the Dept. of Housing (HCD) cite park owners for this in the past). Pure and simple, because subterranean root damage which cannot be seen and cannot practically be remedied by any homeowner, and often spreads throughout multiple spaces, is a trip hazard and is causing damage to property, such damage is the result of a hazard or health and safety issue which is the sole responsibility of the park owner. Sidewalks originally installed by a resident are normally the sole responsibility of the current resident, if for example they are deteriorating from ordinary wear and tear. But if tree roots are causing the problem, the park owner is responsible. The word "maintain" as it appears in your rental agreement must be interpreted consistent with 798.37.5. This is the park's responsibility. record there is seldom any way to erase them.

Management also says homeowners are responsible for maintenance of common green space areas adjacent to their spaces. In previous years all green areas were always maintained by management, including flower beds at the entrance and decorative beds in the park. Is this correct?

It is common industry practice that residents are only responsible for maintaining their rented spaces, and are never responsible for maintaining common areas such as this. This is consistent with most rental agreements, which only refer to "the SPACE" when describing homeowner responsibilities. In addition, state law requires disclosure of common area conditions by a park owner at the time of purchase (Civil Code 798.75.5), since these areas are not deemed to be within the knowledge or expertise of

the selling homeowner to disclose. The law clearly assumes that common areas are to be maintained by the park owner. And in your case, the park has historically undertaken maintenance of these areas. For all of these reasons, homeowners in your park are not responsible for maintaining common areas which are not a part of their rented space.

Who is responsible for maintaining sewer lines below ground level that are clogged by tree roots?

Sewer lines below ground level are always the sole responsibility of the park owner, regardless of the cause of the problem. In this case there is double basis for holding the park owner solely responsible, since the analysis in paragraph 1 above would also apply; i.e. this is a "hazard" or "health and safety" issue caused by a tree which the park owner is solely responsible to remedy.

We just had a rent increase of \$39.00 per month per space. That amounts to an approximate 5% increase for me since I pay in the lowest rent bracket, and a 3% increase to those in a higher rent bracket (larger lots). Do we have legal recourse based on the inequity?

Without a local rent ordinance which would otherwise regulate rent increases, you have no recourse for a rent increase differential of this small amount. Rents are not required to be even or equal, and often differ wildly throughout a park. Nor are they required to be charged in relation to the size of a space. Your only recourse would be if the "inequity" was so great as to show retaliation or discrimination, based upon a large differential with other rents.

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"ASK BRUCE"

Continued from page 6

We are a Senior park (55+) and we are not allowed to rent our homes to anyone. The management is starting to rent homes to people and we don't like it since this has not ever been a "rental" park. Do renters have to be 55+? Are renters able to use the park amenities, our guests can't without an owner present. Can a renter's younger children live in the park?

A park owner is allowed to prohibit subleasing, and is also allowed to sublease or rent homes that it owns even if the residents cannot. Renting to employees of the park who are under the park's age limits is allowed, according to 798.23 (b). But renting to non-employees for profit does not fall within this exception, and the park owner must still follow its own rules on age limits. Here the rules require one person 55 or older and everyone else to be age 40. Since the Federal Law upon which "senior parks" are based requires 1 person age 55 or older in 80% of the homes, the park may allow 20% of the spaces to be occupied by occupants under age 55 and still maintain senior park status. But since the Rules require that everyone else must be at least age 40, the park should not deviate from its own rule in that regard. In no more than 20% of the spaces, renters may not need to be 55 or older. But all renters in all spaces must still be at least 40 (with no minor children), or else the park is violating its own rule and risking that it may not be enforceable against the other residents.

We believe that the responsibility for utilities is as follows: Sewer lines split responsibility at ground level. Below ground pipes are the park's sewers and above ground they are the responsibility of the home owner. Electric line, water and gas responsibility splits at the meter. We all have 3 meters on our lots. Are we correct?

In general, what you believe is correct. But even above ground lines may be park responsibility if we are not talking about the lines that form a part of the home itself. Generally the resident is only responsible for systems connected to or which are a part of the home itself.

I was told today that since someone spread feces on the walls of the upper laundry room bathroom, management may require that residents pick up and return a key to use the upper laundry and recreational facility. We have 3 laundry rooms in our park of 262 homes and that facility serves the upper park. This will deprive many people the use of a common facility due to the illegal actions of a single person. Can management do that?

No, unless the laundry rooms are removed from the park completely. Civil Code 798.24 requires common area facilities to be open and available to residents at all "reasonable hours". Closing a common area facility such as this, for this type of specious reason, would violate the MRL.

Who enforces the MRL?

The residents do! There is no MRL police. It's up to residents to be informed, to know their rights and to step up to enforce them. All too often ignorance leads to problems, and keeps residents in unnecessary fear of the unknown. Organize, join GSMOL and keep a strong, vibrant Chapter. Look out for one another. Let your park owner know that you know the laws and expect them to be enforced. This will make a major difference in the park's attitude, and will let them know that statements like some of the above issues will simply not be tolerated. This doesn't mean that you need to have an adversarial attitude or relationship with the park owner. It simply means that you want to play on

a level playing field and have the type of respect that you deserve as homeowners.

President's Report

Continued from page 3

This must be coupled with a robust membership recruitment effort created by the Membership Action Team under Bob Markley's capable leadership, and continuing the good work of the Legislative Action Team under the new GSMOL Legislative Chair, Herman Osorio.

All of that said, the new board, the committees and our Region Officers cannot do this alone. We can chart the course Tim started 4 years ago, but it takes each of you, each in your own way to create a strong, vibrant statewide manufactured home owners league. This can be recruiting one or two new members, assisting an elderly neighbor to defend their rights under the Mobile Home Residency Law, encouraging other to organize a GSMOL Chapter or HOA in your park, and much more.

Remember this, "If we are together there is nothing we CAN NOT do, and if we are NOT together there is nothing we CAN do". Please step up and do your share to the extent you are able.



CONVENTION REPORT

Judging by the many post convention comments and attendee survey, our 2010 convention was a big success. Attendance was higher than 2008 and we presented a very ambitious slate of breakout sessions and seminars that were well-received by attendees. For the first time in memory, we even held sessions on Friday afternoon, prior to the evening reception. These gave attendees extra time to gain knowledge and get to know fellow homeowners from throughout the state.

The packed agenda did create challenges for staying on schedule, which will be controlled more tightly next time. We have already started planning for the 2012 convention, which will be held in northern California, when we will be celebrating 50 years of homeowner advocacy. We encourage you to start planning and saving now so you will be able to join us for that milestone occasion!

The following is a summary of the sessions held at the convention. Several sessions were duplicated in the hope of giving as many people as possible the opportunity to participate in the sessions that interested them the most. As you can see, we offered a wide array of topics to provide even those regular attendees some new and valuable information. Many of the panelists are recognized as authorities on manufactured housing issues. Several sessions included informative handouts and we video-taped some of the sessions to document what was presented. Much of that information will be provided in the member only area of the GSMOL website. Sessions included:

- **Effective Legislative Action:** How to Work with Local and State Elected Officials
- **Defending Against Eviction:** Protecting Your Home by Enforcing Your Rights
- **Building Strong Homeowner Action Teams:** Working with Neighbors to Get Organized
- **Selling Your Mobile Home:** Transferring Rent Control Rights and Preventing Interference
- **Condo-Conversion for Manufactured Home Owners:** Legal and Political Strategies
- **Working with Park Owners:** Improve Parks Through Cooperation and Enforcement
- **Using Failure to Maintain:** Understanding Yours Rights & Park Owner's Responsibilities

• **Community Organizing:** What Is It and How Can It Help Me in My Park?

• **Mobile Home Owner Organizations Working Together:** A Facilitated Discussion on How Building Local, Regional and Statewide Power

• **"Know Your Rights":** Mobilehome Residency Law (MRL) and Rent Control Ordinances (Attorney Panel Discussion)

• **Legal Questions and Answers Open Forum**

Another major function of the convention was to convene a business meeting of delegates from throughout the state to hold an election of officers, give committee reports, address proposed by-law amendments and address other relevant business matters. The Officers/Board of Directors are listed on page 2 of this issue. Below is a summary of voting results on by-law proposals.

Vote on Proposed By-Law Amendments (Refer to the Jan/Feb 2010 issue of the Californian for text of proposed bylaw amendments)

1. Proposed Amendment #2010-1 "Omnibus" compilation of minor grammatical changes. PASSED

2. Proposed Amendment #2010-2 "Omnibus" compilation of additional minor grammatical changes. FAILED

3. Proposed Amendment #2010-3 "Article II - MEMBERS" modification of classes of membership. PASSED

4. Proposed Amendment #2010-4 "Inspection Rights of Members-Section 2.08 (d)." PASSED

5. Proposed Amendment #2010-5 "Termination and Suspension of Membership-Section 2.12." PASSED

6. Proposed Amendment #2010-6 "Zonal Structure-Addition of Two Additional Zones-Section 6.02." PASSED

7. Proposed Amendment #2010-7 "Zonal Structure-Addition of Two Additional Zones-Section 6.02." PASSED WITH AMENDMENT

Delegates Vote on Proposed Advisory Resolutions

1. Proposed Advisory Resolution #2010-A "Chapters may change their due date for membership payment/renewals to an Annual payment of dues, rather than randomly on the "Anniversary Date" of a member first joining

or renewing GSMOL Membership." FAILED

2. Proposed Advisory Resolution #2010-B "Minutes from GSMOL Board Meetings be published in the Californian." PASSED

Action on several of the by-law changes, including the creation of two new "Zones" and the election of two new Zone Vice Presidents has already taken place and the Board of Directors will be taking additional steps to implement the changes at the next Board meeting to be held on June 17.

Special Thanks to our Convention Delegates

Glen Aalbers
Norma Bohannan
Jerry Bowles
Michael Brady
Jim Burr
Albert Campbell
Cynthia Castilo
Letty Cotta
William Donahue
James Ferro
Bob Fleak
Dorothy Fleak
Lyn Flores
Norman Gadegaard
James Gullion
Mary Hahn
Stanley Hahn
Roy Paul Haller
Joan Harper
Lanier Harper
Hayes Janice
Jefferson Hill
Craig Hull
Diana Johnson
Anne Marie Kadish
Ollie Kirby
Lloyd Logan
Paul Lyle
Bob Markley
Henry Mazzotti
Roger McConnell
Ken McNutt
Frank Merrifield
Barbara Moravec
Nanette Morton
Bob Ogle
Mary Lou Pierce
Lenore Pinder
Marge Pohl
Marie Pounders
Vivian Quail
Irene Rose Rael
Larry Rhinehart
Sharon Rose
Tim Sheahan
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Cathy Small
Chet Smith
Gary Smith
Al Strunk
Kenneth Tatrow
Barbara Tolerton
Dorothy Voxland
Chip Witherill
Grant Yoders

EVICTED!



GSMOL Elder Loses Her Long Court Battle

Donna Matthews outside her former manufactured home
Reprint of Press

Release:

RIVERSIDE COURTS EVICT ELDERLY COUPLE FROM HOME OVER \$73.80 TRASH BILL

Riverside courts have ordered the eviction of Donna and Richards Matthews a married couple in their late eighties, from their home at Plantation on the Lake in Calimesa, California, over the alleged non-payment of a trash bill for \$73.80. Plantation Company, LLC the owner of Plantation on the Lake, a senior mobilehome community, commenced the eviction in late 2006 claiming that the Matthews were obligated to pay a monthly trash billing to CR&R, the local trash service company, even though the Matthews have never utilized trash pick-up service from CR&R for over twenty years during their residency at Plantation on the Lake.

The park owner argued that the Matthews were obligated to pay for monthly trash pick-up service whether they used the service or not and if they refused to do so it could result in a lien on the Park property by the trash company. Plantation Company provided no proof that such a lien would result or such a lien had been filed against their property at any time in the twenty years that the Matthews had resided in the Park. The eviction did not concern any alleged nonpayment of rent, and the evidence established that the Matthews promptly paid their rent and other utilities for services actually

used, during their over twenty years of residency in the mobilehome park.

In 2007, the Riverside County Superior Court ruled that the Matthews had paid the two month trash bill of \$73.80 within the time demanded by the park owner's lawyer, but that the Court was going to evict the Matthews anyway, because of their ongoing dispute with the park owner over utilities. The Matthews appealed that decision to the Appellate Division of the Riverside County Superior Court, and their appeal was funded by the Legal Fund of Golden State Manufactured Homeowner's League, Inc., a statewide organization advocating the interests of mobilehome owners. In late January 2010 the Appellate Division of the Riverside County Superior Court, upheld the lower court's eviction, and with GSMOL financial assistance the Matthews filed a petition to transfer the case to the Fourth District Court of Appeal in Riverside, their last opportunity for justice.

In their petition urging the Court of Appeal to reverse the judgment, Donna and Richards Matthews asserted several important legal questions that deserved clarification by the Court of Appeal:

1. With the mobilehome park lease stating that the park did not provide and would not charge for trash services, how could the Matthews be evicted for nonpayment of a trash bill which if owed, would be payable directly to the utility company and not the park owner?
2. How can a three-day notice to pay rent or quit or a sixty-day notice of termination of tenancy demand payment of a utility bill that has not previously been stated on the monthly rent statement given to the homeowner?
3. How can a mobilehome owner be evicted for nonpayment of a fee for services which are not listed in the rental agreement and for which the park owner has not given a sixty-day advance written notice as required by

Civil Codes Section 798.32?

4. Can a mobilehome be evicted for nonpayment of a utility bill for utilities which the homeowner has not requested, received, or used?

The Fourth District Court of Appeal offered no explanation for why the petition to transfer the case to its court was denied on March 8, 2010. Donna and Richards Matthews now face a move from their home which they have occupied for over twenty-five years, despite clear California laws which provide unique protections to mobilehome owners to prevent unjust evictions.

Donna's Views

I want to thank all my friends and the GSMOL members for their support and prayers during my 3-year ordeal fighting for the enforcement of the Termination of Tenancy laws in the Mobilehome Residency Law, 798.55, 798.56, and 798.57. Unfortunately the result is I no longer have residency in the Plantation on the Lake Mobilehome Park.

I believe this is a good lesson for all GSMOL members. We have to work harder to see that the courts realize the Legislature enacted these special unique Mobilehome Laws to protect our home investments and our park tenancy. And that whatever material is presented in court the terms and conditions of a home owners' tenancy must prevail.

Take my Unlawful Detainer Case, RIC 467657 as an example. After 22 years of residency I received a letter from the Park Attorney, dated December 22, 2006, the day before a 3-day Christmas Holiday, giving me 10-days to either pay a CR&R trash bill, for trash that had never been picked up, or have the trash company or the City of Calimesa prove that I did not owe this trash bill.

Continued on page 10

EVICTED!

Continued from page 9

The park had a commercial trash pick-up franchise with CR&R under mobilehome park laws and in all these years I had never received a letter from the City of Calimesa stating that I was not in compliance with a local ordinance, MRL 798.56 (a). Or the park managers had never given any proof that a rule or regulation had in fact been broken, MRL 798.56 (d). But under protest, I did mail a check to CR&R, December 31, 2006. Judge Bernard Schwartz ruled I was in compliance but stated "However, the Court cannot deny the undisputable fact that this eviction is based upon the Matthews' longstanding refusal to pay for trash collection services" (a trash bill after 22 years of residency)?

Because this ruling could affect all mobilehome owners who might receive termination of tenancy notices, the GSMOL Board approved the services of Maurice Priest to Co-counsel with Darrell Moore of the Inland County Legal Services, and they filed an appeal with the Appellate Division. The Appellate Judges, Michele Levine, Judith Clark and Randall White, affirmed Judge Schwartz's decision stating because of "Our long standing trash dispute and the City again threatened to place a lien on Plantation Property". What City lien? In all those 22 years of residency I had never seen a copy of a City lien placed on the park property, because I did not contract for weekly trash pick-up. In fact, all the other 7-mobilehome parks in Calimesa have park trash bins provided, Title 25, #1690.

The Fourth Appellate Division turned down the hearing of my case, so I lost my tenancy in the Plantation.

This is an election year, and I believe it is up to GSMOL members to find out what the candidates know about existing mobilehome laws and how they will protect our home investments and park residency if elected. Remember what Margaret Mead said "Never doubt

that a small group of citizens can change the world, indeed, it is the only thing that ever has".

Because of my having to move and having problems with getting a phone installed, I have not been able to keep up with the problems the GSMOL members have sent to me, but rest assured I may be down but I am not out. It may take me a little time to catch up. My new address is: Donna Matthews, 40815 Laredo Trail, Beaumont, CA 92223.

Editorial comment: As outrageous the actions of the park landowner were to take the action against Donna and her husband, the decision of the Court was probably even more unbelievable and a reminder of how important a role judges can play. We need to monitor decisions and elect judges who understand the law and are supportive of homeowner rights. We also need to reform unlawful detainer laws to give owners of manufactured homes the greater protection they deserve!

Capitol Report

Continued from page 4

AB 2439 (Nestande) Mobilehome parks. – OPPOSE – Bill pulled from Housing Committee by author. Dead for the year. Description: Under existing law, a park owner must allow a homeowner to sublet his or her space—subject to certain conditions—if the person must be absent because of a medical emergency that is confirmed by a doctor. Among the conditions, a homeowner using this provision may not charge the sublessee more than an amount necessary to cover the cost of space rent, utilities, and scheduled loan payments on the mobilehome, if any. This bill would, additionally, allow (but not require) a park owner to authorize subletting in cases where there is not a medical emergency, and allow the resident to charge any rent they desire, but would end rent control on the space.

NEUTRAL

AB 2120 (Silva) Mobilehome parks – NEUTRAL – Passed Assembly Housing April 28, 9-0. Pending on Assembly floor. With amendments clarifying that homeowners can obtain a copy with out having to make a written request delivered to the manager, GSMOL has agreed to be neutral on the measure. Description: Existing law requires the management of a mobilehome park to provide all homeowners with a copy of the Mobilehome Residency Law by February 1 of each year, if a significant change was made in those provisions by legislation enacted in the prior year. This bill would delete that requirement, meaning that existing homeowners would no longer receive a copy of the MRL from management.

SB 1097 (Strickland) – NEUTRAL – Pending on the Senate Appropriations Suspense File; Suspense file items will be heard May 28. WMA-sponsored measure. Description: Under existing law, parks with a sub-metered utility system are allowed to collect a portion of the fees charged to residents. This fee, sometimes referred to as the sub-metered discount, is collected by the park owner to compensate them for the cost of providing and maintaining adequate utility service. Existing law also creates a mechanism for park owners to voluntarily transfer their sub-metered systems to the utility. This bill would, among other things, allow parkowners to be compensated for the "value" of the sub-meter discount that the park owner would give up by transferring the system.

AB 2029 (Cook) - Failed in April 14 in Asm. Housing. Dead for the year. Mobilehomes: annual registration fee. Would exempt certain very low-income households from paying the HCD annual registration fee.

SB 1047 (Correa) NEUTRAL – Passed Senate Floor 5/17/10 -33-0. Would clarify that individuals leasing a space in a non-profit resident owned park are covered by the MRL.

GSMOL BIENNIAL CONVENTION, 2010

Continued from page 5

3. We will work in the parks and respond to the question, "What has GSMOL done for me?" This is an easy question to ask, but a difficult one to answer. We think the answer is to assist member's expectations by clearly defining what GSMOL can do, and more importantly, what it cannot do!

There must be a strong member recruiting effort that is firmly implemented - everyone should know of it and take advantage of it. Execution is the key and it must happen in tandem with leadership recruiting!

4. We must seek alternative means of financing the League and no longer rely only on members dues. Examples include seeking appropriate grants, generate advertisement income from The Californian and revamp the Magnolia property to generate income.

5. On the other shore are homeowners associations that have united well-organized parks across cities and in counties around the state in the absence of a GSMOL presence. They combine efforts with the League, its volunteer and financial resources, to create a synergy and assist homeowners in a more effective manner.

6. On the other shore is an expanded resident owned parks group that seeks to increase resident ownership and works with those in rental parks to make sure that all of the different residential opportunities are available. ROP VP Jerry Bowles is committed to this.

All of that said, the new board, the committees and our Region Officers cannot do this alone. We can chart the course

Tim started 4 years ago, but when the waters become swift and deep – and they surely will - the momentum that will take us to the other side must come from you; each of you. Because if we are together there is nothing we CAN NOT do and if we are NOT together, there is nothing we CAN do.

Thank you for placing your trust in me, and may God bless you all.....

Help Us Continue the Fight to Protect YOUR Rights

*Contribute to the
GSMOL Homeowner
Defense Funds--In the
Courts or At the Capitol.*

*Simply send a check
with a short note in-
structing us to use the
money for "Courts",
"Capitol" or "where it is
needed most." **Thank
You to all who have
already contributed!***

*We plan to publish a
listing of the major
contributors in the next
issue of the Californian.*

Special Thanks to our Convention Sponsors, Presenters and Committee Members!

Endeman, Lincoln,
Turek and Heater LLP

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Diana Johnson

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Jim Burr

Tim Sheahan

Norma Bohannan

Jerry Bowles

Marie Pounders

Mary Ann Coleman

2010 CONVENTION PRESENTATION

(Sample outline from convention seminar "Selling Your Mobilehome")

SELLING YOUR MOBILE-HOME: HOW TO SUCCESSFULLY PREPARE AND SELL YOUR HOME "IN PLACE"

Presented By: Bruce E. Stanton,
GSMOL Corporate Counsel
and
Joe Sullivan, Joe Sullivan Real Estate

I. The Importance of an "In Place" Sale

- Without its "site value" your home could be worthless;
- Maintaining protection under a local rent ordinance: vacancy control;
- Protection of "in Place" value is evident in Mobilehome Residency Law
- Don't give up! It can be accomplished if you do it right.

II. Choosing a Qualified Salesperson/Agent/Dealer

- The importance of using an agent with mh sales experience;
- Differences between real property and "stick built home" sales;
- Courage and willingness of the salesperson/agent to fight for your rights;
- Salesperson/agent/dealer's prior relationship with park owner;
- Dual-agency concerns;
- Signing a "listing agreement" (Civil Code sec. 798.81 protects this right).

III. Before You Sell: Steps to Prepare Your Home for Sale

- Giving Notice of Intent to Sell to Park Owner (NOT a Notice of Termination!);
- Requesting/Receiving Upgrades List from Management;
- Allowable Repairs/Upgrades Park can require (Civil Code sec. 798.73.5/798.83);
- What to do if management requests unlawful/unreasonable upgrades?
- How to put your home into "sellable" condition;
- Disclosure requirements for mh seller

(Civil Code 798.74.4);
-Disclosure requirement for Park Owner (Civil Code sec. 798.74.5/798.75.5);
-Setting a price.

IV. Removal of Mobilehome Upon Sale

- Park reasons for requiring removal on resale; i.e. preventing an "in place" sale;
- Civil Code sec. 798.73 protections;
- "Pre-HUD" v. "Post-HUD" homes; i.e. homes built before 1976 still protected;
- Recent Court cases and Legislative History re: "Resale Evictions".

V. Listing/Showing Your Home

- "For Sale" signs allowed (Civil Code sec. 798.70);
- Brochure boxes allowed;
- Open houses
- Lock boxes
- Management showing/listing (Civil Code sec. 798.71);
- Right of First Refusal

VI. Performing Upgrades/Inspections

- Management cannot require inspection of interior of home;
- Choosing a home inspector;
- Choosing a contractor to perform upgrades;
- Escrow "hold back" for upgrade performance.

-Examples of permissible upgrades demands:

-Examples of improper/unenforceable upgrades demands:

VII. Escrow

- How to choose an escrow company;
- Contracts; the value of putting it in writing;
- Lease agreements for the prospective buyer (Civil Code sec. 798.75);
- Title issues

VIII. Getting Your Buyer Approved

- Be aware of possible Park Owner incentive for blocking resales;
- The value of a "pro active" agent/salesperson who protects the buyer;

-The application process: (Civil Code sec. 798.74)

a. Approval of buyer can only be denied for 2 reasons:

- (1) Prior tenancies show likelihood that rules will not be followed;
- (2) Financial inability to pay Rent/Charges of park
- Credit rating will be used; need recent history of paying bills on time
- Need absence of bankruptcies, judgment or levies;
- Income requirements not currently regulated by Civil Code;
- Typically parks require 3-1 ratio of net income over park-related expense

b. Park has 15 business days to process:
-make sure application is complete or 15 days does not start to run;

c. Park must give written reasons for rejection.

d. Get copy of any written park resale standards which include buyer review policy.

e. What to do if buyer rejected- How to fight for your transaction.

IX. Lease/Rental Agreement Requirements on Resale

- No Civil Code protections for prospective purchasers;
- But check for any local Ordinances which protect buyers from being forced to sign rent control exempt leases (i.e. "Prospective Purchaser Protection" provision);
- Civil Code sec. 798.75 requires a signed tenancy agreement;
- Fighting for your buyer's rent control rights (make sure they know their rights).

X. Wrapping Up the Deal/Closing Escrow

- Tips and suggestions;
- Making sure Title is transferred.



Newly elected members of the GSMOL Board of Directors:

Left to right; Bob Ogle-Treasurer, Mary Hahn-Secretary, Jerry Bowles-VP Resident Owned Parcels, Roger McConnell-VP Zone A-1, Jim Gullion-VP Zone B, Craig Hull-VP Zone B-1, Tim Sheahan-VP Zone D and Jim Burr-President. Lloyd Logan, not pictured, remains as an incumbent VP of Zone A with two years remaining on his term of office.



2010 GSMOL Legacy Award Winners left to right: Jerry Bowles, Bob Ogle, Bob Markley, Norma Bohannon and Marie Pounders.



2009 GSMOL Legislator of the Year, Pedro Nava (left) with former recipient, Joe Dunn.

New Website Now Up and Running...check it out!
gsmol.org
Register to gain access to the member only area

Board of Directors Meeting!
GSMOL Home Office
11021 Magnolia Street
Garden Grove, CA 92842
Thursday June 17, 2010
10:00 AM

A sampling of post-convention comments

- Wouldn't change a thing!
- My first time. Very well done
 - very impressive
- Seminars were fast paced & understandable & any questions were answered very well.
 - The presentation were great
- I loved all the topics and think it would be great to have again
 - Interesting topics, good speakers
- This was the best organized and executed convention
 - very informative
 - Like the legal resources & information
- Need to stick to the time schedule

GSMOL WHO'S WHO

ZONE A

(REGIONS 4, 11 & 14)

REGION 4

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

REGION MANAGER

Anne Rucker
Chico Mobile Country Club
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REGION 11

COUNTIES: *Amador, El Dorado, Lassen, Modoc, Nevada, Placer, Plumas and Sierra*

REGION MANAGER

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REGION 14

COUNTIES: *Colusa, Sutter, Sacramento, Yolo and Yuba*

REGION MANAGER

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ZONE A-1

(REGIONS 1 and 2)

REGION 1

COUNTIES: *Alameda, San Mateo, Contra Costa, Santa Clara and San Francisco*

REGION MANAGER—WEST

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REGION 2

COUNTIES: *Del Norte, Humboldt, Lake, Marin, Mendocino, Napa, Solano and Sonoma*

REGION MANAGER

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ZONE B

(REGIONS 12 and 13)

REGION 12

COUNTIES: *Fresno, Inyo, Kern, Kings, Madera and Tulare*
Vacant

REGION 13

COUNTIES: *Alpine, Merced, Calaveras, Mariposa, Mono, San Joaquin, Stanislaus and Tuolumne*

ASSOCIATE MANAGER

Bill Toth
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ZONE B-1

(REGIONS 8 and 10)

REGION 8

COUNTIES: *San Luis Obispo, Santa Barbara and Ventura*

CO-REGION MANAGER

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REGION 10

COUNTIES: *Monterey, San Benito and Santa Cruz*

REGION MANAGER

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ZONE C

(REGIONS 3, 5 and 6)

REGION 3

Los Angeles County
Vacant

REGION 5

Orange County
Vacant

REGION 6

San Bernardino County
Vacant

ZONE D

(REGIONS 7 and 9)

REGION 7

COUNTIES: *San Diego and Imperial*

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REGION 9

Riverside County

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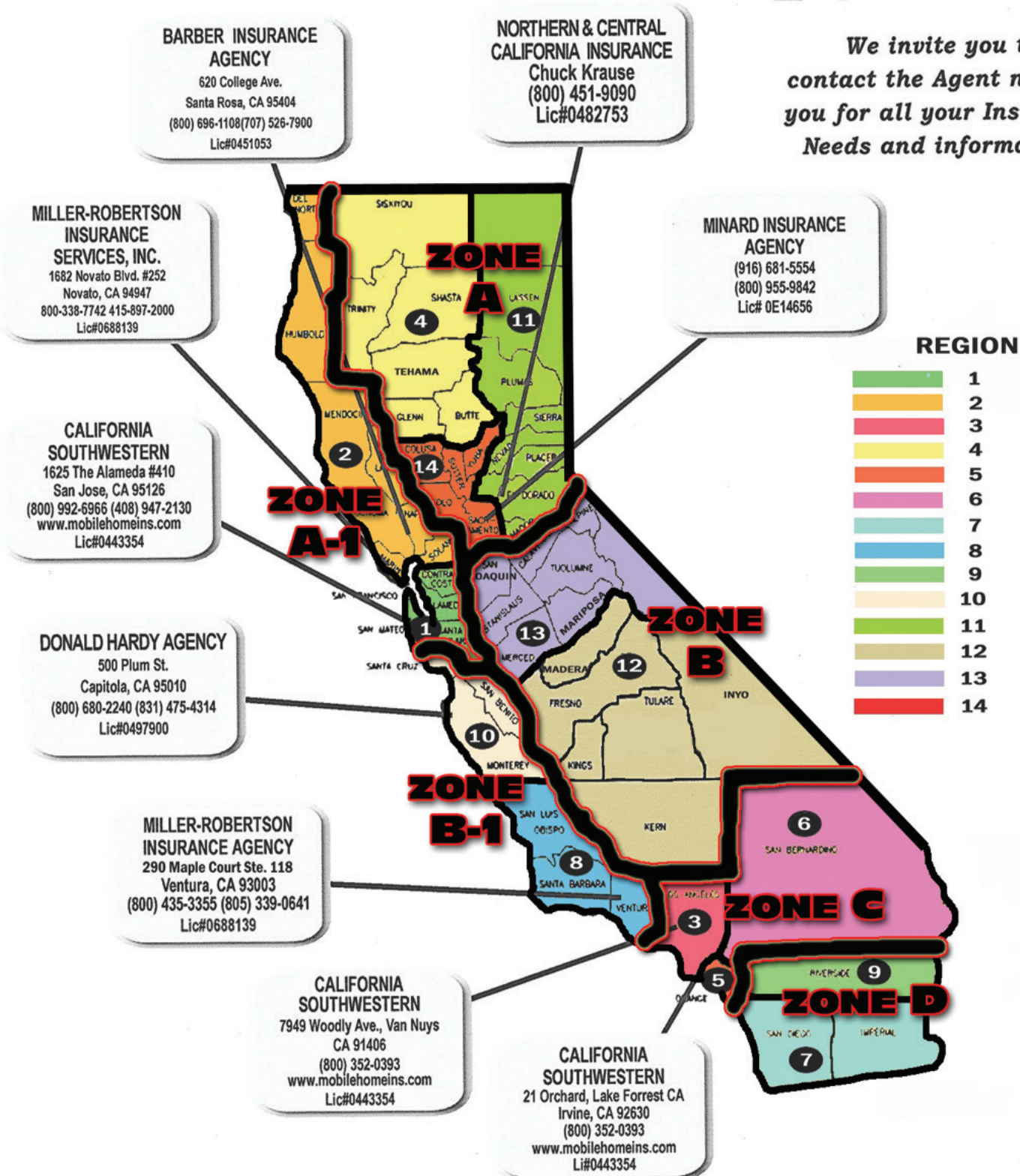
Sun Meadows
27250 Murrieta Rd. #205
Sun City, CA 92586
Phone: (951) 679-7030

If you have a problem, start with your GSMOL chapter or homeowner association and then work your way up the chain of leadership from GSMOL Associate managers to Assistant managers to Region managers. For general questions, contact the GSMOL home office at 1 800 888-1727.

With DECADES of experience as MOBILEHOME 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 Needs and information!



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**