

THE
CALIFORNIAN
GOLDEN STATE MANUFACTURED-HOME OWNERS LEAGUE

Volume 46 Issue 3 --GSMOL-- Advocating for Homeowner Rights Since 1962

May/June 2011



REJECTED!

GUGGENHEIM

**United States Supreme Court
Denies Review of Lower Court
Decision in *Guggenheim v.
City of Goleta*
(see page 4)**



**Wake-up Call in Oceanside
Homeowners Mobilize!
(see page 10)**

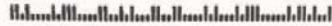
What are those extra numbers on the address label?

(MEMBERSHIP #) (EXPIRATION DATE M/Y)

Periodical Dated Material

155111 1011
*****CAR-RT LOT**R-005

JOHN DOE
1 CAPTIVE LANE SPC 5
SOMEWHERE, CA 99999



THE CALIFORNIAN (USPS 898-320)

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Golden State Manufactured-Home
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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*

Improving Relations with the Difficult Resident Park Manager Let's consider our own Code of Conduct

In past President's Reports, we have described the environment within manufactured home communities from the resident's perspective. By now, we are all aware that most manufactured homeowners are captive customers in a somewhat monopolistic relationship with the park owner. This is because the cost of moving a manufactured home limits our ability to readily shop the market and select the best value. Most park owners realize this and build their business plan around this basic premise.

And most of us find that the most significant factors that determine value for any manufactured home community include (1) reasonable space rents and (2) a friendly, cooperative attitude from the Resident Park Manager. After all, this is what builds toward a pleasant environment within a park.

We know there are excellent managers and staff in some parks and we hope residents show their appreciation to both the staff and park owners. However, recently we note the decline in managers who are truly competent and professional, and an increase in those who are indeed incompetent and less than professional.

Therefore, in this article we will focus on how we as responsible residents can and should conduct ourselves if we are to contribute to improving a less than desirable relationship, rather than contributing to an ongoing problem. As for some guidelines for success, we certainly don't have to reinvent the wheel! We only need to be reminded of the models contained in the GSMOL Code of Conduct, the park owner's Code of Ethics, and the good advice provided to park owners by their advisors.

It is interesting that the Western Manufactured Housing Communities Association (WMA), the state's largest park owner's trade and advocacy association, has a Code of Ethics. It speaks of the relationship the Park Manager should strive to achieve with residents. In part it states... "Management pledges to be available to residents, to be receptive to their constructive suggestions and to provide factual information." It goes on to state that... "Contentment, security and peace of mind are the desires of residents and the goals of management." We can agree that these are worthy goals that should be followed, whether your park is a member of WMA or not. In fact, WMA administers a training program intended to certify park managers. Once certified, there is a continuing education requirement necessary to retain the certification. It is indeed unfortunate that only a small fraction of California's 4,700 park owner's require such certification for their managers and only a small segment of WMA's member parks are involved.

In addition, we note that recent newsletters written by their legal advisors remind park owners that competent management is the best defense against costly litigation, its resulting liability exposure and additional legislation. To avoid this, they suggest that park manager's skills should include a working knowledge of applicable laws and good communication, negotiation and conflict resolution skills. They go on to recommend the use of common courtesy and respect, respond promptly

to complaints, have an informative park newsletter and more... It would be interesting to know how many of you feel your Park Manager possesses some or all of these skills and an informative newsletter.

As you may expect, there is a flipside to this! Most of us have learned by now that the basic techniques of human relations require that we as residents must be as fair and reasonable as we expect park managers to be. We must do our share – in some instances more than our share to improve the relationship.

This can best be done by conducting ourselves in a business-like manner at all times. This includes showing respect for park's employees and their positions, using clean language and restraint when frustrated and continue to do and say the right thing, even when they do not. In other words, take the high road even when confronted by an unprofessional and incompetent park manager.

Please see the GSMOL MEMBER CODE OF CONDUCT as printed elsewhere in this edition. Item No. 5 bears repeating here, as follows:

"Exercise restraint from making negative or demeaning comments about other organizations, whether they represent homeowners or park owner associations. Behave in a business-like manner and keep emotions controlled, even when your position is challenged. You must be especially cautious if your comments could be viewed as coming from GSMOL, per se. Your comments might be construed in a manner that exposes GSMOL to legal liability."

Will all of this make the relationship perfect? Absolutely not! However, to the extent we are willing to apply ourselves to this effort; it will contribute to an improvement that will add to our quality of life and peaceful enjoyment of the manufactured home lifestyle we have chosen. We can make it better, so let's just do it.

Once again, the words of our GSMOL Corporate Counsel ring so true.....

"Our greatest adversary is not the park owner. It is our own apathy and indifference" By Bruce Stanton

FINAL VICTORY IN GOLETA!

U.S. SUPREME COURT DENIES REVIEW OF LOWER COURT DECISION UPHOLDING CITY'S RENT CONTROL ORDINANCE

The most significant court challenge to local mobilehome rent control died a natural death on May 16th, when the United States Supreme Court refused to review the decision of the lower Federal Court of Appeal upholding the City of Goleta's mobilehome ordinance. This means that the lower court decision is final, will now stand without further review and cannot be appealed to any other court. For the mobilehome residents of Goleta, their ordeal is now at an end, and final victory has been achieved. Their win is a victory for all mobilehome residents everywhere.

Last December, the U. S. Ninth Circuit Court of Appeal announced its long-awaited decision in the case of *Guggenheim v. City of Goleta*. An en banc panel of 11 Judges re-heard the case after a three-judge panel had ruled that the Goleta rent ordinance could be attacked on its face as a "taking" of the park owner's property in violation of due process. GSMOL supported the City by submitting an "Amicus Curiae" (friend of the court) brief. The decision was written by a decisive majority of eight judges with only three dissenting, and represents perhaps the most significant victory for mobilehome residents in the courts since the 1992 Supreme Court decision in *Yee v. City of Escondido*. The en banc panel reversed the 3 judges and upheld the rent ordinance, ruling that a facial attack against the ordinance by the park owner was not possible.

In *Guggenheim*, the park owner brought a "facial" challenge against the City of Goleta's mobilehome rent control law. The basis of such a challenge is that "the very enactment of the statute has reduced the value of the property or has effected a transfer of property interest." This is

different from an "as applied" challenge, which is filed after a rent hearing occurs which a park owner alleges was decided unfairly. Because a "facial challenge" objects to the law as written, it would have far greater ramifications state-wide if the original three-judge decision was upheld. Thankfully, the en banc panel ruled that no such "facial challenge" was possible.

The park owner's last resort of appeal was to have the United States Supreme Court in Washington hear the case. A Petition for Certiorari was filed with the High Court on March 13th. Former U. S. Solicitor Ted Olson was retained to file the Petition, with hopes that his name and reputation would increase the very long odds that such a Petition would be granted. The Supreme court receives thousands of petitions each year, and grants only a very few. The Petition requested that the 9th Circuit panel be reversed, and posed the question to be asked as: "Is the purchaser of property which is subject to an ordinance prevented from challenging the ordinance as a violation of the 5th Amendment 'Takings Clause' found in the U. S. Constitution?" The park owner argued that the decision created an incentive for local governments to keep in place regulations that have outlived their usefulness. Nine supporting briefs were filed which urged the Supreme Court to grant review, including the Pacific Legal Foundation, California Apartment Association, Equity Lifestyles, Inc. (ELS), the Manufactured Housing Institute and the California Association of Realtors. The City of Goleta filed its opposition brief, but no others were filed in support. The strategy when opposing a Petition for review is to lie low and do little, so as not to call undue attention to the importance of the issue.

"This case goes to the heart of a government's ability to regulate economic activity on behalf of the public good", said attorney Andrew Schwartz of Shute, Mihaly & Weinberger, the firm that repre-

sents the City of Goleta. "As the Ninth Circuit recognized, mobile home park owners have mobile home owners 'over a barrel. Rent control protects mobile home owners from astronomical rent increases.'" Hats off to Mr. Schwartz for some excellent legal work in getting this case overturned, and now final in favor of the City.

A similar case is still brewing in the U. S. Ninth Circuit Court involving a park in Marin County owned by ELS, but the final decision in Goleta by the same Court is sure to influence the outcome of that case as well. It is hoped that the Ninth shall rule similarly in favor of the City, giving a double dose of victory to the rent control cause.

Important Court decisions such as this do not come along often. The fact that it is now final and cannot be overturned is cause for celebration, but the attacks are sure to continue. GSMOL shall continue to fight to preserve local ordinances, no matter where those attacks might come. A big thanks to all GSMOL members who donated funds to make it possible for GSMOL to aid the City in its fight. We need to keep going in support of the Marin County litigation and ensure victory there as well.

We Need You

Do you have newsletter or newspaper experience or just like to write? Do you know someone who does? We are seeking a few dedicated volunteers to assist in creating the Californian every two months. This is your chance to contribute your thoughts and ideas to our statewide newsletter and assist us in serving our members. Please contact the GSMOL home office at (800) 888-1727 if you are interested.

ZONE B REPORT

Welcome once again to your Californian. First, I wish to thank all of you for your loyal Membership support and your help in encouraging other mobilehome residents to join GSMOL. Those of you who have accomplished this, experience how the very good feeling of success makes you feel. GSMOL is one of the oldest "We" advocacy organizations" that must always participate in a "teamwork effort" that collectively strengthens our cause.

Please, if any of you have any ideas or solutions that you can share on how we can improve our membership - we sincerely welcome your input.

There is one particular park, "Rancho Santa Barbara", Chapter #0049 located in Santa Barbara County who are a very successful group. They have a magnificent approach in sustaining their membership. As of March 3, 2011 they have 239 GSMOL members in their 334 space park. This equates to over 71% participation in their total membership. In collectively summarizing this success, this closely totals 3,000 years within their continuing membership. As GSMOL Zone B Vice President, you have my sincere thanks for continuing to do so well. Mr. Johnston, you and your fellow members deserve many, many thank you's for your superb success.

Back in the mid 1950's my wife and family used to live in Santa Barbara. I was employed by the "Aerophysics Development Corporation" who was located in Goleta near the Santa Barbara Airport.

The following comments are to ask that my fellow GSMOL members (when you can work this into your busy schedules) and especially is important to those of you living in areas where we have "Rent Ordinances" in their communities. Please, take the time to read the following information below, addressing your "Legal Rights of Choice" when deciding on the length of your "Rent/Lease Agreement".

You, the residents have the "Legal right

of choice" per the Mobilehome Residency Laws (MRL) making a choice for what kind of a "Rent/Lease Agreement" that you are under living in a mobilehome park in the State of California. Please, for your own edification and understanding, please closely read the following MRL's that I will now reference for you.

MRL798.15, "In-Writing And Required Contents"; MRL798.16, "Inclusion Of Other Provisions"; MRL798.17, "Rental Agreements Exempt From Rent Control; Right To Inspect" (Please note: The MRL798.17 title can be confusing within itself). In making a choice, please do not forget that MRL798.17, Sections (c) and (f) are very critical in assuring you the right of choice, so the entire content of this MRL does not support the word "Exempt" in the title identity. MRL798.18, "Length of Agreement, Comparable Monthly Terms"; MRL798.19, "No Waiver of Chapter 2.5 Rights" and MRL798.77, "No Waiver of Rights".

Unfortunately, no MRL's inform management that they shall inform a new resident moving into a Mobilehome Park" that the MRL is to be equally applied to both the park owner/management and the resident. It is very unfortunate that being a manager in a Mobilehome Park does not require either a "resume of experience" nor any background check for a criminal history, at least."

If any of this information is difficult to understand, please either e-mail or telephone me and I will be very pleased to help. So all of you know, I have been an advocate for the mobilehome resident since June, 1975 and a very long time subscriber for Title 25 which falls under Housing and Community Development (HCD). As many of you already know, their laws are all accompanied by "Health and Safety Codes."

Those of you who are not well acquainted with MRL798.23, "Application To Park Owners and Employees" located in your

MRL in Article 3, "Rules and Regulations". Please, when you can, read this section. This is the MRL that informs management that they too are required to totally follow the "Rules and Regulations" which they should issue to their residents. Secondly, management will seldom follow the intent of MRL798.25, "Amendments To Rules And Regulations - Notice".

For example, for the time period of 2009/2010, in my County (Tuolumne), a report created from input furnished by the park owner (only) that states the following: Please remember, this report is an annual report and our "Rent Ordinance" has been in effect since the year 1996.

In this report, the park owners have collectively notified the County that in their total of 1,869 mobilehome spaces only 678 are under the protection of our Rent Ordinance. To say it another way, 1,191 residents have been deprived the protection of our Tuolumne County Ordinance. My GSMOL "Associate Manager", Bill Toth and myself have spent several hundred hours talking to many of our park residents and they were denied the right of choice.

In following up on some of our findings in one particular park where they issue "240 Month Long Term Leases" and this lease has been printed in this manner, it does not say Twenty Year Lease".

In checking with residents from over 40 of their spaces, they have stated that the only option for being permitted to live in their park was the signing of a twenty year lease. When Bill Toth and I filed a complaint with our County Counsel, he was told by their office, that they found this accusation to be untrue. When Bill Toth contacted the attorney for the County Counsel's Office, none of these residents had been asked to meet with County Counsel for questioning on the subject of why they chose long term leases.

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ZONE B REPORT

Continued from page 5

However, the County Counsel attorney did tell Mr. Toth that he called the Park Manager and when questioned, the manager denied that the residents were denied their choice of rent/lease length agreement. Mr. Toth was also informed by the Counsel Attorney that they were holding off making any decisions on issues relating to our rent ordinance due to the "Goleta problem in Santa Barbara County". As a result of the victory in the "Ninth Circuit" overturning the previous Goleta Case for the park residents, Mr. Toth will be contacting the attorney just mentioned to deliver him a copy of the "U.S. Ninth Circuit decision" to see if they are going to continue using the "Goleta result back in 2009" or accepting the reversal as mentioned which was announced on December 22, 2010. Sorry for the long explanation, but we must do everything we can as GSMOL representatives to help our residents have their rights upheld.

Many residents have made wild statements that GSMOL has not done anything for them. How do these folks explain who fought so hard for the defeat of dangerous statewide propositions 199, 90 and 98. We must remind folks of these victories that GSMOL never turned away from. Those folks who have been quick to criticize, please remember - GSMOL is not a Mystery Organization. GSMOL consists of mobilehome park residents just like you. Some people apparently get more pleasure making critical comments than trying to be one of the GSMOL team who are fighting for a positive common cause.

GSMOL as a team has made many good decisions and have been working very closely with the League of Cities and other organizations in tackling very difficult problems and our own Attorney Bruce Stanton has helped GSMOL immensely as have many

other folks representing GSMOL. Very much of the success of the Ninth Circuit decision were influenced by the superb effort from Bruce Stanton. Please remember, anyone who has made no mistakes obviously never "did anything" so was never at risk of making an error.

There are very many parks in my Zone who I have never heard from. If you care to contact me, perhaps we can meet sometime and discuss some of the things that you may wish to chat about.

If any of you GSMOL Members have some great ideas to share, Please! Come forward. As I have stated, GSMOL is definitely a "We Organization" and solid teamwork is so very welcome and important.

Until the next Californian, thank you once again to all of you who have worked so hard and given so much of your time as possible on behalf of GSMOL and their many priority needs. Until next time, may you all be blessed with "Good Health". Page two of the Californian has my contact information for you.

God Bless, Jim Gullion, Vice-President GSMOL, Zone B

**CELEBRATE GSMOL'S
50TH ANNIVERSARY at
2012 CONVENTION!!!**

Come and help celebrate our 50TH Anniversary Convention. Members have made it possible for a 50th Anniversary celebration through continued support of GSMOL. We want this to be a very special convention. You can meet fellow homeowners and swap stories and, perhaps, find out how things are done in other parks. On Fri-

day and Saturday, you will have an opportunity to attend breakout sessions about mobilehome living. For example, the subject of one of the sessions might be on leases or rent raises, or rent stabilization, a question in your park about leases and rent raises, may be held. You can ask questions and, more importantly, get answers from our experts. Suggestions are welcome for subjects you would like to have at a breakout session. Just send your ideas to the Garden Grove office or Mary Hahn, MaryH2811@aol.com.

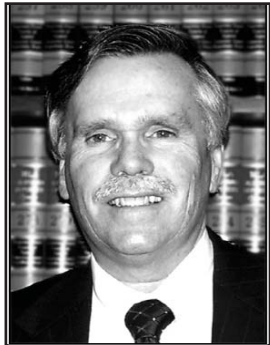
Saturday's luncheon honors "The Legislator of the Year," with an award to a legislator who has supported GSMOL's legislative program in the Capitol. Saturday evening's banquet also has speakers and their topics will be of interest. The 2012 Convention 50th Anniversary Convention will be held in Sacramento at the Lions Gate Hotel. Rooms are \$89.00 per night and each room has a microwave oven. A FREE Continental Breakfast is available for registered guests. There are no parking fees and a FREE shuttle ride is available to and from the airport for registered guests. For the luncheon on Saturday "A Make Your Own Sandwich" buffet is planned. For your information, the Lions Gate Hotel is on the former McClellan AFB.

**WE LOOK FORWARD TO
MEETING YOU!!!**

**Renew Your Membership
NOW**

You can help us save the costs of printing and mailing membership renewal notices if you will renew your membership at least a few months before your renewal date. Don't know your renewal date? It is coded to the right of your membership number on the top line of the address label on the front cover of the Californian. It lists the month and the year for your renewal. An example is shown on page 2. Thanks!

CPI AND YOU “PART 2”: THE MAINTENANCE OF NET OPERATING INCOME (MNOI) RENT ORDINANCE FORMULA



**By: Bruce Stanton,
Attorney**

Last issue we examined the Consumer Price Index (CPI) and explained what it is and how it is calculated. In this part 2, we examine how the CPI actually works, and how its application affects mobilehome owners.

Many leases calculate annual rent increases based upon some percentage of the increase in the CPI. The CPI index number from the previous year is compared to the index number from the current year, and the percentage difference between the two is then calculated. The rent is increased according to that percentage. Any good lease should contain a detailed explanation of what reported CPI index is being used (separate indexes are

published for different metropolitan areas), and what reported month of that index is being used to compare the previous year to the current year. For example, if the rent increase is based upon 100% of the increase in CPI, the lease should indicate the monthly reporting date (i.e. the April, 2010 figure as compared to the April, 2011 figure) which is being used, so that residents can obtain the index statistics from the Bureau of Labor Statistics to verify their accuracy. The same month should be used for both years, so that only a twelve month period is being compared.

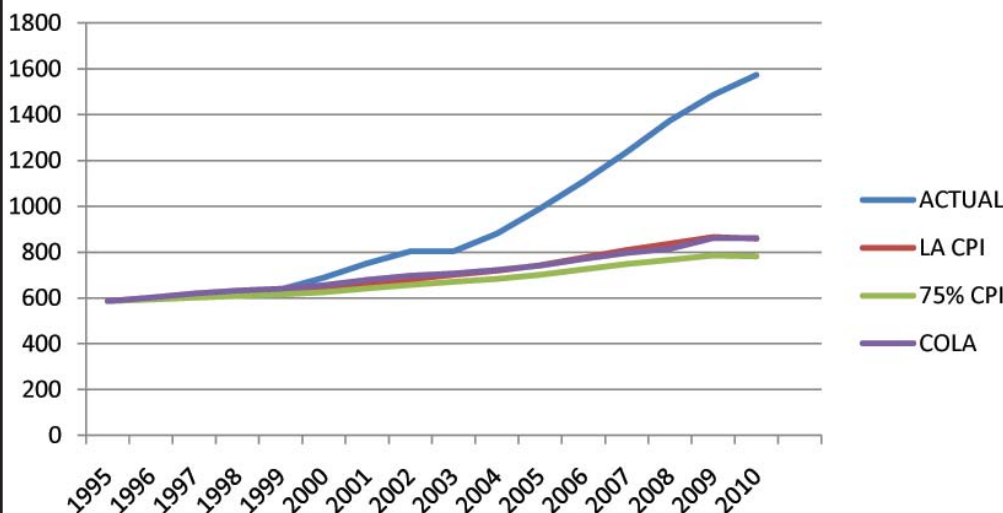
There are many local rent ordinances which also calculate increases based upon the CPI. These ordinances typically use the CPI in two ways. First, annual increases which are not subject to review or hearing, and which can be automatically billed and collected, are often based upon a percentage of the CPI, which again can be calculated by looking at the index numbers and comparing the index months which correspond to the date of the rent increase notice. For example, a notice of rent increase dated January 28th would normally use the most recently reported index number (i.e. November or December), which was published by the Bureau before the notice was given.

The second way that a rent control ordinance uses CPI involves a rent increase request which exceeds the annual allowed adjustment, and is requested where the park owner alleges that the annual allowances are not enough to allow a fair return on its investment. Many ordinances apply the CPI pursuant to a rent formula which is known as the Maintenance of Net Operating Income (MNOI) standard. MNOI can be most easily explained as follows: The park owner’s net operating income from a “base year” which is described in the ordinance (this is typically the year before the ordinance took effect) is subtracted from the net operating income from the “current year”, which is the most recently completed year before the rent increase notice was given. The resulting increase is then compared to the increase in the CPI between the two periods. If the park owner is keeping up with inflation, then no additional rent increase would be warranted. If the park owner is not keeping up with inflation, and the CPI increase is greater than the increase in net operating income between the two years, then a rent increase would be allowed.

The formula for calculating MNOI increases is thus works as follows:

Continued on page 8

Plaza Village Rents 1995-2010



How Have Your Rents Increased Compared to CPI?

The graph to the left tracks rent increases compared to the inflation rate at a MH park in Santa Ana, an area with no rent control, from 1995-2010.

SPACE RENTS of nearly \$1600/month in that MH park now SURPASS some three-bedroom apartments in the area! This demonstrates the need and value of Rent Stabilization Ordinances to protect vulnerable homeowners from predatory practices of some park owners.

Capitol Report

This month marks the halfway point in the legislative year, and what an interesting year it has been so far. GSMOL's two sponsored measures—AB 579 (Monning) and SB 444 (Evans)—are both still alive but are taking different paths to enactment.

AB 579 would rein in abusive litigation by parkowner attorneys aimed at intimidating local governments into abandoning local rent control protections. While the measure had broad support from local governments and homeowner groups, the author and GSMOL have elected to put the measure on hold this year, making it a two-year bill. Since we are at the beginning of a two-year legislative session, there remains plenty of time to move the bill next year. Making it a two-year bill will give GSMOL and other supporters more time to work on educating lawmakers about the problem, and to work with stakeholders to craft the best approach to protecting homeowner and local governments.

As of this writing SB 444 is sitting on the Senate floor, with an expected vote in early June. SB 444 would address the problem of unilateral condo conversions by parkowners. The goal of the legislation is to restore balance to the condo conversion statute, ensuring that the property interests of homeowners are weighed when a parkowner seeks to convert to condos. If the conversion is not done fairly, homeowners risk losing their entire investment upon resale of their home. This year, the bill has perhaps the strongest coalition yet of local government and homeowner advocates working for its passage, backed by a strong grassroots presence. While the vote will be close, GSMOL and its allies are working every day to ensure the bill has the necessary votes to pass the Senate.

Other than the two GSMOL-sponsored measures, it has been an exceptionally quiet year in the Capitol on mobilehome issues.

Parkowners, represented primarily by WMA, have only sponsored one substantive measure this year. That bill, AB 317 (Calderon), was amended in late April to modify the rules regarding second homes in rent-controlled jurisdictions, and the rules regarding subleasing. The measure was shortly thereafter made into a two-year bill, after GSMOL and other allies raised concerns about the effect the bill would have on rent-control protections.

Late-breaking news--- 6/02/2011— Senate Fails to Pass SB 444

SB 444 did not receive the necessary amount of votes to win passage in the Senate today. We will regroup and determine how to protect homeowners from forced conversions.

You all worked very hard reaching out to your Senators' and urging them to vote for the bill. We received the first-time support of many local governments and organizations who backed the bill because you reached out to them. You made calls and wrote letters to Senators' offices in unprecedented numbers for a GSMOL grassroots campaign. Some Senators voted "aye" as a direct result of our grassroots efforts in their districts.

Although today's news is unfortunate, we can build off of these successes for the future. You've created relationships with Senators, Councilmembers, County Supervisors, and community members that will help push GSMOL's priorities going forward. With your continued support and effort, GSMOL can pass each sponsored bill next year.

CPI AND YOU "PART 2": THE MAINTENANCE OF NET OPERATING INCOME (MNOI) RENT ORDINANCE FORMULA

Continued from page 7

1. Current Year NOI minus Base Year NOI = % Increase in NOI (Income – Expenses) (Income – Expenses)
2. Compare % growth in NOI to %

growth in CPI between Base Year and Current Year (If NOI has increased less than CPI, park owner has not kept pace with inflation and is entitled to an increase) The amount of the rent increase would be equal to whatever amount is required to match the % increase in the CPI between the base and current years.

The MNOI standard is thus commonly used in a rent ordinance to provide a mathematical formula for calculating fair return. It is preferable to other subjective standards, since it can be calculated with precision, based upon the income and expense documentation provided by the park owner for both the "base year" and the "current year", and the reported CPI index information. It is designed to provide the park owner with a growth in income that keeps pace with inflation from the base year date (i.e. a date before the ordinance was enacted, when it was presumed that the park owner was charging enough rent to provide a fair return), to the "current year" year immediately preceding the rent increase notice. It has been praised by courts and commentators alike for its fairness and ease of administration, and because it allows a park owner to maintain prior levels of profit. A "fairly constructed" formula which provides a park owner with a "just and reasonable return" is proper analysis to use, according to the courts. Because MNOI is based upon the amount of expenses incurred, it is very important to scrutinize the legitimacy of expenses claimed by the park owner when calculating Net Operating Income.

Knowing how to use the CPI, whether in connection with an annual rent increase under a lease or rent ordinance, or in connection with application of the MNOI standard, is valuable tool to verify whether rent increases are being calculated and billed correctly. GSMOL encourages homeowners to verify any rent notice that you receive. Obtain the CPI information from the Bureau and check it against what the park owner has calculated. If you spot an error, notify the park owner right away, preferably before the rent increase takes effect. Armed with knowledge, you can make sure that you are not overcharged for rent that you are not legally obligated to pay.

Anderson Appointed New Zone C Vice President



Former Region 3 Manager Jim Anderson (shown above) has been appointed by the Board of Directors to fill the vacant position of Zone C Vice President. Zone C includes Region 3 (Los Angeles County), Region 5 (Orange County) and Region 6 (San Bernardino County). Jim lives in the city of La Verne and is looking forward to meeting with MH owners throughout Zone C.

Want to Get Your Californian Earlier?

Choosing to receive their Californian via E-mail in digital form is a growing trend for GSMOL members. Not only does it enable members to receive the Californian several days before a hard-copy version would arrive, it is easier to file for future reference or forward to others for viewing. "Opting out" of the print version also saves the League the costs of printing and mailing. Contact the GSMOL home office at (800) 888-1727 if you are willing to switch from the print version to a digital version of the Californian.



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WAKE-UP CALL IN OCEANSIDE



The overflow crowd view the meeting on television monitors outside the Council Chambers

Hundreds of homeowners from Oceanside mobile/manufactured home communities packed not only the City Council Chambers but also overflow areas at City Hall for three consecutive Council meetings in May to appeal for support from their City Council. To the homeowners' dismay, they witnessed an orchestrated strategy by the new Council majority that triggered a process for abolishing the Oceanside MH Rent Stabilization Ordinance that has been in place since 1984. Around 2,500 MH sites will be affected.

The first phase of the demolition of homeowner protections will be full vacancy decontrol, allowing huge rent increases when homes are sold, destroying homeowners' equity in their homes. Then, unlike most ordinances with some form of decontrol, the MH lots will NOT return to protection under the Ordinance. Rent protections

will be lost until a future Council corrects the injustice or a vote of the people approves a new Ordinance.



Oceanside Homeowners Are Mobilizing To Stop Decontrol!

Homeowners are striking back by collecting over 7500 valid signatures on petitions before June 23 to require the Council to either repeal the new decontrol Ordinance or place the matter on the ballot for voters of Oceanside to decide the fate of the Ordinance. In the meantime, the new Ordinance will not take effect.

This action by three of five Oceanside City Council members demonstrates once again how devastating the loss of majority support can be on a City Council. Park owners up and down the state are targeting Council elections in the hope of getting "their people" in power. This significant threat creates a

Over 100 people requested an opportunity to address the Oceanside City Council

new urgency for homeowners to band together, become more politically proactive and to elect supporters of MH owner rights. This is especially important in those cities that adopted ordinances by Council action rather than a vote of the people. Get active now, before it's too late—this is YOUR wake-up call too!

REGION SEVEN REPORT

By Karen Bisignano, Region Seven Associate Manager

Through the work of some dedicated park residents the City of Santee has a rent control ordinance called the Fair Practices Ordinance which was enacted in 1993. Several people spent over a year writing and reviewing this ordinance, comparing it with other ordinances throughout the state, and had it reviewed by an attorney familiar with the issues. It designated a 5-person commission to hear any issues that might come up. The City Council was placed as a review board for any decisions that were contested. Our City Council was mostly favorable to the Ordinance as some had previous experiences with mobile home living.

Continued on page 11



REGION SEVEN REPORT

Continued from page 10

Immediately after it was enacted the City was sued by SPOA, the Santee Park Owners Association, to try to destroy the Ordinance. That led to them going to mediation where City representatives and park owners' representatives sat down and hammered through a compromise. It took some teeth out of it, but didn't kill it, for which we were grateful.

Then one park owner decided to file for an NOI, a Net Operating Increase, because he didn't feel he was making enough money nor would be in the future. He followed the provisions of the Ordinance opening up his books to the Commission, and was granted a "revised" 20 year rent schedule ending with over \$2,000 rents at the end of that period. That was an astronomical figure in 1995 when most rents were around \$500 or less. He had found a loop hole. It was thought later that the costs he presented were the current year, but the income records were instead from the previous year. That was outrageous to the people who had worked so hard to write the Ordinance.

After that, the newly created Santee Mobilehome Owners Action Committee, Inc., or SMOAC, (which includes all 12 parks of the City) decided to make some changes to prevent that type of injustice from happening again. Since the Ordinance was passed by the City, only the City had authority to make changes and that wasn't going to happen. So this small band of dedicated workers wrote a revision and set out to get it enacted as an initiative. People sat in front of stores, took it to other meetings and walked neighborhoods getting signatures. The miracle was we did get enough signatures from more than 10% of the City's population verified by the County Clerk.

Our City Council decided to enact it without going through the ballot procedure to save the cost of the initiative process which would have fallen on them.

What we didn't realize at the time is that through the initiative procedure, the City cannot make any changes to the Ordinance because it was enacted by the initiative process.

Of course, some park owners started filing lawsuits again, including the notorious Sam Zell CEO of Mobile Home Communities (MHC) now called Equity Life Styles Properties (ELS). Zell's lawsuits have kept the City of Santee in litigation for over 13 years, in addition to the other park owners' suits which started in 1993. This has cost the City more than 2.1 million dollars to defend the Fair Practices Ordinance and kept it alive in our City. Only the attorneys get rich off this egregious litigation. This is an obvious attempt to destroy the Ordinance, a practice which is being duplicated throughout the state by park owners.

We highly commend the Santee City Council for their tenacity in defending our Fair Practices Ordinance. Some cities have not had such grit and/or finances and lost their ordinance. This is a classic example of the reason we need to have AB 579 make it all the way through Sacramento and have the Governor sign it. GSMOL members are at the forefront of this battle and only public pressure on the legislators and the Governor will get it accomplished. Letter writing and phone calls are our weapons and we need to use them effectively. As our esteemed GSMOL President, Jim Burr, says, "There is nothing we cannot do if we are together. If we are not together, there is nothing we can do." Let's do it together.

Region Five Report

By Mary Jo Baretich, Region Five Manager

This is a report on the flurry of activities happening in the Huntington Beach mobilehome community from September 2010 to date.

Last year, our team of "walkers" had been extremely busy walking every mobilehome park in our City (18 of them) distributing City Council candidate flyers, and speaking to the homeowners about the importance of Unity in the mobilehome community, and the importance of electing candidates who were supporters of the mobilehome homeowners and positive issues affecting all the citizens of Huntington Beach. The team consisted of Nancy Meeks and Mary Jo Baretich from Cabrillo Mobile Home Park, Sharon Dana and Madeline Seymour from Huntington Shorecliffs Mobile Home Park, and members of the Residents for Responsible Desalination (R4RD) group. Nancy Meeks will be working as an Associate Regional Manager for Region 5 (Orange County).

Prior to the November election, the Huntington Beach City Council was made up of six pro-developers and only one councilmember supporting the citizens. Unfortunately for the homeowners at the Huntington Shorecliffs Mobile Home Park, on September 7, 2010, this pro-developer City Council voted to approve a Tentative Tract Map and Subdivision Condo Conversion of Shorecliffs in spite of hundreds of speakers and letters in opposition to the Subdivision. This decision has caused disastrous results.

Continued on page 12

Region 5 Report

Continued from page 11

Shorecliffs has 304 spaces and was a Senior Park with the majority of the homeowners in their 70's 80's and 90's. No lots have been sold to date because one of the "conditions" imposed by the City Council was that improvements of the infrastructure and drainage problems have to be completed first. But meanwhile, Shorecliffs has canceled all leases and Section 8 Housing, and raised their rents up an additional \$450 to \$550 per month, bringing the rent to a range of \$1600 to \$1800 per month. Some people pay even more than that now. The Park Owners are turning it into a Family Park, with numerous Park Rentals. Of course, this has led to an exodus of homeowners, the abandonment of homes and a negative feeling of anyone wanting to purchase a home in any of the Parks. Incidentally, one of the owners of Huntington Shorecliffs and their attorney, is Robert Coldren, a prominent attorney pushing Subdivision throughout the State.

In September, following this City Council decision about Huntington Shorecliffs, Marlene Houck of the Pacific Mobile Home Park called me to let me know about a letter they received from their management company, Newport Pacific Capital, regarding a meeting to be held on September 30, 2010 at the Hyatt Waterfront Hotel to announce the intention of the Park Owners to also do a Subdivision Condo Conversion of the Pacific Mobile Home Park which has 260 spaces. Nancy Meeks and I attended this meeting. I brought articles written by GSMOL and Will Constantine about non-bona fide Conversions to the meeting for other Pacific homeowners, JulieAnn Rooney, Maria Laurienzo, Marlene Houck, and John Sisker. Marlene was our primary con-

tact at the Pacific Mobile Home Park to get the City Council flyers distributed in their Park. We had long conversations about what was happening in the Huntington Beach mobilehome parks.

November 16, 2010 Following this meeting at the Hyatt, I called the first Huntington Beach Mobilehome Parks Coalition meeting at the Pacific Mobile Home Park, made up of representatives from the City Planning Department, the Pacific Mobile Home Park, Huntington Shorecliffs Mobile Home Park, Cabrillo Mobile Home Park, Los Amigos Mobile Home Park, a non-mobilehome resident, and the Media. The purpose of the meeting was to educate the Pacific homeowners about the situation happening down the street at the Huntington Shorecliffs Mobile Home Park (approved Subdivision Condo Conversion).

Sharon Dana and Madeline Seymour spoke to the Pacific MHP people about first-hand knowledge and facts regarding the disastrous situation at Huntington Shorecliffs. In addition, I presented both pros and cons regarding Condo Conversion. Blair Farley advised the Pacific people that they should register their HOA with the City as a viable organization, and that they not use the "Survey" offered by Newport Pacific, but make up their own version. Sharon said she would supply an example for Pacific. The meeting went well and stimulated them into getting more interested in protecting their rights.

Also, I had suggested to John Sisker to try to contact their Park Owners about the HOA purchasing their mobilehome park outright in-total, before Robert Coldren became involved in the Subdivision push. (His Law firm is already representing the Park Owners re-

garding a City project, the Atlanta Street Widening Project, that would displace 8 mobilehomes).

I have been quite vocal on that situation at the Planning Commission and City Council level. John was successful in speaking with one of the three brothers who own the Pacific MHP. We also met with one other brothers at both a Planning Commission meeting and a City Council meeting.

The new officers of the Pacific Mobile Home Park HOA and GSMOL Chapter are getting themselves more organized. As in most parks, the people at Pacific have been too complacent. They used to have a very strong group at Pacific. but since their GSMOL Chapter/HOA President Grace Sandlin moved away, their organization had fallen into disarray.

On April 12, 2011, the Huntington Beach Planning Commission denied the Subdivision Application by the Park Owners of the Pacific Mobile Home Park on a 7 - 0 vote. The decision was based primarily on the fact that the property is encroaching on the right-of-way of Huntington Street in Huntington Beach. Portions of mobilehomes are actually on city property and therefore the Park Owners cannot legally sell those spaces. The Subdivision also violated several City Codes, and since it is located in the Coastal Zone, the low income Park residents are protected by the Coastal Act and Mello Act. The Park Owners (via Attorney Robert Coldren) appealed this Denial and it will go to the City Council for action sometime this year.

On April 20, 2011, we had our second Huntington Beach Mobilehome Parks Coalition meeting.

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Region Five Report

Continued from page 12

This time the meeting was held at the Cabrillo Mobile Home Park in Huntington Beach. The purpose of the meeting was to bring together a small group of knowledgeable Huntington Beach mobilehome homeowners and other parties interested in the issues that are currently facing our HB mobilehome community, thereby formulating an educational and advisory core team.

We were fortunate to have two City Council members, Two Planning Commissioners, three members of the Huntington Beach Mobile Home Advisory Board, and representatives from Huntington Shorecliffs MHP, Los Amigos MHP and Cabrillo MHP, plus members from the Public and a representative from the Media, Surf City Voice.

Local mobilehome issues were enthusiastically discussed, such as strengthening our City Mobile Home Advisory Board, Emergency Plans in Parks, an update on Pacific Mobile Home Park, the recent rent increase turmoil, fear of Subdivision, a possible Subdivision Ordinance in the City, and the importance of Voter education regarding local City Council candidates and their positions regarding the mobilehome community.

with the mission of promoting the general welfare of homeowners in manufactured housing communities (mobilehome parks) on a variety of issues at the local, regional, state and national levels.

Directives

All GSMOL Directors, Officers, Zone Representatives, Regional Representatives, Chapter officers, members, members at large, and any other GSMOL representatives shall:

1. Pursue the mission of GSMOL, as established in GSMOL bylaws Article I, Section 1.04.

2. Use their best efforts to uphold GSMOL bylaws, Policy Resolutions and the legal and ethical direction from its Board of Directors.

3. Promote a spirit of democracy in allowing the will of the majority of members to provide direction, when possible.

4. Promote a positive image and attitude of manufactured home ownership. We are all AMBASSADORS for those in manufactured housing and can help dispel negative stereotypes with our words, behavior and attire.

5. Exercise restraint from making negative or demeaning comments about other organizations, whether they represent homeowners or park owner associations. Behave in a business-like manner and keep emotions controlled, even when your position is challenged. You must be especially cautious if your comments could be viewed as coming from GSMOL, per se. Your comments might be construed in a manner that exposes GSMOL to legal liability.

6. Use great discretion in circulating information across the Internet. Identify destination of all E-mails and verify the accuracy of your statements. If a GSMOL member or leader is found to be making false or defamatory comments in a "Public" manner without first submitting the message to his/her immediate superior, those actions should be reported to the Board of Directors for appropriate action. This could result in sanctions at

the discretion of the Board of Directors and in accordance with Bylaw section 2.12.

7. Familiarize themselves with pertinent state laws and local ordinances, when appropriate.

8. Board members are to refrain from divulging confidential information discussed at closed Board meetings.

9. NOT knowingly make false, incorrect or misleading statement when action on behalf of GSMOL.

10. NOT discriminate against another GSMOL leader or member based upon race, religious beliefs, sexual orientation or political views.

11. NOT accept compensation nor have a meaningful financial interest in any investor-owned community or management company.

12. No part of this Code of Conduct should be construed to deny the right of any member to express his/her viewpoint in a dignified and constructive manner.

(Adopted by delegates to the 2008 State convention –Advisory Resolution #E-2008)

GSMOL MEMBER CODE OF CONDUCT

Preamble

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GSMOL WHO'S WHO

ZONE A

(REGIONS 4, 11 & 14)

REGION 4

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(REGIONS 12 and 13)

REGION 12

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(REGIONS 7 and 9)

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REGION 7

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