

THE **CALIFORNIAN**

GOLDEN STATE MANUFACTURED-HOME OWNERS LEAGUE

Volume 47 Issue 6 GSMOL – Advocating for Homeowner Rights Since 1962 **November /December 2012**



WELCOME TO GSMOL's NEW HOME

6101 Ball Road, Suite 202; Cypress, CA 90630

Periodically Date Material



GSMOL's NEW HOME

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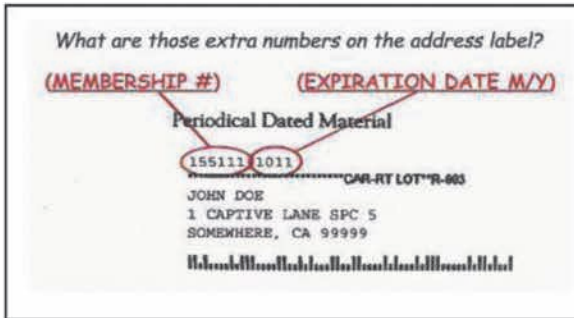
ROAD SHOW —DESERT HOT SPRINGS

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GSMOL GOLDSTONE-CHINO ARTICLE

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(See map on page 15 for Zone boundaries)

GSMOL SELLS GARDEN GROVE OFFICE BUILDING

A major event for GSMOL took place recently with the sale of our former office building in Garden Grove. The building was purchased by an Orange County dentist, and is being remodeled into a full-service dental office. The sale is the culmination of a lengthy and involved process initiated by the GSMOL Board of Directors (per GSMOL Bylaws Sect 1.02) some time ago to use the cash value of the building to finance many aspects of GSMOL's increased support of mobilehome owners throughout California. We extend a big thank you to GSMOL Corporate Counsel Bruce Stanton for his outstanding work on completing this transaction.

GSMOL has subsequently moved its administrative office functions to a modern, well equipped building in Cypress, a few miles west of the old building. The new office address is:

**6101 Ball Rd. Suite 202
Cypress, CA 90630**

The phone and fax numbers remain the same, **800-888-1727** and **714-826-2401**, respectively.

All GSMOL email addresses also remain the same.

The office personnel are the same from the Garden Grove office:

Laurie Gerberding: GSMOL Office Manager

Maintains office systems and supervises office staff; organizes operations and procedures; assigns and monitors the support staff functions; plans and implements office systems, layouts, and equipment procurement; designs and improves office policies and procedures.

Mary Ann Coleman: GSMOL Membership Coordinator

Provides accurate information for Member assistance inquiries; answers GSMOL phones; updates member data-base programs; responsible for all incoming and outgoing mail; fills requests for Training Manuals, Leadership Development Manuals, Mobilehome Residency Law (MRL) books; MRL Action Manuals, and other Manuals and Handbooks; provides printed reports on GSMOL Chapters and members; fills requests for copies of The Californian, extra flyers, brochures, etc.

Katie Coleman: GSMOL Bookkeeper

Maintains records of financial transactions; establishes accounts and posts transactions done by GSMOL Treasurer; reconciles accounting entries; provide back-up for GSMOL Membership Coordinator for member printed reports and phone coverage for GSMOL staff members; updates GSMOL web site with information from web site editor.

Proceeds from the sale have allowed GSMOL to immediately begin efforts to modernize its operation, support existing and new efforts to protect mobilehome owners' rights, support much needed legislation, and hire professional personnel to support GSMOL activities and membership recruitment.

GSMOL will use some of the funds to sponsor "Road Shows", area-wide meetings of mobilehome owners at which valuable home owners' rights material is explained and discussed by attorneys Bruce Stanton (GSMOL) and Henry Heater (ELTH) supporting GSMOL's efforts. The funds will also be used to support "Town Hall Meetings", a series of local meetings designed to provide mobile home owners with access to officials who will explain local ordinances and regulations affecting the lives of GSMOL members. Please contact your Zone Vice President or Regional Manager for more information on Road Shows and Town Hall Meetings, and check the GSMOL website for more details.

Some funds will also be used to sponsor a series of management Retreats, which will allow professional trainers to improve GSMOL managers' abilities to recruit new members and provide educational and training material to mobilehome owners.

The funds will also be used to update and distribute manuals dealing with understanding the MRL, Park Conversions, Rent Control Ordinances, and Mobilehome Leases, as well as other areas of interest to our members.

In addition, GSMOL has purchased a new office computer system, including PC's, server, terminals and printer/scanners, and software apps, and is upgrading and fully automating the GSMOL membership database and website.

The sale of the old office building has provided GSMOL with valuable new resources. We appreciate our members' patience and support as we move ahead into the future with many new initiatives to strengthen our organization and ensure the protection of mobilehome owners' rights and their quality of life for many years to come.

CAPITOL REPORT

BIG VICTORIES FOR GSMOL

By Brian Augusta
GSMOL Legislative Adviser

All Three GSMOL Sponsored Bills Signed into Law!

Homeowners won a major victory in the Capitol this year, succeeding in passage of all three GSMOL-sponsored bills, as well as the defeat of an anti-rent control measure, AB 317.

Governor Brown put his signature pen to AB 2160 (Atkins), AB 1938 (Williams), and AB 1797 (Torres). The three measures capped a yearlong campaign by GSMOL and its members and allies to win passage of all three bills. Earlier in the year, GSMOL members successfully defeated AB 317, after it was gutted in the Senate Judiciary committee.

AB 2150 will require a new notice to homeowners each year that summarizes the key rights and responsibilities of homeowners. The one-page, plain language document will provide homeowners with a summary of important rights contained within the MRL. Combined with the requirement in current law to make available a copy of the MRL to homeowners, the bill is intended to help homeowners better understand their rights under the MRL.

AB 1938 deals with two important protections for homeowners relating to long-term leases, leases that exempt a homeowner's space from local rent control. First, the bill gives additional clarity to the right of a homeowner to rescind a long-term lease. Currently, if a homeowner signs a long-term lease, they have 72-hours to rescind the lease and get out of the long-term commitment. AB 1938 ensures that the 72-hour period does not begin until after a copy of the signed lease has been given to the homeowner.

A second provision of AB 1938 deals with pass-throughs, a feature of long-term leases that allow the park owner to pass on increased costs and other charges to the homeowner. Current law prohibits a park-owner from passing-through the cost of a judgment imposed for violation of the MRL, it does not cover a judgment for violation of the Mobilehome Parks Act, the law that governs the park owner's obligation to maintain the premises. AB 1938 closes this loophole, to protect homeowners who win a judgment against their park owner.

AB 1797 seeks to improve the Mobilehome Park Resident Ownership Program (MPROP). MPROP provides funding for converting parks to resident or non-profit ownership. The program is funded by a \$5 fee charged to homeowners as part of their annual registration fee.

AB 1797 will allow the state Department of Housing (HCD) to offer loans at a lower interest rate, thus making the loans more affordable and lowering the cost of acquiring a park for resident ownership. AB 1797 also authorizes HCD to use MPROP funds to pay for "technical assistance", which means paying for the cost of hiring the professional expertise of a person or firm experienced in real estate development. This will allow homeowners to work with a professional who can help them through the intricacies of a park purchase.

Congratulations to the GSMOL-PAC endorsed candidates who won election to the Legislature.

Senate Races:

SD 17: W 62.4% Bill Monning, Zone B-1: Region 10 (Santa Cruz, San Luis Obispo)
SD 19: W 54.7% Hannah-Beth Jackson, Zone B-1: Region 8 (Ventura, Santa Maria)
SD 27: W 52.6% Fran Pavley, Zones B1 & C: Region 3 & 8 (Simi Valley, Thousand Oaks)
SD 31: W 53.6% Richard Roth, Zones B1 & C: Region 9 (Riverside, Moreno Valley)

Assembly Races:

AD 8: W 52.2% Ken Cooley, Zone A: Region 14 (Sacramento, Rancho Cordova)
AD 20: W 51.3% Bill Quirk, Zone A-1: Region 1 (Hayward)
AD 29: W 68.4% Mark Stone, Zone B-1: Region 10 (Santa Cruz, Monterey)
AD 37: W 59.4% Das Williams, Zone B-1: Region 8 (Ventura, Santa Barbara)
AD 71: W 64.0% Brian Jones, Zone D: Regions 7 & 9 (Alpine, Ramona)

Thanks very much to all GSMOL members who supported our PAC-endorsed candidates.

QUESTIONS & ANSWERS

SELLING YOUR MOBILEHOME: PROTECTIONS AND PROBLEM AREAS



By: Bruce Stanton, Attorney

ABOUT THE AUTHOR: MR. STANTON HAS BEEN A PRACTICING ATTORNEY SINCE 1982, AND HAS BEEN REPRESENTING MOBILEHOME RESIDENTS AND HOMEOWNERS ASSOCIATIONS AS A SPECIALTY FOR OVER 25 YEARS. HIS PRACTICE IS LOCATED IN SAN JOSE, AND HE IS THE CORPORATE COUNSEL FOR GSMOL.

For most mobilehome residents, the investment made in their homes is their most significant asset. When homeowners make the decision to sell their home, it is vital that the best possible sales price be received, so that the investment can be realized. A homeowner wants to be able to sell without interference from management, according to the rights guaranteed by the Mobilehome Residency Law (MRL). The sale of a mobilehome "in place" requires park approval of the prospective buyer, and that certain MRL-approved upgrades be performed. But the selling homeowner should be able to reasonably market the home and have the buyer's application reviewed in a timely manner. Buyers who are clearly qualified should not be subjected to delays or rejections. If a mobilehome is removed from the park as a condition of resale, it becomes worthless. To have any value, it must be sold "in place", in its rented space, surrounded by the common areas, accessory structures and landscaping that has been improved by the homeowner. The ability of the homeowner to sell the home "in place" is thus paramount.

One of the areas of most concern to GSMOL and its members is that of "in place" mobilehome sales. While most parks follow the MRL and avoid interfering with efforts to sell, there are some who do not. Those park owners could have several motives for discouraging "in place" sales. They might prefer that older and less desirable single or double-wide homes be removed in favor of newer models. The ability to re-stock the park with newer homes could add value to the park owner's property. Or they might want to create a vacancy, which will usually allow them to raise rents under local rent control. If the selling homeowner is prevented from selling and abandons

the home, that goal can be realized. And the park might end up gaining title to the home at virtually no cost, at which point it can be re-sold for a profit or rented out. These are the most common "business" incentives which might prompt a park owner to frustrate or prevent sales, or attempt to require removal of a home at the time of resale. Residents thus need to be aware of their resale rights under the MRL.

To better explain the home sales protections and rights of mobilehome residents, here are some common questions that GSMOL receives:

Can a park owner require the removal of a home from the park at the time of resale?

The answer is: "Very seldom, if ever". Civil Code section 798.73, contains the limited conditions upon which a mobilehome can be removed from the park at the time of sale. In 1973 the legislature began to regulate a park owner's ability to require removal of the home on resale; what mobilehome residents began calling "resale evictions". Early laws focused on the age of the home, and in 1978 what was commonly referred to as the "17-year rule" was enacted. This placed any home more than 17 years old in danger of being removed at time of resale. Due to the inequities of the law, and the immobility of mobilehomes, in 1982 a new law was passed similar to what exists today. No longer would a home be required to be removed at time of sale solely based upon its age. Instead, an objective finding that the home is not safe is required, and the burden of proving this falls solely upon the park owner. Under the current law, a removal of a mobilehome cannot be required at the time of sale unless:

It is not a "mobilehome" as defined by law (i.e. it is a camper or RV unit);

It is more than 20 years old (or more than 25 years old if built after 9/15/71), is 20 feet wide or more and does not comply with Health and Safety Codes;

It is more than 17 years old (or more than 25 years old if built after 9/15/71), is less than 20 feet wide and does not comply with Health and Safety Codes; or

It is in significantly rundown condition or in disrepair as determined by its general condition and acceptability to the health and safety of the occupants and to the public, exclusive of age. The management must use reasonable discretion in making this determination, and has the burden of proving the condition. Management must give a written notice to the resident specifying the condition that permits its removal.

If the home violates health and safety, then the park owner may be able to require removal. Unsafe homes should not be marketed to unsuspecting buyers, nor allowed to remain in the park if they could affect the safety of other residents. Such a finding would usually require an inspection by the Department of Housing, or some other licensed inspector, to confirm the violations. The issue here is black and white; i.e. either there is a code violation or there is not. If the violations cannot be corrected, then removal on resale might be warranted.

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QUESTIONS & ANSWERS (continued)

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The most suspect demands for removal are typically based upon number (4) above; i.e. that the home is “significantly run-down or in disrepair”. This subjective standard is almost NEVER successful, because the park owner has the burden of proof, and must use “reasonable discretion” in making such a finding. Any resident who receives a written notice quoting this ground should immediately get their own inspection. If a licensed inspector finds that the home is in good or habitable condition with no code violations, it shall be very tough for the park owner to allege “rundown” or “in disrepair”. This is a subjective ground for removal which may depend upon expert opinion, so find a good inspector. If the park will not back down and allow the in place resale, it could be liable for damages incurred by the selling resident for any lost sale or the proceeds thereof.

The condition of the home, not the year of its manufacture, is determinative. If a selling homeowner receives a written notice demanding the home’s removal, it is important to identify the specific conditions alleged, have them inspected and repaired, and then provide proof of same to management with a request that they retract the removal demand in writing. Should they refuse, the resident should contact an attorney as soon as possible.

Can a Park Owner require that Upgrades be performed at the time of Sale?

The answer is “Yes”, but there are limitations imposed by the MRL. In order to prevent park owners from requiring that trees be removed or lawns and sprinklers installed as a condition of resale, Civil Code sec. 798.83 provides that management may not require any improvements or repairs to the park space or land itself, unless there is damage caused by the selling homeowner. Section 798.73.5 further limits home upgrades to exterior conditions on the home itself which either violate a State or local law, or which are required by the park’s rules or regulations. Common upgrades that are allowable include repairs to unsafe steps, loose handrails, ripped deck carpeting, bent carport awning supports, missing or dented skirting or removing oil from a driveway. A park owner cannot require repairs to the interior of the home.

Can a Park Owner refuse to accept a Prospective Buyer?

According to 798.74, a buyer can only be rejected if there is a history of failing to follow rules or regulations (i.e. previous “conduct-based” evictions and the like) or the buyer lacks “financial ability to pay the rent and charges of the park”. Of these two limited grounds, typically only the latter is seen. Park Owners are entitled to run a credit report to examine whether the buyer has a history of paying bills on time. A bankruptcy, judgments or tax liens can be legitimate reasons for turning down a buyer, as is a history of many late payments on obligations. A limited number of late pays, especially if not recent, should not be enough evidence to reject a buyer. Proof of income must also be provided, which typically involves bank records, W-2 evidence of earnings, or statement from the employer. Note that

the buyer’s tax records cannot be demanded, although the buyer could choose to voluntarily provide them. The MRL is silent as to how much income is sufficient. But the industry standard amongst most park owner seems to be that a buyer needs to show gross monthly income which is 3 times the amount of rent and utilities. Anything more restrictive is probably unreasonable.

The park owner must respond to a complete tenancy application within 15 business days of the date it is submitted, and the reasons for a rejection must be stated in writing. If the buyer is rejected, any fee collected to run a credit report must be refunded.

Can a Park Owner prevent me from Marketing my Home for Sale?

The answer is “No”. A homeowner has an absolute right to sell, as long as the home meets Code and all reasonable upgrades are performed. The park does have the right to require approval of a buyer, as described above, and may require that the selling resident submit a “Notice of Intent to Sell” form. At that time, the park should issue its own written Upgrades Request form to the homeowner, and state in writing the amount of the rent to be charged to the new resident as required by 798.74.5. 798.72 also prohibits a park owner from requiring a fee to sell a home in the park.

Can the park require that my Buyer sign a Rental Agreement?

According to 798.75, a rental agreement of some kind can be required in order to close escrow. Some local ordinances do not allow a park owner to demand execution of a rent-controlled exempt lease which exceeds one year in length as a condition of tenancy approval.

Can I use Signs or Brochure Boxes to advertise my Home?

Absolutely “Yes”. 798.70 describes the size that signs can be, as well as where they can be located.

Can the Park prohibit an “Open House”?

The law is unclear on this issue. According to 798.70, “open house” signs can be prohibited by park rules.

If there is no rule, then clearly one could be held. But 798.71 provides that management cannot prohibit the listing or sale of a mobilehome. Since open houses are typical sales techniques, it can be argued that they cannot be prohibited, as long as no signs are displayed to advertise the open house within the park.

The moral of the story is familiar to mobilehome owners: Know your Rights and Stand up for your Rights. If you do, the chance that you will successfully market your home is greatly increased.

Should you experience any trouble in connection with the sale of your home, notify your local GSMOL leadership at once.

News Around the State

By Tom Lockhart
GSMOL State Secretary

Zone C Region 5

A nonprofit company, Resident Owned Parks Inc., has purchased the Capistrano Terrace Mobile Home Park in San Juan Capistrano from previous owner Capistrano Terrace Ltd. for \$8.25 million. The purchase was conducted through Resident Owned Parks Capistrano Terrace, a subsidiary of the ROP company.

Resident Owned Parks Capistrano Terrace will transfer ownership to the park's Home Owners Association sometime within the next three years provided residents and the HOA can raise the funds necessary within that deadline. If this occurs, residents and the HOA will take over ownership and management of the park.

Some funds to purchase the park by the residents will come from a state program that provides money for such resident purchases. Some money will be from a settlement with the former park owner of a Failure-to-Maintain lawsuit resulting from park infrastructure problems.

This effort will ensure the park remains open and needed repairs are made.

Park residents voted overwhelmingly to purchase the park.

Zone D Region 7

The Ishii family, owners of the land under the City of Oceanside-leased Laguna Vista Mobile Home Estates, will purchase the lease rights from the City and take over the park, instead of allowing Millennium Housing of Irvine to purchase the lease. Terms of the purchase were \$10.7 million for the 43.8-acre parcel. The family told the City that it wanted to run Laguna Vista MHP itself.

The family will abide by the City's rent control ordinance, which limits annual rent raises to no more than 75 percent of the rise in the consumer price index. In addition, 150 of the park's 272 spaces will be for moderate or low-income seniors only, and the property must be used as a mobile-home park through 2052.



NMHOA in Action

By Tim Sheahan,
GSMOL Zone D VP and NMHOA Board Member

This has been a busy year for **Manufactured Home Owners Association of America** (MHOAA), which recently underwent a slight name change to avoid confusion with an association in one state with a similar acronym. The "new and improved" name for our national MH owner advocacy group is now **National Manufactured Home Owners Association of America** (NMHOA).

In February, NMHOA Executive Director Ishbel Dickens testified in Washington, D.C. on behalf of manufactured home owners at a hearing of the Insurance, Housing and Community Opportunity Sub-committee of the House of Representatives **Financial Services Committee**. Ishbel was the only witness speaking on behalf of consumers at the hearing and was surrounded by industry representatives giving their side of the story. I submitted my own written testimony describing how the growing trend of "Predatory Capitalist" community owners is a significant threat to the survival of manufactured housing communities as the greatest form of unsubsidized affordable housing we have in the Country.

In May, I attended a rally outside the corporate headquarters of **Equity Lifestyle Properties** (ELS), run by billionaire real estate mogul, Samuel Zell. As a shareholder in the company, I was also able to attend the ELS shareholder meeting to express outrage for conditions of ELS communities in California and for the amount of money ELS has wasted in California suing cities with rent stabilization ordinances. NMHOA worked closely with the **Center for Community Change** (CCC) on this event and presented the ELS Board of Directors with a petition containing over 1000 signatures, demanding that ELS provide homeowners with the opportunity to experience the peaceful enjoyment of their homes by keeping rents reasonable and maintaining the communities properly. The petition also asked that Samuel Zell, Chairman of ELS, stop investing in politicians who want to destroy retirement security.

The Chicago event received press coverage from several media groups and served as a great opportunity to "tell our story" as the quintessential example of the 99% vs the 1%. NMHOA hopes to stage a similar event in 2013 with representatives from many more ELS communities. I have been working on establishing a statewide communication network of ELS community homeowners to be part of a greater nationwide network and ask for your help. If you live in an ELS community and haven't joined the network yet or have a list of fellow homeowners, please contact me so we can add you to the growing list of E-mail contacts.

This summer, NMHOA continued its close work with **National Consumer Law Center** (NCLC) and **Corporation for Enterprise Development** (CFED) to urge the **Federal Uniform**

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NMHOA in Action

(Continued from Page 7)

Law Commission (ULC) to support the **Uniform Manufactured Housing Act**—a model law that would title manufactured homes as real property rather than as “chattel,” or movable personal property. In July, the ULC approved the Act by a vote of 48-0! Passage means it is now up to individual states to adopt the model law so that purchasers of manufactured homes have access to the financing tools and consumer protections that accompany mortgages on real property.

The first week of October, I was in Portsmouth, NH participating in a MH event sponsored by **Corporation for Enterprise Development (CFED)**. As a leader with NMHOA, I received a scholarship to attend the event, which was a great opportunity to network with representatives of such groups as **National Consumer Law Center (NCLC)**, **Ford Foundation**, **ROC USA**, **NeighborWorks America** and others to discuss a variety of issues and opportunities for owners of manufactured homes.

The week of October 22, I was in Washington, D.C. as a consumer representative to the **HUD Manufactured Housing Consensus Committee (MHCC)**. The MHCC consists of voting members representing seven producers or retailers of manufactured housing; seven representatives of consumer interests, such as owners of manufactured homes; and seven general interest and public official members. In addition to construction and safety standards, the MHCC also develops proposed model installation standards for the manufactured housing industry. Two-thirds of MHCC members must approve a proposal before the committee recommends it to HUD. Five current MHCC members are affiliated with NMHOA, which helps ensure homeowners have a good opportunity to express opinions on new MH construction and installation standards. Unfortunately, the scope of the MHCC is very limited and doesn't address landlord/tenant issues or other homeowner concerns not associated with home construction and installation.

On November 8-10, I joined members from across the country for our annual NMHOA convention, held this year in Crystal City, VA. That location is near Washington, D.C., which allowed attendees to visit legislative offices at the Capitol, in addition to an extensive agenda of presentations. It was an exciting time in D.C., coming so soon after the Presidential Election—let's hope the next four years will be peaceful and prosperous for MH owners and the rest of the country as a whole!

Please visit the NMHOA website at www.mhooa.us for more information on activities of our national manufactured home owner advocacy group, of which GSMOL is a founding member. I encourage you to join NMHOA as an individual member (\$15/year) and for your homeowner association to also join (\$35/year) as a way of helping support the valuable work NMHOA performs on our behalf at the national level.



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ZONE/REGION REPORT

ZONE A-1

Roger McConnell Receives Merit Award



On Monday, October 29, 2012 our own Zone A-1 Vice President, Roger McConnell, was honored with a Merit Award recipient by the city of Santa Rosa. Roger was nominated by his daughter, Denna, and Suzanne Angeo of Santa Rosa. Annually, the city accepts nominees, and winners are selected by the Merit Award Committee. The city of Santa Rosa has been awarding volunteers since 1978.

Countless hours have been donated by Roger over the last 6 ½ years in both the GSMOL and SRMOA. Over twenty volunteers were awarded Monday evening, from every facet of need. There were volunteers being honored for help with youth, foster children, elderly, feeding the hungry and many other worth organizations. So, if you know someone who is a volunteer, and you would like them to be recognized, find out if your city has a Merit Award Program. It may make someone feel greatly appreciated.

ZONE B-1 Region 8

By Anne Anderson
Region 8 Associate Manager

Turning the Page to the Next Chapter

If your park doesn't have a GSMOL Chapter, there may be a GSMOL leader in your area seeking to contact you and the other members in your park!

Everyone who belongs to GSMOL strengthens our numbers and helps to support our work with his or her dues, but because we are a statewide organization, it's easy for individual members to feel isolated and lacking a local connection. A GSMOL Chapter is a way for the members in a park to band together and bring more of GSMOL's benefits to the park and the community.

What's the difference between a GSMOL Chapter and a Homeowners' Association? Which kind of organization should a park have? The answer is: both! A Homeowners' Association usually focuses primarily on activities and issues within the park, and acts as a liaison for the residents with park management. A GSMOL Chapter is your park's local representation of the statewide organization, and your connection to GSMOL Chapters and members in other parks in your community.

Chapter meetings and bulletins help members keep up to date on the Mobilehome Residency Law (MRL) and current bills in the State Legislature. A GSMOL Chapter has the authority to apply for funding and/or legal help from the parent organization. The Chapter can establish its own Legal Fund. In a park where there is no Homeowners' Association, your GSMOL Chapter allows the residents who belong to it to speak with one voice. If there is a HOA in the park, the Chapter can share officers with it, if necessary, and help to support its activities.

So, if your park is fortunate enough to have a GSMOL Chapter, please support your Chapter in whatever way you can. Attend Chapter meetings, and volunteer to help with Chapter activities, such as handing out flyers, bringing refreshments to a meeting, welcoming new residents and encouraging them to join the Chapter, maybe even becoming a board member or officer!

If you don't have a Chapter in your park, a GSMOL leader may be trying to make contact with you and the other members in your park to start one, or to reactivate the one that you used to have. If you would like to help, you could start the ball rolling by contacting your nearest GSMOL Associate or Regional Manager. You can find their contact information in the *CALIFORNIAN* or at www.gsmol.org

The Chapter you help put together may open up a whole new "chapter" in the lives of your park residents!

ZONE C Regions 3 and 5

By Mary Jo Baretich
Zone C Vice President

The month of October kept us busy in Zone C. It was filled with numerous GSMOL meetings, a Fundraiser event for Assemblywoman Betsy Butler in Malibu, various City Council Candidate Forums, and the California Association of Retired Americans (CARA) Convention in Huntington Beach.

One pressing issue that I have been assisting with is a proposed Closure Impact Report (CIR) for the Anchor Trailer Park in Costa Mesa. Residents of the Anchor TP contacted me in September to get some support in challenging the Draft CIR for

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ZONE/REGION REPORT (continued)

(Continued from Page 9)

their park, which had been prepared by the Sue Loftin Firm on behalf of Intracorp So Cal-1, LLC. A group of park residents, all homeowners, sought GSMOL representation, in lieu of legal representation, in order to request urgent attention to an adverse impact already imposed upon park residents. At the direction of the homeowners, I spoke to the Planning Commission in Public Comments about this particular CIR, well ahead of it being presented to the Commission. The Commissioners were each given a copy of the speech. There were several areas of the CIR that were in drastic need of changing. One specific paragraph of the CIR, known as Article 8.1, essentially contained a “gag” order, in that, based upon Article 8.1, any resident making settlement on their home would be subject to a withholding of \$4,500 until it is determined that no single resident “challenges” the CIR, a process which could go on for 12 months. This is one of the reasons why I spoke at the Planning Commission, so the residents would be protected.

The CIR is required by law to be based upon “finding adequate replacement housing for park residents and providing reasonable relocation costs”. If a resident is deprived of \$4,500, originally slated for unanticipated relocation costs, it reduces the amount to be given to the resident. It is not only an interference with that relocation calculation, the paragraph also imposes a financial threat upon residents should they choose to challenge the CIR, thus depriving homeowners and mobilehome residents of their rights to free speech.

On October 10th, I attended a Costa Mesa staff meeting held for the residents of the Anchor Trailer Park. A few days prior to that meeting, the residents received a revised CIR and shared it with me, wherein the Article 8.1 was removed, and other resident-requested changes to the CIR relocation sections were made. Following this meeting, the residents put together further requests for changes. I have been supplying their leader, Maria McCurdy, with as much information as I could find about other park closures and CIRs.

Another threat looms in Orange County. The fate of the Pacific Mobile Home Park in Huntington Beach will be decided at the November 19 City Council meeting. The park owners, under the direction of attorney Robert Coldren of Hart, King & Coldren Law Firm, proposed Subdivision for the Pacific Mobile Home Park. They were challenged in court because part of the park’s lot line fences encroach on City property along Huntington Street, and over the years, longer mobile-homes were brought onto those lots, with some almost 10 feet on public property. The City contended that “you cannot subdivide and sell something that you do not own.”

The Pacific MHP park owners won the first court case, and the City appealed it. On October 1, the City Council voted to continue the appeal, but on October 15, they voted to not continue it and bring the issue back to the City Council on

November 19. This time the pro-development City Council may vote to approve the Subdivision. If the decision in the Pacific Palisades Bowl case at the California Supreme Court were to come down in favor of the residents before November 19, then the City of Huntington Beach could use the Coastal Act and Mello Act in their denial. But unless the homeowners of Pacific Mobile Home Park are willing to put together their own HOA Resident Survey and write letters to the City Council, they may lose the same as the homeowners of the Huntington Shorecliffs Mobile Home Park just two blocks away. That Subdivision approval by the City was a disaster. It is now 2 ½ years later, and still no lots have been sold, but the rents have been raised to almost double the income of the seniors. Over 1/3 of the homeowners have abandoned their homes.

ZONE C Region 3 **By James Scott** **Region 3 Manager**

Hello to all GSMOL Chapter board members and GSMOL members in Los Angeles County.

My name is James Scott and I am your Region 3 Zone C Region Manager. I’ve asked for this chance to write to all of you in LA County to tell you a little about me and give some insight to my position. I live in a beautiful Mobile Park in La Verne called The Fountains. I’ve been a resident for nearly nine years now and love my park and my neighbors and have been a part of the Social Club Board, the park Disaster Team, and was vice president of the GSMOL Chapter for two years.

Although fairly new to this position of Region Manager, and after having a few “speed bumps” along my path, I hope to do this organization right and be of service to those who need me. It’s a very big task as LA County is the LARG-EST county by residents in the US. That means the number of Mobile Home and Manufactured Home parks are just as large. Although not ALL parks have active Chapters or even any GSMOL members, which is going to be a main focus of mine, there are still a great number of you out there.

At our last GSMOL Retreat, I found a new breath of fresh air for this position and made a commitment to the others in attendance to grab a foot hold and work to bring a face with my name to as many of you as possible. Now, doing this will take some time as I am working with only ONE NEW assistant for the entire county. Hard to fathom that as large as it is, there are no others, only one helping me as we help you.

Therein lies my MAIN reason for this letter. As I mentioned before, a focus of mine will be to first, reactivate old Chapters by re-introducing GSMOL to that park and gaining the new members to reactivate. Next, work on parks with nearly enough members who have never been a Chapter, introduce GSMOL to

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ZONE/REGION REPORT (continued)

(Continued from Page 10)

that park, gain enough members to START a Chapter and finally, where the park size is small and there are several parks within a short distance of each other, to form Super Chapters for those members and create a place for them to become organized and reap the benefits of being a GSMOL member.

After all...isn't that what we all want? To have someone to turn to in times of need within our parks who has the experience and history of helping us with our quality of life and our investments (our homes) in the places WE call home.

One way I have come up with for better communication is a phone number strictly for GSMOL business. It is a number that you can call, leave a message on and that message goes straight to my email. It's one way I'm hoping to be able to have a short turn-around time getting back to you. I'll give this number at the end of this message.

One more thing I'd like to say is that, yes, I'm learning this position and it is a tough one to learn. With more time I will gain what I need to help you and be of better service to you. I may be calling you at one point to do what I've mentioned above within your parks, so remember this message when you hear the voice on the other end is ME! "James Scott.... Regional Manager for LA County."

I hope to have the chance to meet many of you and work with you on building strong representation as we trudge through life and enjoy every moment.

Look for more messages in the future from me....and for now, have a great day and may God Bless you and keep you safe.

James Scott
message phone # 909-833-0754
email address: jsracer64@hotmail.com

ZONE D Region 7

**By Karen Bisignano,
Region 7 Associate Manager**

VALLEY VIEW RESIDENTS MEET

The residents of McManus Valley View Estates held a meeting with representatives of GSMOL at their clubhouse Wednesday evening, October 24. Frankie Bruce is the Assistant Manager for this area. She has been working with mobilehome parks for over 25 years and is very knowledgeable. The MRL says that residents may "peacefully assemble or meet in the park... clubhouse when the facility is not otherwise in use..." This is a part of the amenities you are paying for in your space rent, use of the clubhouse and pool or other facilities. You may invite outside guests but you can also

NOT invite owners or managers. Unfortunately, one of the owners showed up for the meeting. He was asked to leave, but refused. The meeting then adjourned to a private residence where the speaker was able to share information on how to form a GSMOL chapter for their park. The advantage a chapter has over just a Home Owners' Association (HOA) is the support GSMOL is able to give both the park and individuals. Some of the chapters in our area have fallen by the wayside in recent years as new people move into a park and don't realize the importance of GSMOL and the support they can give both individually and to the whole park in working through issues with owners or managers. We want to thank Frankie for her time and persistence in the presentation.

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ROAD SHOWS

Thursday, November 29

1-3:30 PM

HIDDEN SPRINGS CC CLUBHOUSE

15500 Bubbling Wells Road

Desert Hot Springs, CA

**Hosted by: Hidden Springs Country Club
Mobilehome Community GSMOL Chapter 1363
President, Shirley Bales, (760) 329-0877**

Friday, November 30

6:30pm, to 9 pm

SANTEE CITY HALL Room #7

10601 N. Magnolia Avenue

Santee, CA

**Hosted by: Santee Mobilehome Owners Action
Committee, Inc.**

Karen Bisignano @ (619) 448-9404

Speakers:

Bruce Stanton: Mr. Stanton has been a practicing Attorney in San Jose since 1982 and has been representing mobilehome residents and homeowners associations as a specialty for over 25 years.

Henry Heater: From the San Diego Law Firm of Endeman, Lincoln, Turek & Heater, LLP, specializes in Failure To Maintain Lawsuits and all areas of mobilehome law.

HCD UPDATE

TREE MAINTENANCE REMAINS A THORNY ISSUE

By Ron Javor

(Ronald Javor is the former Assistant Deputy Director for HCD's Division of Codes and Standards and is a former HCD Chief Counsel who provides assistance regarding mobilehome park matters.)

Confusion continues to exist as to the meaning and enforcement of state rules and park rules governing tree maintenance. Some responses to common questions or misperceptions are clear; others remain ambiguous and depend on the facts of a particular situation.

What is clear? The legal memo interpretations written by me for HCD in 1992-93 have no bearing on the issue of tree maintenance to the extent that those interpretations were superseded by the Legislature's enactment of Civil Code section 798.37.5 in the Mobilehome Residency Law (MRL) in 2000. What also is clear?

- Park management has sole responsibility for the trimming, pruning, or removal of any tree in common areas of a park, and costs related to that work.
- Homeowners may not plant a tree on their lots without first getting written permission from management.
- Park management may include certain tree maintenance requirements for homeowners' lots in leases and rental agreements as long as they are not inconsistent with MRL Section 798.37.5

Other parts of the law—and the respective rights and obligations of homeowners and park management—require consideration of the facts and the law together.

What is a “tree”?

Neither the MRL nor HCD has any clear rules to distinguish a “tree” from a “shrub” or other plant. Therefore, as long as the definition and any restrictions are “reasonable” (e.g., they have a reasonable relationship to appropriate business practices), management may define what is/is not a tree in the rental agreement or park rules, as well as specify the types of trees which will be permitted, the requirements for obtaining management permission to plant a tree, and other similar standards.

Tree care on lots: general maintenance

Although Section 798.37.5 covers many issues, it is silent as to the authority of park management to require residents to maintain (e.g., prune) new or existing trees on their respective lots. The question, then, is how far can management go

in requiring resident maintenance of on-lot trees? Generally, the following options apply:

- For trees planted by the current resident, management may require reasonable maintenance, given the nature of the tree and its impact on neighboring lots or common areas.
- For trees not planted by the current resident, if reasonable maintenance requirements were included in the initial lease (e.g., negotiated by the new resident), the current resident must provide that maintenance.
- For trees not planted by the current resident, if tree maintenance was not included in the initial lease, then the tree likely should be treated as a “fixture” owned by management and subject to management maintenance.

Tree care on lots: hazardous situations

The general rule in Section 798.37.5 is that park management is solely responsible for trimming, pruning, or removal a tree which poses a “specific hazard” or “health and safety violation”, and must pay costs related to that action. This applies to trees both on lots and in common areas, subject to certain limitations and specified resident obligations.

- The complaint about a “hazard” must be a “specific” hazard: not all long branches or dead palm fronds pose a specific hazard. The branch or frond must be a threat to a home or other person or property.
- The complaint about a “health and safety violation”, again, must be specific. If HCD or the local enforcement agency is involved, there is no specific rule or regulation defining “health and safety” as it applies to trees. Therefore, the judgment is a subjective one, based on individual facts.
- The process for correction must be started by a written notice to management, complaining about the hazard or violation. In the event of a dispute as to the necessity of tree work, management or the resident may make a complaint to HCD or the local enforcement agency. If one party disagrees with the result of that inspection (i.e., HCD determines that there is a violation or hazard), the party may hire an arborist for an additional opinion; HCD generally accedes to a determination of an arborist as to the condition of a tree, since HCD inspectors are not trained arborists.
- Reasonable time will be provided for correction, given the circumstances and level of hazard or danger.

Consequences and enforcement: park management
If park management does not correct the hazard or violation within a reasonable time after enforcement agency notice to do so, the enforcement agency can use any of the administrative or

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HCD UPDATE (Continued)

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judicial remedies in the Mobilehome Parks Act. Concurrently, park residents may employ any remedies provided in the MRL. Even though section 798.37.5 states that hazards must be eliminated by management at management's cost, many—but not all—hazards can be prevented if park management includes a tree maintenance clause in the rental agreement, and enforces it. Some hazards, such as a large dead limb, may not be susceptible to preventing with routine maintenance.

Consequences and enforcement: residents

Because of the wording of section 798.37.5, HCD or the local enforcement agency will never give a notice to a resident to correct a tree hazard or violation, even if park management says that the lease requires resident maintenance; the enforcement agencies do not attempt to interpret rental agreements with respect to these obligations.

However, management may give correction notices to residents if they determine that rules requiring resident tree maintenance are not being complied with. Failure to comply also may result in a 60-day notice which could be a prelude to eviction.

In addition, if a resident fails to properly maintain a tree as provided in the rental agreement or rules, management may enter the premises pursuant to section 798.26 to maintain the trees and for protection of the park, at any reasonable time.

Trees are an important amenity in any residential neighborhood. However, wherever they are planted, they require preventive maintenance and, sometimes, removal of hazardous conditions. In the long run, it pays everyone, management and residents, to work together to improve their communities with healthy and helpful trees.

(Note, pursuant to Section 798.37.5, the information in this article applies only to rental agreements entered into after January 1, 2001, and does not apply to rental agreements in effect prior to January 1, 2001, unless they have been renewed or extended.)

the Chapter to help them resolve on-going issues with a recent HCD Park Inspection.

London Spires MHP in Hemet had a GSMOL Meeting on Thursday, 10-18-12, in their Park Clubhouse. They had 35 residents attend the meeting and a follow-up meeting was scheduled for November 13. They had 10 residents join GSMOL at the first meeting. This is the park that had a 4-day power outage in August and they are still waiting for reimbursement for their out-of-pocket expenses. The owner of the park is L. Alex Boggs, who is a party to a Failure-To-Maintain suit with a Oceanside MHP. Janet Hale, Department of Social Services will be the guest speaker at the November 13 meeting.

Hidden Springs Country Club MHP, Desert Hot Springs, held elections for their Chapter 1363 on 9-7-12. The following members were elected as Officers: Shirley Bales, President; Joanie Laine, VP; Linda Burke, Secretary; Alan Peterson, Treasurer; and Ron Anchak, Research Consultant. Shirley Bales has her MHP divided into 8 Zones, which allows her park residents to get individual service from a Rep located in their designed Zone. Good way to get flyers and information out to the residents on short notice.

Royal Palms Community MHP in Cathedral City is having a GSMOL Meeting on November 19 from 3:30PM to 5 PM in the Park Clubhouse. The meeting is being hosted by Grace Powell, GSMOL Chapter President. Residents want an update on the recent GSMOL Assembly Bills that were passed and signed into law by Governor Brown and how they will affect them as full-time and part-time residents.

Hemet Park Estates had the first ROC'S (Restore Our Community) Mobilehome Park Inspection on 10-25-12. The City of Hemet Code Enforcement has taken over the responsibility of mobilehome park inspections from Riverside County HCD. A large task force entered the park without prior notice, walked the park with clip boards and cameras. They walked every street in the park taking photos and making notations of space numbers. They had one Hemet PD officer suited in armour who accompanied the task force.

Larry Graves, Hemet West HOA and GSMOL President, was recently appointed as a representative for the Mobilehome Park Community Residents to the ROC's Committee.

Donna Banks and Marcia Scott, Associate Manager, answered a call for help from a resident at the Sun Park Estates in Hemet to help resolve a 7-day notice to remove a shed from her property. At issue is the resident's failure to get written approval to replace a fire damaged shed on her property. The resident had made a written request from Management, who failed to respond. The resident was motivated to get the shed constructed because of weather conditions and prior documented theft from her property. The shed meets H&S code requirements.

Riverside County has four MHP's that have allowed their on-site Manager to move off-site and report to the park from 9-4 M-F. At issue is that all MHP's with over 50 spaces are required to have an on-site Manager.

ZONE/REGION (Continued)

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Zone D Region 9 Report

By Donna Banks, Region 9 Manager

Green River Village MHP in Corona held a recent Chapter Meeting and voted to use a proxy vote for their next Chapter meeting to elect new Officers. They will be following the new Absentee Ballot procedure recently adopted by the GSMOL Board of Directors. Gail Mertz, Assistant Region Manager, and Barbara Rish, Associate Manager, are both working with

Goldstone Decision Upholds Local Jurisdictions' Right to Reject Forced Conversions and the Chino Decision then Whittles Away at that Right

Help GSMOL Preserve That Right

By: Attorney Will Constantine

Over the last decade, one of the biggest threats to manufactured home rent control has been the forced conversion of manufactured home parks to subdivisions against the wishes of the parks' homeowners. When that occurs, homeowners are forced to pay unaffordable prices for their lots, which eventually cause them to lose all the equity that they have invested in their homes.

In order to prevent this from occurring, in 2002 GSMOL successfully sponsored AB 930, which requires park owners who wish to subdivide their parks to first "obtain a survey of support of the residents of the mobile home park for the proposed conversion" and then requires the local jurisdiction reviewing the park's conversion application to consider the results of that survey in making their decision to approve or disapprove the conversion. However, over the last five years, park owners have convinced some local jurisdictions and courts that conversion applications cannot be disapproved based on the results of those surveys.

On July 17, 2012, California's Sixth District Court of Appeal took a giant step in stopping these forced conversions when it strongly ruled that the County of Santa Cruz "was authorized to take the results of the resident survey into account when it made its decision - as the reason for denying" Alimur MHP's conversion application (the "Goldstone decision"). In that case, the homeowners voted 119 to 2 opposing the conversion. On October 24, 2012, the California Supreme Court then preserved that ruling by refusing to grant the Park's Petition requesting the Supreme Court to review that case. That is the great victory which we have been waiting for many years now, and it is already being used to prevent other parks' conversions that are opposed by their homeowners, such as, on November 5, 2012, when, in reliance on that decision, a Superior Court upheld Sonoma County's denial of the conversion of Sequoia Gardens Manufactured Home Park.

However, on October 31, 2012, the Fourth District Court of Appeal began whittling away at the Goldstone decision in its new ruling overturning the City of Chino's denial of Lamplighter MHP's conversion application. (the "Chino decision") In that decision, the Fourth District ruled that although it agreed with Goldstone that local jurisdictions could reject conversions based on the results of the required resident support surveys, they can only do so if those results demonstrate that the conversions are a "sham" intended solely to avoid rent control, and the fact that a majority of the residents voted to oppose the conversion was not sufficient to demonstrate that. Even worse than that, the Chino decision then held that the fact that only 35% or even only 20% of the residents voted to support a conversion (i.e., that 65% and 80% of the residents voted to oppose a conversion) were not sufficient grounds for rejecting a conversion because those small amounts of support were sufficient to demonstrate that the conversions were not "sham conversions." Instead, it stated that a local jurisdiction could only reject a conversion when the survey results demonstrate that "only a trivial handful of the lots" support the conversion, such as the results in the Goldstone case demonstrated when only 2 residents supported and 119 opposed that conversion.

The Chino decision went even further and then ruled that in making that evaluation, a local jurisdiction could only consider the re-

sults of those who participated in the survey, regardless of how small that participation was, and that it could not consider the fact that an overwhelming majority of a park's residents did not participate in the survey. The Chino decision was referring to the fact that Lamplighter MHP had 260 spaces but only 33 voted in the resident support survey because the remaining residents considered it to be an unfair and deceptive survey and were boycotting it. Of those 33 residents who voted, the votes still turned out to be 19 to 14 against the conversion, (i.e., 58% opposed to 42% supporting). The 14 votes in favor of the conversion only represented a 5% level of support of the entire park of 260 lots and, on that basis, the City of Chino had concluded that the park owner failed to demonstrate resident support and rejected the conversion. The Fourth Circuit Court of Appeal, however, ruled that the City had to count those 14 votes as representing a level of 42% support rather than 5% because it had to ignore the residents who did not participate in the survey because their lack of participation meant that the nonparticipating residents "did not care enough to return the survey," which the court said was further evidence that it was not a sham conversion.

Although the Goldstone decision is a great victory and can be now used to stop many conversions, such as it was used to stop the Sequoia conversion (where the results were 162 to 2 opposing the conversion), the Chino decision will be a disaster because it will also be used to force local jurisdictions to approve many more "forced conversions," in which park owners pull the scam off, without prior notice to the homeowners, sending out confusing surveys that obtain a very low level of response (i.e. 33 out of 260 in Lamplighter) and then even when only a minority of that small survey participation supports the conversion (i.e. 14 out of 260 or 5% in Lamplighter), they will have to approve the conversion because the Chino decision now mandates that those results must be counted as 42% in favor rather than 5% in favor, thereby, demonstrating that it is not a sham conversion. This will have a devastating statewide impact, which already began on November 5, 2012 when the park owner of Monarch MHP in Goleta filed a motion asking the Second District Court of Appeal to reopen the briefing in that case to allow them to argue how the Chino decision requires the approval of that conversion.

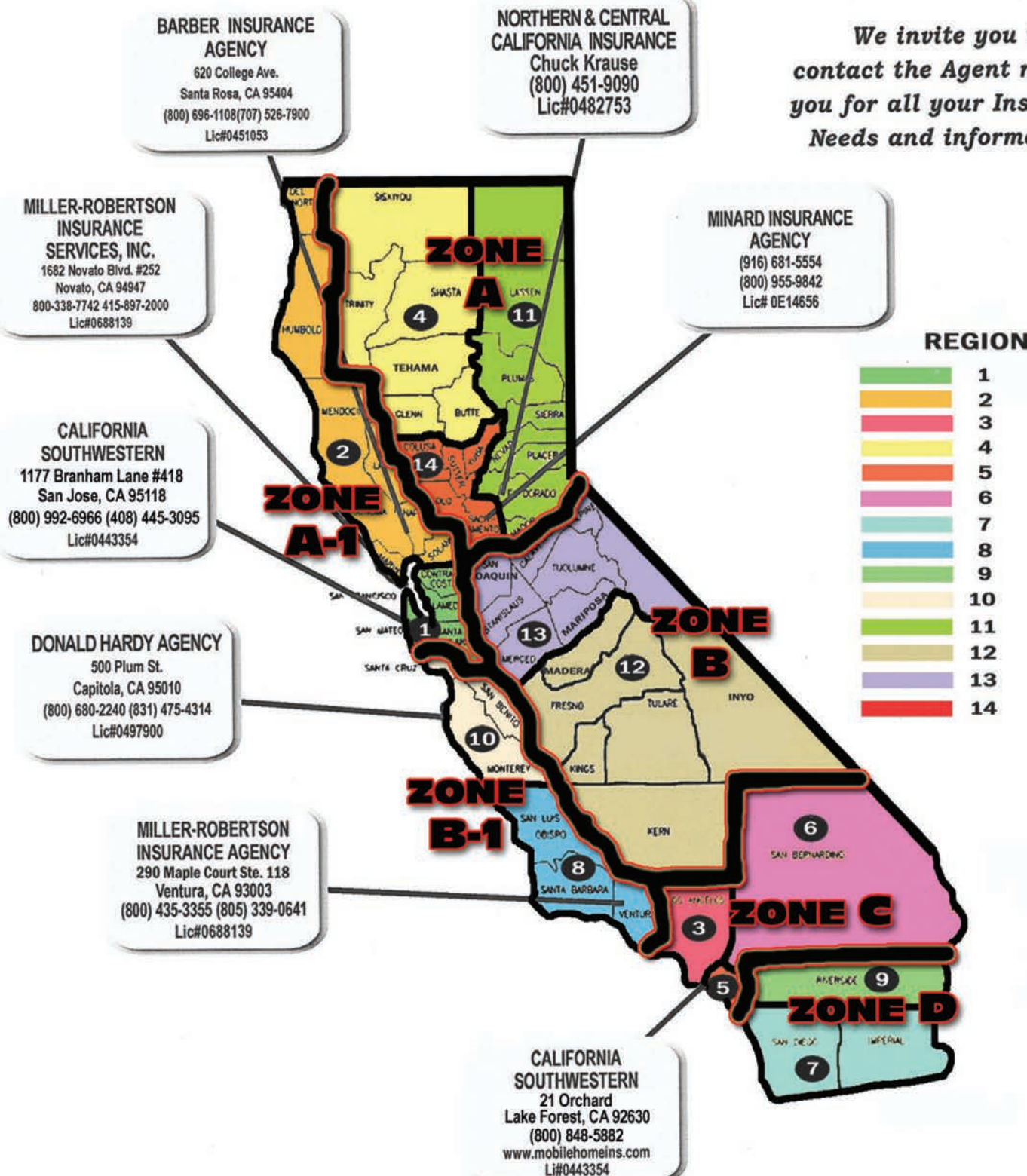
The good news is that just as in 2002, when GSMOL stepped up to bat and successfully sponsored AB 930 which created your power to stop these forced conversions with the tool of the resident support survey, it is again stepping up to bat to stop the Chino decision from being used to destroy the tool by financing a Petition for Review to the Supreme Court, asking them to take up and overturn the Chino decision. However, GSMOL needs your help and you can now do two things. First, be aware, and remember that your park owner may attempt to sneak through a sham survey because the Chino decision now encourages them to do so. If that were to occur, you need to immediately seek legal assistance to stop that. Second, and even more important, GSMOL needs your help in raising funds to pay for GSMOL's efforts in getting the Supreme Court to take up and overturn the Chino decision before it is too late.

Will Constantine is an attorney who represents manufactured homeowners in asserting their rights, including fighting rent increases and opposing the conversion of manufactured home parks. If your park owner begins a conversion of your park (i.e. by sending you a "resident support survey"), you should immediately contact Mr. Constantine's office for assistance, at 831-420-1238.

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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 FAX : 714-826-2401



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- ☐ 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.)

(DUES ARE NON-REFUNDABLE)

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

Legal Defense Fund \$ _____

Disaster Relief Fund \$ _____

Political Action Committee (PAC) \$ _____

DETACH AND KEEP FOR YOUR RECORDS Thank you!

Check# _____ Amount _____ Date _____



FILL OUT AND RETURN THIS FORM ALONG WITH YOUR CHECK TO GSMOL, 6101 BALL ROAD, SUITE 202, CYPRESS, CA 90630