

**THE**  
**CALIFORNIAN**  
GOLDEN STATE MANUFACTURED-HOME OWNERS LEAGUE

Volume 47 Issue 5 --GSMOL-- advocating for Homeowner Rights Since 1962 September /October 2012

# VOTE NOVEMBER 6

**REGISTER to VOTE by October 22**

**GSMOL ENDORSEMENTS - See Page 4**

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## THE CALIFORNIAN (USPS 898-320)

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Golden State Manufactured-Home  
Owners League, Inc.

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PS Form 3526, September 2007 (Page 2 of 3)

# President's Report



*Jim Burr, GSMOL  
May 2012*

## How do Manufactured Homeowners Select a Candidate for Elected Office? and Who Deserves Your Vote?

To answer the first question above, the GSMOL-PAC was created under the provisions of the Fair Political Practices Commission (FPPC) to function as a separate and independent Board of Directors for vetting, endorsing and assisting candidates who are sympathetic to the interests of mobile-home owners and our members. The PAC is funded only by GSMOL member's contributions to the Fund. Your contributions to the various GSMOL legal, homeowner defense and disaster relief funds are not used for supporting candidates for public office. Members contributions to the PAC fund are critical to our support for candidates who support our interests.

As for the second question above, PAC's endorsements are intended as a guide for all of us who are confronted with choosing the right candidate to represent our interests, both in Sacramento and in our local community. It can be a tough decision until we rank our interests, from most to least important. We all care deeply about many social issues, but our paramount interest is protecting the affordability of our homes, preventing forced condo-conversions and preserving or providing a decent lifestyle in our manufactured home communities. These interests are essential to us.

We are learning a bitter lesson - with term limits and other factors that lead to frequent turnover of legislators in Sacramento it is more critical than ever that manufactured homeowners work to educate candidates on our issues and to work to elect those that support us. Yes, we are able to kill bills in the Legislature that would devastate us, but we must do more than that to protect our interests. We must work for and elect more Legislators who will champion our rights, and increase our protections, not just occasionally help to kill a particularly egregious bill. (And some purported "friends" would vote to support Assemblymember Calderon's terrible anti-rent control bill, AB 761.)

We *must* elect more leaders who will advocate for our issues! When we cast votes for legislative or local candidates, we must choose the one who has a track record of protecting our MHP affordability, lifestyle and rights. If candidates have no track record, then they must commit on the record to do so - in plain English - if elected. Too often, they make sweeping remarks about helping us, and then go to the Capitol and cast votes with the park owners.

We may be fully aware that we are casting a vote for the candidate who will protect our MHP interest, but holds different views on social issues. I certainly have participated in discussions with many of you who are troubled by a candidate who has been a staunch supporter in the past but whose stand on other issues - immigration, abortion, the environment is divergent from ours. Nevertheless, we must face it. Many of the legislators who stand with us usually hold "liberal" views on social issues, but not all of us see ourselves as "liberal." However, we have to put our interests first—and vote for those who will protect our rights and our investments in our homes, even if it means crossing party or ideological lines.

Conclusion? We must get out there and work for and vote for our interests. It's not how anyone expected to spend time their retirement, but it sure beats moving in with our children, or worse yet, finding ourselves homeless as many before us have.

My sincere thanks to Christine Minnehan, GSMOL Legislative Advisor, who contributed to this article.

## LEGISLATIVE UPDATE 09/10/2012

**By Brian Augusta, GSMOL Legislative Advocate**

**Homeowner's Fight to Put Three Bills on Governor Brown's Desk**

This has been a big year for GSMOL and its members and allies, as the organization celebrates its 50th anniversary. Over those 50 years, GSMOL has built a reputation for great success for homeowners, helping them in parks, in the courts, and of course, in the Capitol. Having helped to build the MRL through its legislative advocacy, homeowners in CA have a great set of laws to protect them—some of the best in the country.

This year, homeowners fought to win passage of three GSMOL-sponsored bills and were successful in putting all three on the Governor's desk. We built strong, bi-partisan support for the measures, and the calls and letters from homeowners helped push the bills across the finish line. As of press time, the Governor has not yet acted on the bills (he has until the end of September); but homeowners are working to win his signature on all three.

Meanwhile, GSMOL and its members led the fight to defeat bills like AB 317, which would have weakened protections for homeowners living in rent controlled communities. The bill, through the advocacy of GSMOL, was eventually amended to be harmless to homeowners. Another victory secured by grassroots advocacy of homeowners.

*(Continued on Page 8)*



# Voter Education

## GSMOL Candidate Endorsements for November 6 General Election

By Ron Faas, GSMOL -PAC Chair

The GSMOL Political Action Committee (PAC) evaluates which candidates would be advocates for manufactured home owners in the Legislature. By identifying and vetting candidates, the GSMOL-PAC engaged in a process of endorsing candidates who would be friends of manufactured home owners in the Legislature. The GSMOL-PAC, which is made up of GSMOL members representing different areas of the State, has voted to make endorsements in 12 races for the November 6 General Election. These endorsements are listed in this issue of the CALIFORNIAN. Other endorsements may be pending.

GSMOL strongly encourages you to vote for these candidates if you live in their districts. By supporting the candidates who support us, GSMOL will be in a much better position to pass laws that will protect manufactured home owners and also oppose bills the park owners sponsor. The GSMOL-PAC is a crucial part of our organization's legislative and political agenda, and it cannot be successful without the support of members like you. To contribute to the PAC Fund, send a check (for PAC) to GSMOL-PAC, 11021 Magnolia St., Garden Grove, CA 92841, or go online to the GSMOL website's Fund Donation Page <http://www.gsmol.org/apply/donations.php>. If you would like to help your GSMOL-PAC endorsed candidate(s), please contact the respective campaign directly.

### Endorsements for the November 6th General Election

#### Zone A:

Region 14: **Ken Cooley, Assembly District 8** (Sacramento, Rancho Cordova)

#### Zone A-1:

Region 1: **Sally Lieber, Senate District 13** (San Mateo, Mountain View)

**Bill Quirk, Assembly District 20** (Hayward)

Region 2: **Michael Allen, Assembly District 10** (San Rafael, Petaluma)

#### Zone B-1:

Region 8: **Hannah-Beth Jackson, Senate District 19** (Ventura, Santa Maria)

**Das Williams, Assembly District 37** (Ventura, Santa Barbara)

**Region 10: Bill Monning, Senate District 17** (Santa Cruz, San Luis Obispo)

**Mark Stone, Assembly District 29** (Santa Cruz, Monterey)

#### Zones B1 & C:

Region 3 & 8: **Fran Pavley, Senate District 27** (Simi Valley, Thousand Oaks)

#### Zone C:

Region 3: **Betsy Butler, Assembly District 50** (Malibu, Santa Monica)

#### Zone D:

Region 9: **Richard Roth, Senate District 31** (Riverside, Moreno Valley)

Region 9: **Mark Orozco, Assembly District 42** (Hemet, Palm Springs)

**You Must Register to  
Vote by October 22**

### HOLDING CANDIDATES ACCOUNTABLE

By Tim Geddes, Associate Manager, Zone C Region 5

By now, the fields are set for local candidates running for office on November 6. Voters in manufactured housing communities up and down the State must make informed choices about which candidates will best represent their interests, and, which candidates have already sold themselves out to park owners, special interest allies, or partisan patrons. All candidates for public office, especially for City Councils, need to be held accountable for their views and positions on mobile home park issues and concerns.

The only way to do this is to demand responses to carefully worded questions from candidates through Candidate Questionnaires and Candidate Forums (in addition to one-on-one Town Hall meetings, interviews, and campaign appearances). Also, GSMOL Chapters, Home Owners' Associations, and mobile home park activists must make sure that candidate questionnaires are widely disseminated and candidate forums are well-attended by manufactured housing homeowners.

At the same time, efforts must be made to alert the electorate to the plight of mobile home park residents in their communities. Failure to become engaged in the discussion over mobile home residential property rights leaves the field open to opponents who will sway public opinion with slick, well-funded, and often misleading arguments extolling private property rights, return on investments, and the need to let "the market" dictate what manufactured housing homeowners should tolerate.

Clear and concise questions on mobile home park subdivision strategies, rent stabilization ordinances, infrastructure cost pass-throughs, and other contentious issues need to be developed and pressed on all groups developing either campaign questionnaires or candidate forums for inclusion in their efforts. It is not enough to endorse or support candidates who do share MHPers' views. Opponents, backed by special interests, must be exposed and confronted. Allies in the community must be identified and cultivated.

I have often declared that all manufactured housing homeowners in California must become single issue voters in their communities, putting residential property rights above all else in making their choices for local government leadership. The stakes are too high this year not to do so. Unless all candidates are held accountable for their positions and views, it will be much easier for opponents to game the system and hoodwink the electorate. Above all, all mobilehome owners must vote and make sure their friends, neighbors, relatives, and coworkers in the community do as well. It is the only way to stand up to the formidable forces arrayed against us.

# QUESTIONS & ANSWERS

## THE NUTS AND BOLTS OF PARK RULES AND REGULATIONS PART 1



*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**

Mobilehome or manufactured home communities are legally classified as multi-family or high density residential housing developments, where many people typically occupy a limited amount of space. Given that residents live close to one another, and must necessarily share in the use and enjoyment of common area facilities, rules and regulations which regulate conduct within the community are both valuable and necessary. Mobilehome owners would in truth not want to live in a community with no rules. Some regulation of conduct is necessary to ensure the quiet enjoyment of all residents, and to prevent chaos from overwhelming the community. We know from reading the Mobilehome Residency Law (MRL) that the existence of rules and regulations are acknowledged by State law, and that they become a part of the rental agreement for the mobilehome space. Park owners have unilateral power to enact rules and regulations, since they own the property, and will hopefully do so in a fair and reasonable manner. But this is not always the case, and thus issues commonly arise in connection with the content and enforcement of park rules and regulations.

I am routinely asked to review rules and regulations, and to give an opinion about a number of related issues. Some common questions which GSMOL receives are:

-What makes a Rule or Regulation "legal"? Or what makes it "reasonable"?

-Can the park owner enforce a given rule or regulation? How does enforcement occur?

-What procedure does the park use to amend a rule or regulation, and when does the amendment take effect?

-Does a park owner have to meet with residents before the amendment takes place, and what is required in such a meeting?

-Are any rules or regulations void on their face?

-How can I require my park owner to enforce its rules or regulations?

-Can I be charged a fee for enforcing rules or regulations?

-Can rules or regulations be retroactively enforced?

This article, which will appear in two parts, will address these common questions.

What makes a park rule "Legal" or "Reasonable"?

The MRL does not define rules or regulation (I will collectively refer to them as "rules") or directly speak to their legality. Thus, there are no defined categories or proper or improper rules. Rather, the MRL speaks to the ability of a park owner to enforce a rule or regulation, and Civil Code sec. 798.56 (d) states that a homeowner's tenancy may be terminated for failure "to comply with a reasonable rule or regulation". Any rule or regulation which is not "reasonable" thus cannot be enforced, or by inference need not be followed. So to be "legal", the rule or regulation must be "reasonable". The immediate question thus becomes: what makes a rule or regulation "reasonable"? The word can obviously be subject to differing interpretations. But "reasonableness" is usually determined by factors such as (1) a legitimate purpose for the rule which benefits the community, (2) the ability of a homeowner to understand and comply with the rule, and (3) the monetary cost of compliance with the rule. If a rule does not serve to benefit the community in some way, is too complex or restrictive to be followed or is cost prohibitive, then it is more likely that a court would find the rule to be "un reasonable" and thus unenforceable.

For example, a rule that requires every resident to repaint their homes a certain color probably fails the reasonable test because its purpose is not rational or legitimate, and the cost would be prohibitive. Some homes may not require any painting at all, and to require only one given color would have no legitimate basis.

Time and space do not allow this article to discuss all of the different types of rules which may or may not be unreasonable. But some issues have been and will be considered separately in the future, such as rules relating to pets, speeding within the park or use of common areas facilities.

### Can a given park rule be enforced? If so, how does enforcement occur?

Whether a rule can be enforced requires that "reasonableness" be determined. This is not an inquiry that homeowners should make on their own. The reasonableness test factors should be carefully applied in each case, and a homeowner should never choose not to obey a rule except in rare and very clear cases; i.e. to comply is not financially possible, or the rule is so random or arbitrary on its face that no court would find it to be reasonable. Where there is a close call, advice of an attorney should always be sought first. The reason is simple: Park rules form a part of the rental agreement with the homeowner. The failure to comply with a rule constitutes a breach of the rental agreement, and can justify eviction from the park.

Civil Code 798.56 (d) contains the procedure for terminating a tenancy based upon the failure to follow a park rule. The park owner is required to first give a 7-day notice of the violation. To be proper, such a notice

(Continued on Page 6)

# Questions & Answers (continued)

*(Continued From Page 5)*

should quote the applicable rule and then contain a detailed description of time, date, and place of the alleged conduct. If the notice is not corrected within 7 days, the park owner must then give a 60-day notice of termination of tenancy in order to evict. Thus, two separate notices are required. Ultimately, if the 7-day notice is turned into a subsequent 60-day notice, 798.57 will require a specific statement of reasons for termination in that notice. A resident faced with a 7-day notice should always respond in writing, so that a paper trail is created in case the matter turns into a termination. The response should specify whether the violation is disputed, or if not in dispute, that compliance has occurred. Compliance within the 7-day period cures the violation. Compliance after the 7 days expires technically does not. A homeowner is entitled to receive up to three 7-day notices within a 12-month period for the same rules violation. On the fourth occasion, no 7-day notice is required, no chance to cure will be given, and the park owner could proceed directly to a 60-day notice of termination, followed by an eviction action in court. It is thus important that 7-day notices not be ignored, as serious consequences could result. And multiple violations of the same rule become increasingly risky.

If termination is pursued in court, the homeowner must be ready with photographs, documents and testimony to prove that no violation occurred. Sometimes evidence will be needed in the form of testimony from neighbors, and it can be a challenge to convince other residents to essentially testify against the park owner. Their fear of future harassment is understandable. For that reason, again, the suggested response is: When in doubt, comply with the rule, as long as it is financially or logistically possible to do so. But in the case of a minor violation, park owners know that it can be very difficult to convince a Judge that the resident should be forced to lose their home over such an issue. And there are admittedly those cases where conflict, and thus a court action, might be inevitable. But any homeowner must proceed very carefully in making that determination.

## What is the procedure for amending park rules, and when do they take effect?

Pursuant to 798.25, a park owner is permitted to revise or amend its rules and regulations unilaterally, without any consent or agreement from the residents, as long as the park gives proper advance notice, waits until the time that the new rule can be enforced (60 days for rules relating to recreational facilities and 6 months for all others) and holds a meeting with residents upon 10 days notice. Until the meeting occurs, and where no consent is given the applicable time period elapses, the proposed new rule cannot be enforced. There is no waiting period, and the rule takes effect immediately, if the homeowner consents to immediate enforcement. GSMOL would never recommend that any homeowner do so, since it is beneficial to have the notice period to acquaint one's self with the new rule and the need to follow it. In addition, signing a written consent arguably amounts to a contractual obligation to follow the rule.

Park owners will often announce the proposed new rule in writing and request that the homeowner sign an acknowledgement that the notice was received. As long as the acknowledgement only says this, it is not a problem. But if the language states that the homeowner "acknowledges receipt and consent to the rule amendment", or words to that effect, the homeowner should not sign such a statement.

The only exception to the meeting and notice period is where the rule amendment is required by a change in the law. In such a case, the amendment takes effect upon 60 days' notice, with or without the homeowner's consent. The notice of any such rules amendment must specify the law which requires the amendment.

## Is a meeting with the park residents required? What must take place in such a meeting?

As stated above, no rule can be amended without a meeting with residents, except where a change of law requires the amendment. This 798.25 requirement presumably exists so as to allow the residents to clearly understand the rule and its purpose. It also contemplates that the parties will communicate freely and share concerns or suggestions. In a perfect world management would call the meeting and attend in a spirit of good will, listening to comments or criticisms or answering questions. Sadly, this does not always occur. Because the statute is silent about the conduct of the meeting, it is true that management could simply show up, read the proposed rule, listen to comments and questions, say nothing and adjourn the meeting without further comment. Such a result would not, in this author's opinion, be good business practice for a park owner who should be interested in the comments of its customers, the residents. But it does happen, and in such a case it would be difficult for the residents to have any legal recourse for management with a bad attitude. Homeowners are encouraged to attend such meetings and ask whatever questions are desired. They should do so without fear of any retaliation, since this is a right given by law. And they should participate in a way that causes even the most uncooperative park owner to engage with them in a courteous manner. If you have a good attitude and show that you have the best interests of the park community in mind, management may find it difficult not to participate in a discussion of the issues.

## Are any Rules or Regulations void on their face?

Yes. Civil Code 798.25.5 prohibits the enforcement of any rule which is unilaterally implemented without consent and which by its terms requires arbitration of disputes. Such clauses are typically found in the middle or near the end of rental agreements, in bold or 10-point type. Arbitration clauses require homeowners to give up their right to a trial by jury for most legal disputes, and are thus not favored by GSMOL.

Part 2 of this article will appear in the next issue of The Californian, and will address our remaining rules questions.

### ATTENTION CHAPTERS CHAPTER ROSTER REMINDER

**In order to keep your Chapter listed as Active in the database, and your Officers on file, you must send in an update of your Chapter Officers every two years to the GSMOL office.**

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# NEWS AROUND THE STATE

By Tom Lockhart

GSMOL State Secretary

## Zone B-1 Region 10

An arbitrator for The City of Watsonville has denied a rent increase at Green Valley Village Mobile Home Park. The park owner requested the increase in January, 2011, under the terms of the City's Rent Stabilization Ordinance. Green Valley Village residents, many who are seniors on modest fixed incomes, fought the increase.

Three different increases, \$448, \$198 or \$158 per month, were calculated for the park, where rents now average \$350 per month.

The City's analysis, using comparisons with other mobile home parks in the State, determined an increase of \$20 to \$55 per month was appropriate, which would give a 6.5 percent rate of return on the park owners' investment. The City consultant said this was the industry standard. An Administrative Law Judge then ruled that no increase at all was justified.

The City's primary concern is keeping the park affordable for residents while allowing the park owner to make a profit.

## Zone A-1 Region 1

The California 6th District Court of Appeals has upheld the decision by Santa Cruz Superior Court to deny the City of Soquel Alimur Mobile Home Park owner's request to sell off the park's individual lots to the respective home owners. The park is currently under rent-control, and selling the individual lots would have cancelled the rent control protection for many park residents.

The Santa Cruz County Board of Supervisors felt that approving the owner's request would have caused serious financial hardship for the 147 home owners, and set a very bad precedent.

The Appeals Court found no reason to prohibit the County from taking the residents' opinions into consideration.

## Zone C Region 6

The City of Montclair will refinance a loan for three City parks through the Independent Cities Financing Authority, a coalition that assists cities and some nonprofits in providing financing.

The refinancing will lower the bond interest rate from 6 percent over an 18- to 25-year term to 5.5 percent over a period of 35 years, and pay for the parks' 10-year capital improvements, which include street repaving and replacing underground utilities. Affordability agreements and covenants for the park residents will remain in place.

Rents at the mobile home parks affected, Villa Montclair Mobile Home Park, Monterey Manor Home Estates and Hacienda Mobile Park, will not be raised because of the refinancing. The three parks were purchased with funds from the City's Redevelopment Agency more than ten years ago to alleviate repeated exorbitant rent raises.

## ABSENTEE VOTING FOR GSMOL CHAPTERS

Many GSMOL Chapters throughout the State have members who are not full-time residents of their park. "Snow-birds" are a good example. There is a need for these chapters to use some form of absentee voting in order to include these members in the chapter operation and decision making. The following procedure for chapter absentee voting has been reviewed and approved by GSMOL Corporate Counsel Bruce Stanton.

Chapters should mail the voting ballot to absentee members. This mailing should include a description of the issue(s) being voted on, and a stamped envelope addressed to the chapter officer coordinating the election. The stamped envelope should have the word BALLOT on the outside, and will be the means by which absentee members return their voted ballot.

When the sealed BALLOT envelopes are received by the chapter, they should be opened and the ballots counted in the presence of chapter members at an official chapter meeting. This will insure the integrity of the absentee voting process.

Registered or certified mailing is not required for either the initial ballot mailing to the absentee members or the absentee members' return mailing.

A Proof-of-Service (POS) form may be used to verify return mailings, but is not mandatory. It is a standard method that is used and accepted by the Courts as proof of the mailing of a document. If it is used, the form should be included in the initial mailing to the absentee members. The form is then inserted into the BALLOT envelope to be returned by the absentee members. It will notice the date, time and signature of the person (over the age of 18), who certifies that she/he placed the envelope into the US Mail on (date) at the location (US Post Office, US Mail Drop Box) specified.

If used, the returned POS forms should be kept by the chapter with the record of the voting results.

Chapters may begin utilizing this absentee voting procedure immediately, and there is no requirement to change the GSMOL Bylaws or individual chapter Bylaws to implement this procedure.

## USEFUL PHONE NUMBERS

211 - free connection that allows the caller to obtain information on services for social issues, health care, senior citizen assistance, legal aid, disaster relief, and employment assistance in each California county.

**1-800-FREE411 (1-800-373-3411) -**

Allows the caller to get free local and long distance phone number information throughout the U.S.



(Continued From Page 3)

## 2012 GSMOL-Sponsored Bills:

**AB 2150 (Atkins):** Knowing your rights as a homeowner is critical to protecting your investment in your home. This bill would mandate that parkowners provide homeowners with a one-page summary of key MRL rights and responsibilities each year. Status: On the Governor's Desk.

**AB 1938 (Williams):** The bill does two things: ensures that homeowners' existing right to void a long-term lease within the first 72 hours is enforceable; and prohibits pass-throughs to residents of any judgment against the park-owner for violation of the Mobilehome Parks Act. Status: On the Governor's Desk.

**AB 1797 (Torres):** This bill makes the Mobilehome Park Resident Ownership Program (MPROP) more useful to homeowners. MPROP is funded through a fee on certain homeowners. The program aids park residents in purchasing their parks and converting to resident ownership. However, the program is underutilized, leaving money unspent. The bill would allow for technical assistance to homeowners interested in pursuing a purchase of their park, and improve some of the terms of the loan to make it purchases more feasible. Status: On the Governor's Desk

**AB 579 (Monning):** Allows local governments to recover the cost of attorney fees in abusive litigation aimed at undermining local protections for homeowners. Status: This bill did not move forward this year and is now dead.

## GSMOL Supported:

**SB 149 (Correa):** Would require that the annual invoice sent to

park owners for the permit-to-operate fees each year include a notice indicating that the MRL exists, and where park owners can obtain a copy of the law. Status: On the Governor's Desk.

**AB 1830 (V. Manuel Perez):** Authorizes the PUC, where it finds that the water rates charged to residents of a manufactured housing community are unjust or unreasonable, to order the park owner to reimburse residents for the amounts overpaid. Status: On Governor's Desk.

## GSMOL Opposed:

**AB 317 (Calderon):** Changed the rules regarding rent-controlled homes that are not the homeowner's primary residence. Amended in Senate Judiciary to eliminate those objectionable provisions, and now only requires notice to prospective homeowners of how current law limits the application of rent control to vacation homes. Status: On the Governor's Desk. GSMOL has moved to neutral.

**SB 1173 (Wyland):** This bill would have allowed a park owner to pass-through the cost of certain local property tax assessments. The bill would pre-empt local rent control provisions governing such pass-through, allowing the cost to be passed through to each homeowner on a pro-rata basis. Status: DEAD

## GSMOL Neutral:

**AB 2272 (Wanger):** Made a small change to existing, but seldom used law that allows a park owner to pursue an injunction rather than an eviction in certain cases where a homeowner is violating park rules. An injunction may be less severe than eviction, since a homeowner will remain in their home. GSMOL is neutral on the bill after the author agreed to a 3-year sunset on the measure, allowing advocates to assess how the law is used. Status: Signed by the Governor.



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# ZONE/REGION REPORT

## ZONE A Region 4

*By Norma Bohannon, Zone A VP*

### NEWS FROM THE JULY 26, 2012 REGIONAL MEETING IN CHICO

After hearing reports from individual parks and reports of legislative issues from GSMOL VP Norma Bohannon, Region 4 Manager Anne Rucker proudly introduced her son as guest speaker. He is Chico's assistant city manager, John Rucker. Mr. Rucker presented an excellent slide show about the city.

Chico is located in the northeast part of the Sacramento Valley near the foothills of the Sierra Nevada Range and the Cascade Range. It is a beautiful place to live; a place where the air is clean and the grass is green. Local residents and tourists enjoy nearby hunting and fishing. Social activities are enjoyed by Chico State University students, and by permanent residents. Crime rates are relatively low.

Chico's most prominent landmark is Bidwell Mansion State Historic Park, an opulent Victorian home built for Chico's founders Gen. John and Annie Bidwell. The 26-room mansion was built between 1865 and 1868. Bidwell, having served in the US Congress, was well connected, and many US presidents visited the house.

After the slideshow, Mr. Rucker distributed handouts listing services available in the area to assist a variety of groups including low-income, seniors, and disabled. This information is important for local manufactured home owners and their leaders to know.

## Zone B-1 Region 10

*By Mardi Brick, Region 10 Associate Manager*

Lots of Good News from Santa Cruz County!

The newly formed county-wide organization called "Santa Cruz County Mobile/Manufactured Homeowners Association" (SCCMMHA) has received its official "Certificate of Registration of Unincorporated Nonprofit Association" from California Secretary of State Debra Bowen.

a SCCMMHA has been meeting monthly with new members from all 70 or so non-resident owned Manufactured Home Parks. Its Board has been working to update the contact list for all County Parks. It is also planning a "Fun Fundraiser" for November, which will be

combined with a brief informational seminar on problem solving techniques for our Park Communities.

The SCCMMHA Board Members are President Bob Lamonica, Vice President John Mulhern, Secretary Carole Harris, Treasurer Clair Sawyer, and Communications Director Caren King.

Also good news from Green Valley Estates MHP in Watsonville; after a prolonged arbitration, the presiding Administrative Law Judge ruled in favor of Park residents in their attempt to avoid exorbitant rent increases.

Resident owned park activist and all-around great guy Henry Cleveland has been elected as Chairman of the SCC Mobile/Manufactured-home Commission. Long time Commissioner Jean Brocklebank will be the new Vice Chair.

Not good news: Equity Life Style park owners have instituted their plan for renting vacant units at DeAnza MHP by advertising DeAnza on the Internet as "Vacation Rentals with Amazing Ocean Views" for weekend--and/or longer--. DeAnza is a designated 55+ park, so you can imagine the consternation this new disruption has caused among its 200 homeowners.

## ZONE C Region 3, Region 5

*By Mary Jo Baretich, Zone C Vice President*

As a precursor to the up-coming elections in November, in several mobile/manufactured-home communities in Zone C, the GSMOL Chapters and HOAs have been banding together to support "friendly" candidates at both the City level and the State level. Meetings are being coordinated for Voter Education by our GSMOL Region 5 Associate Manager, Tim Geddes.

In August, two GSMOL Chapters were reactivated by Raymond Downing, Region 5 Manager. The first was Chapter Number 0081, the Del Ray Mobile Estates in Anaheim. The Chapter Officers are Rita Lupercio, President; Ramiro Ramirez, Vice President; Maria Delcarmentapia, Secretary; and Miguel Andrade, Treasurer.

The second Chapter was Chapter Number 0141, Rancho La Siesta MHP in Fountain Valley. The Chapter Officers are James Carter, President; Larry Sheppard, Vice President; Dorinda Ross, Secretary; and Jill Van Cleave, Treasurer.

Recently, we have been successfully instru-

mental in helping to find solutions to ongoing problems in some of the parks in both Region 3 and Region 5, such as use of clubhouse, potential "failure to maintain" issues, and requests for the names of the park owners. Some of these parks include Mountain View MHP in Santa Monica, Dominguez Hills Estates in Dominguez Hills, Village Trailer Park in Santa Monica, Del Mar Estates in Huntington Beach, Western Skies in Anaheim, and Rancho Fullerton in Fullerton.

## Region 5 Report

*By Ray Downing, Region 5 Manager*

This article is regarding how to obtain the park owner's business address and business telephone numbers. According to the Mobile Residency Law (MRL), we as homeowners have the right to request, and be given, this information by the manager or management representative of our mobilehome park. Find this in the Mobilehome Residency Law (MRL), Article 798.28, "DISCLOSURE OF MOBILEHOME PARK OWNERS NAME."

When requesting this information, take the following steps:

1. If there is an on-site manager, request in writing the business addresses and telephone numbers of the park owner. Always keep copies of your request and copies of the manager's response.
2. If the above effort is not satisfactory, a request to the off-site management representative should be sent by registered mail, because not only is the receipt which you will be given by the Post Office proof that you made a request, but it is also proof of mailing if your case goes to court. Again, site the MRL Article 798.28, "DISCLOSURE OF MOBILEHOME PARK OWNERS NAME."
3. If no response, or a denial, is received, send a second request to the management representative citing both the MRL Article 798.28 and Article 8, Page 45, Section 798.86, "MANAGEMENT PENALTY FOR WILLFUL VIOLATION."

Should the above steps fail to get positive results, it's time for legal assistance.

We have encountered the above issue in our park. There had been no response to our many meetings, phone calls and registered letters.

*(Continued on Page 10)*

# ZONE/REGION REPORT (continued)

*Continued from Page 9*

However, once the management company received a letter from our attorney, six days later there was a reply.

The above three steps may work in your park. If not, you have the option to take legal action. Again, see Article 798.86 of the MRL. Please keep all receipts for your registered letters, and any responses from the management representative because this information will serve as your documents of proof.

## REMEMBER:

We as GSMOL Members have rights and responsibilities both to ourselves and to our neighbors. Do not be intimidated and simply accept what management has to say...WITHOUT A FIGHT!!!

## Zone D Report

*By Tim Sheahan, Zone D Vice President*

### Farewell Frank Merrifield, You Will Be Missed



Carrie and Frank Merrifield

It is with deep sorrow that I report the passing of GSMOL Region 7 Associate Manager, Frank Merrifield. Frank was born in Montana on February 25, 1927 and died August 29, 2012 in Oceanside. His loving memory will live on through his wife of 28 years, Carrie, his three children, three step-children, eleven grandchildren, thirteen great-grandchildren and two great-great-grandchildren.

Frank dedicated his life to being of service to others, whether it was paving a driveway, building a new home, remodeling an old home, or driving a tractor for Operating Engineers for twenty years.

When he could no longer be as physical as

he once was, he re-invented himself, learning the computer and getting involved with organizations dedicated to manufactured home issues. He became a Region 7 Associate Manager in 2002 and received the GSMOL Legacy Award in 2004. In 2003 he was principally responsible for the reactivation of Oceanside Manufactured Homeowners Alliance (OMHA) and on July 9, 2004 Frank was elected OMHA President, where he served until 2011.

Frank was one of those special leaders from the "Greatest Generation" who was liked and respected by all. He was a reluctant leader, which made his willingness to serve that much more commendable. His integrity, humility, sense of fairness and tireless effort were a selfless devotion that will be impossible to replace. Thank you Frank, I will always cherish your friendship and service.

### GSMOL Leader Running for Escondido City Council

For the past several months, GSMOL Region 7 co-manager, Don Greene, has been fully involved in an election campaign for a spot on the Escondido City Council. In the past, Escondido was one of the most supportive cities for residents of manufactured home communities, even winning the 1992 landmark Yee v. City of Escondido lawsuit in which the U.S. Supreme Court ruled unanimously that "rent control" was a legal exercise of local government protection of its citizens.

For the past several years, however, after MH community owners in Escondido formed a Political Action Committee (PAC) to support their targeted candidates, support for homeowners has waned dramatically. We wish Don success in his quest and hope that Escondido City Hall will soon become supportive of the rights of manufactured home owners once again.

### Zone D Region 9

*By Ivan McDermott, President, GSMOL Chapter 1539*

GSMOL Chapter 1539, Country Lake Mobile Home Park Community, has been fighting the annexation of our unincorporated area into the City of San Jacinto since about February 2007. Things got to the point where we held a protest hearing on June 28, 2012, but we did not get enough signatures to stop the annexation. We did get enough to

require an election by the registered voters.

The City of San Jacinto now seeks to call a special municipal election on the annexation issue, and requested that the Riverside County Registrar of Voters consolidate this special election with the statewide General Election, scheduled for Tuesday, November 6, 2012. This means we will get another chance to stop the annexation.

We now are under Riverside County Rent control and the park owner and the City of San Jacinto say they will afford us the same Rent Stabilization Ordinance (RSO) that we currently have. However, they are taking away the most important part. They are tying the RSO to the types of properties in the park. All empty lots, all lots with empty mobilehomes on them, and lots having longer than 12 month leases will not be covered under the new RSO. Next, the section that says they can only raise the rent to new residents no greater than the average of the three highest rentals then currently being charged will be removed and will now say new residents will not be covered by the new RSO. This would make it very difficult to sell our mobilehomes. They also have put in the RSO that the City can cancel the new RSO.

### By Donna Banks, VP At Large

*New GSMOL Managers for Zone D, Region 9*

Marcia Scott – New Associate Manager for the Hemet Valley Area

Marcia Scott, is the VP for the Hemet and San Jacinto MH Parks Coalition, Valley Mobilehome Residents Association and the new GSMOL Associate Manager for the Hemet Valley MHP residents.

She brings a wealth of information on mobilehome MRL Laws, Health & Safety and Code Enforcement issues that have surfaced in the Hemet Valley in recent months.

Barbara Rish – New Associate Manager for the Riverside Area

Barbara Rish will serve the Riverside area MH Residents. Barbara is the Secretary/Treasurer for her Mobilehome Park GSMOL Chapter in Riverside. Barbara is well versed in the MRL, Health & Safety and Code Enforcement Laws. She has worked in fund raising efforts to defend against a forced condo conversion at her mobilehome park.

*(Continued on Page 11)*



# ZONE/REGION REPORT (continued)

(Continued From Page 10)

**Gail Mertz** – New Assistant Region 9 Manager Gail brings 30+ years of GSMOL manager experience to the Riverside County area. Gail has experience in setting up new GSMOL Chapters, assisting new Chapters in establishing legal defense funds, and working with the City of Riverside City Council in their yearly review of the City approved Rent Review Stabilization Act and ensuring that the area residents are notified of the important meetings at City Hall that could impact their mobilehome lifestyles.

**Grant Yoders** – GSMOL Associate Manager recently retired.

Grant Yoders, a GSMOL Manager for 35+ years and served the Sun City area mobilehome parks, has retired from GSMOL. We will miss Grant's input at our monthly Valley Mobilehome Residents Association Meetings.

## Park Meetings:

**Green/River Village MHP** in Corona continues to hold weekly meetings to get their MHP organized and reach their goals. They have a difficult parking situation and the residents and park management are working together to resolve the issue. They have been plagued with some vandalism in their pool court-yard area and are working on resolving the problem within the Community.

**Hemet Park Estates** continue to amaze the Hemet area MHP communities with their innovative way they bring their Community residents together. They held a GSMOL sponsored Block Party for the families in the park. They gained two new family memberships. Good work on the part of Troy Evans, President, and Rick Jenkins, VP, of the GSMOL Chapter 1211.

The Hacienda MHP Park in downtown Hemet had a special problem when the residents were locked out of their MHP Clubhouse during the extreme high heat in the Hemet Valley. After a few phone calls and e-mails, the problem was resolved with-in two hours and the residents were given keys to the clubhouse and a new park manager was assigned to the park. Do not forget that your MHP Clubhouse is one of your amenities that you pay for. There should be regular clubhouse hours posted. If you do not have access to your MHP Clubhouse, call a GSMOL Manager for help immediately.

**Hidden Spring County Club** in Desert Hot Springs will have a Road Show/MRL Update meeting on November 29 from 1 – 3:30 to discuss new changes in the laws that could affect MH residents. There will be a question and answer period also. Bruce Stanton, GSMOL

Corporate Counsel and Henry Heater, ELT&H, LLP will be presenting the Road Show. Shirley Bales will be hosting the event at her MHP and invites all area Desert Hot Springs mobilehome residents to attend. For directions to the Hidden Springs Country Club MHP, email: Shirley.Bales@gmail.com  
Hidden Springs Country Club  
15500 Bubbling Wells Rd  
Desert Hot Springs, CA

A Road Show/MRL Update will be given in Santee for the MHP area residents on November 30, 2012. Bruce Stanton and Henry Heater, ELT&H, LLP will be giving the presentation. A question and answer period will follow the presentation. For additional information contact Karen at smoac@juno.com or Donnabanksgsmol@aol.com.

The time and location will be available at a later date. Please mark your calendar and send an email to verify the time and location.

Another Road Show and MRL Update is planned for the Riverside area in November. Location and date to be announced later. Please mark your calendar and to confirm date, location and time., e-mail g.mertz@sbcglobal.net or gsmol111@yahoo.com

Hemet had their Town Hall meeting on August 9 at the Hemet City Library and had a great attendance with over 250 residents attending. Bruce Stanton, GSMOL Corporate Attorney and Henry Heater, ELT&H, LLP gave the presentation and followed with the question and answer period. We also had our City Council Member, Linda Krupa and City Code Enforcement attend the meeting. It was announced that the City of Hemet Code Enforcement will be taking over the HCD duties of Mobilehome Park Inspections in the City of Hemet in the near future.

## New Procedure introduced for:

Absentee Ballot Voting for GSMOL Chapters,

Please review the article in the Californian which explains the procedure to be followed for those GSMOL Chapters that wish to use the Absentee Ballot Voting Procedure to ensure your Chapter can have a year-round active GSMOL Chapter.

If you need assistance in organizing your first Absentee Ballot Voting Procedure, please contact Donna Banks at (951) 927-3397 or e-mail me at donnabanksgsmol@aol.com.

## Zone D Region 7

By Karen Bisignano,  
Associate Manager Region 7

The Santee Mobilehome Owners' Action Committee (SMOAC) is organizing a Candidate's Forum to have a question and answer evening with the two candidates running for Mayor and the two candidates running for a City Council seat. The League of Women Voters will be moderating the forum on Tuesday, September 18 at the Santee City Hall, Room 7, from 6:30 - 8:30 p.m. with refreshments served after the forum. It will be held in the City's Event Hall, Building 7 of the City Complex at 10601 N. Magnolia. Incumbent Mayor Randy Voepel is being challenged by Rudy Reyes for the Mayor's seat. Jack Dale, running for reelection as a Council member, is being challenged by Maggie Acerra. Both the Mayor and the City Councilman have had a long history with the City of Santee. Mr. Dale has previously served as Mayor and Mr. Voepel has served as a Councilman. These are very important positions to park residents as these are the people that uphold our Fair Practices Ordinance.

In August, the Santee Fair Practices Commission denied a request for an exorbitant rent increase for residents of Cameron's Mobilehome Park. The park owner was originally asking for an increase of \$557 per space, per month, and then "went down" to just \$422.19. Their argument was that they did not take all the permitted annual increases through the years that the Ordinance has been in effect, and therefore their rents are too low. They appealed the denial of their request to the City Council at the August 22 meeting. The room was packed to overflowing with supporters as many of Cameron's residents and some from other Santee parks showed up at this Council meeting. The Council heard Cameron's attorney for 20 minutes of arguments for the increase and then numerous resident speakers opposed it. Cameron's appeal was denied by the Council 5 to 0, much to the relief of the residents present. The park's attorney actually said that granting the appeal would save the City from another lawsuit. We know the City is currently pressed financially due to the economy and loss of redevelopment funds. But there must be a way for all the City's mobilehome residents to show the City that we support their efforts to defend the Fair Practices Ordinance. We realize that just up the road a bit at Terrace View MHP on North Main St, El Cajon, residents are paying \$1100 to \$1400 a month just for the dirt their home sits on. We need to support one another and our City defending the Fair Practices Ordinance. We are exploring ways to ensure the survival of our Santee Ordinance.

# HCD UPDATE

## **PARK-OWNED AND RENTAL MANUFACTURED HOMES: SPECIAL LANDLORD-TENANT LAW RIGHTS AND OBLIGATIONS**

By Ron Javor

(Ronald Javor, now retired, is a former General Counsel and Assistant Deputy Director at the California Department of Housing and Community Development; and has 40 years of legal practice in the area of mobilehome park law and general landlord-tenant law. This article is written to be made available to the leading mobilehome park owners and resident advocacy associations for reproduction for their members.)

While park operators and residents often focus primarily on park maintenance issues and rents, the increasing number of tenants in park-owned manufactured homes requires a careful look at unit standards and the rights and obligations of tenant/residents and landlord/owners of rental manufactured homes in mobilehome parks. Both the tenants and owners of these homes should be clear as to their rights, obligations, and liabilities in order to avoid unnecessary costs and trouble and responsibly perform them in order to avoid unnecessary litigation or penalties. These issues arise in both the Mobilehome Residency Law (MRL) and general landlord-tenant law.

### **What are the MRL Rights of Tenants in Park-Owned Manufactured Homes?**

Generally, the written (or oral) rental agreement between the tenant of a manufactured home and its owner is subject to the “conventional” landlord-tenant law, starting at section 1940 of the Civil Code (CC). This landlord-tenant law applies to any “dwelling unit” that is a structure used as a home, residence or sleeping place by one or more persons comprising a household (CC Sec. 1940(c)). It provides a number of rights, restrictions, procedures, and standards, some of which apply only to conventional housing; however, some apply to rental manufactured homes.

A number of advocates and attorneys believe that portions of the MRL apply to both a “homeowner”, who is a person with a tenancy in a park (CC Sec. 798.9), or a “resident”, who is a person who lawfully occupies a manufactured home (CC Sec. 798.11). A “resident” can include not only a legal sub-lessee or other legal occupant, but also the tenant in a park-owned unit. Thus, wherever the MRL provides a right or obligation to a “resident” rather than only to a “homeowner”, they assert that the MRL applies to residents of park-owned or homeowner-owned rental units. An example of how the Legislature distinguishes between a “homeowner” and a “resident” is in CC Section 798.29.6, in which the MRL states “The management shall not prohibit a homeowner or resident from installation accommodations for the disabled...” Similarly, Civil Code Section 798.42 states “management shall provide, by posting notice on the mobilehomes of all homeowners and residents... advance notice of an interruption in utility service of more than two hours”. This distinction between the terms “homeowner” and “resident” has existed since the terms were added to the MRL in 1982, and the legislative history, found in the State Archives, indicates that it was identified during passage of the law by legislative committee analyses, Executive Branch analyses, and even comments by at least one lobbyist with significant understanding of the MRL.

Some of the resident/tenant rights as a result of this distinction include the right to use common areas (CC Section 98.24), the right to assemble and communicate (CC Section 798.50), and the right to install accommodations for disabilities. On the other hand, resident/tenant obligations include being subject to vehicle removal (CC Section 798.26.5), being subject to management entry into mobilehomes in

the event of an emergency (CC Section 798.26(b)), and being subject to injunctions for violating park rules (CC Sections 798.87-88)

The anti-waiver provision of CC Section 798.19 expressly only applies to protect homeowners. Conventional tenants and manufactured home resident tenants have a separate anti-waiver protection in CC Section 1953 which is more limited. Finally, it is clear that MRL Section 798.55 (a) provides limited cause eviction protections only for “homeowners”, not tenants; similarly, restrictions on fees, lease provisions, and similar critical matters in the MRL expressly only apply to “homeowners”, and not to “residents/tenants”.

### **What Standards Apply to the Habitability of Manufactured Homes?**

We all know that mobilehomes and manufactured homes are built to a different code than conventional housing. Before 1976, mobilehomes were built to a specific building code, under the jurisdiction of the California Department of Housing and Community Development (HCD), a State agency. Starting in 1976, manufactured homes were built to standards (often called the “HUD-Code”) of the U.S. Department of Housing and Urban Development (HUD), a federal agency. HCD and HUD should not be confused with one another. Both federal and state laws and regulations govern the construction and “maintenance” of manufactured homes, including what is considered “substandard”. Conventional housing is built to a “California Building Code”, which is derived from various national model codes, and “maintenance” of conventional housing is subject to the State Housing Law (Health & Safety Code Sections 17910, and following, particularly Section 17920.3) and to Title 25 of the California Code of Regulations, beginning with Section 1).

While the Civil Code has certain requirements for determining whether a non-mobilehome rental unit is “untenable” or “substandard”, manufactured homes are subject to the HUD or HCD standards discussed above. Also, there is a specific definition for a “substandard manufactured home” in Title 25, California Code of Regulations, Section 1606, and another similar definition for substandard accessory buildings and structures (e.g., cabanas, garages, etc.) in Title 25 California Code of Regulations, Section 1608.

Finally the Civil Code has certain maintenance standard requirements which are not covered by, and do not interfere with, the state or federal laws governing manufactured homes, and therefore may be applicable to rental manufactured homes. These include providing copies of pest control services (CC Sec. 1940.8), installing and maintaining operable dead-bolts and window security (CC Sec. 1941.3), and properly installing and maintaining at least one telephone jack and inside telephone wiring (CC Sec. 1941.4). Smoke alarm and carbon monoxide detectors are covered by HCD regulations.

### **What Consequences May Occur for Rental of Substandard Manufactured Homes?**

Landlord-tenant law requires that a conventional rental unit such as an apartment be initially provided and always maintained in a habitable condition, unless there is an agreement to contrary (CC Sec. 1941). But the laws governing manufactured homes are different. It is “unlawful” under Health and Safety Code (H&SC) Section 18025 to rent a manufactured home unless the structural, fire safety, plumbing, heat-producing or electrical systems and equipment meet the state or federal requirements! Similarly, the home must be maintained in a “habitable condition.” Also, H&SC Section 18550 (Mobilehome Parks Act) makes it “unlawful” to rent a mobilehome in a park that is unsafe, unsanitary, or improperly

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# HDC UPDATE (continued)

(Continued from Page 12)

connected to utilities. Criminal and civil penalties under H&SC Section 18700 may be imposed if the mobilehome is in violation.

Failure of a park owner to properly provide or maintain a rental manufactured home also may result in rent-withholding, deduction from rent to pay for repairs to the unit, and a defense to eviction for nonpayment of rent, among other civil penalties. In addition, the failure may be prosecuted as a misdemeanor (H&SC Sec 18020.5), subject to civil penalties (H&SC Sec. 18021), or other penal penalties. Further, just as a tenant in a conventional rental unit may call a local building department or health department to complaint of residential defects, a tenant in a manufactured home may call HCD or the Mobilehome Parks Act local enforcement agency to complaint about a defective manufactured home, triggering all of the procedures and penalties in the Mobilehome Parks Act.

## What Landlord-Tenant Procedures Apply to Rental Manufactured Homes?

Both the MRL and conventional landlord-tenant law contain many procedures governing the relationship between the manufactured home owner and the tenant. Some of these may be complicated by the fact that the park owner may have certain obligations as “park owner” to “residents” and other obligations as “home owner/landlord” to “tenants”.

The MRL Section 798.39 provides that park management must return the security deposit if the homeowner pays rent properly for twelve consecutive months. Conversely, CC Section 1950.5 allows the unit owner to retain the deposit until the tenant vacates and use it for damages during a tenancy, but includes very lengthy procedures for use and return, including additional penalties of up to twice the amount of the security deposit in the event of bad faith claims or retention of security deposit when the tenant moves.

While the general Civil Code covers right of entry into a tenant’s unit (Section 1954), the MRL severely restricts the park owner’s right of entry into a mobilehome to cases of emergency, abandonment or by prior written agreement or for agreed-upon repairs, and other purposes after reasonable notice. CC Section 798.26 covers “residents” and not just “homeowners”, and therefore arguably is the section covering entry.

Conventional tenants have broad statutory anti-retaliation protections in CC Section 1942.5. Since “anti-retaliation” is not covered by the MRL, these provisions would apply to all homeowners as well as residents. In addition there are constitutional protections which protect any tenant from retaliation by a landlord for the tenant’s exercise of constitutional rights (speech, assembly, complaints to government officials, etc.).

## What Special Remedies and Liabilities Exist for Rental Manufactured Homes?

Most eviction procedures and requirements for tenants of park-owned manufactured homes are too lengthy to cover here; the MRL 60-day notice procedures in CC Section 798.56, with limited grounds for eviction, do not apply to these rental mobilehome tenants. However, the rental agreement used may include specific requirements, and a local rent control ordinance may provide restrictions or procedures. In addition, the Civil Code provides that in a month-to-month tenancy, the landlord does not need to prove any violations only if the tenant is being evicted by a 30-day notice where the tenant has lived in the home for less than a year, or by a 60-day notice if more than a year.

The Civil Code applicable to all tenants states that an owner/lessor of a home has no duty to make repairs if the tenant has substantially contributed to the existence of dilapidating or interferes substantially with efforts to make repairs, including not keeping the premises clean and sanitary not disposing of rubbish properly; not properly using and operating

all electrical, gas, and plumbing fixtures or violating other duties listed in CC section 1941.2. In addition, rental mobilehome tenants may have the automatic statutory habitability defense of CC Section 1942.3 available to them, since that section requires unit owner noncompliance with both generic obligations or specified Civil Code and Health & Safety Code standards applicable only to conventional housing.

In addition, rental mobilehome tenants may not be obligated to pay rent pursuant to CC Section 1942.4 since that section, too, requires landlord compliance with both generic habitability obligations as well as specific standards applicable only to conventional housing. This right may be raised as a defense to an eviction, as well as being pursued affirmatively with a claim for damages.

Both homeowners and tenant/residents may bring a failure to maintain action under MRL Section 798.88, which expressly applies to both residents and homeowners; however, the prior notice requirement of CC Section 798.84 covers only homeowners, not residents. In addition, since it is likely that the common areas of a park are an integral part of the rental of a home in that park, a failure to maintain could result in similar defenses and affirmative actions as those related to the home’s habitability. Furthermore, the authorization for attorney’s fees and costs may be applicable to residents, since CC Section 798.85 makes it applicable to “any action arising out of the provisions of this chapter”, if the violation alleged and proven relates to the MRL rather than merely general landlord-tenant law.

## What Special Requirements Are There for Rental Mobilehomes Titling, Registration, Installation, and Repairs?

A common source of rental units for park management is homes which previously have been abandoned, acquired at warehouse lien sales, or otherwise purchased. Renting the units without properly completing the registration and titling requirements may produce adverse consequences for the unit owner. While contesting ownership generally is not permitted as a defense in an eviction lawsuit, an aggrieved resident/tenant may report the rental of an improperly titled unit to HCD or the Mobilehome Parks Act enforcement agency as an “unlawful activity” under H&SC Section 18550 (“unit not registered to lessor”), subjecting the owner to possible criminal and civil penalties. In addition, it may be reported to the HCD Occupational Licensing Program and be subject to administrative civil remedies as well as criminal and civil proceedings. A “pattern and practice” of flaunting these laws may result in major civil lawsuits by aggrieved tenants or local public prosecutors claiming unfair business practices, fraud, misrepresentation, and other assertions with the potential for liability far in excess of the cost of proper registration, as well as “consolidation” and delay of any eviction lawsuit into this larger lawsuit.

Similarly, renting a “move-on” unit, without having it properly installed—without an installation permit, inspection, and “certificate of occupancy”—may have adverse impacts. It not only raises possible Mobilehome Parks Act violations such as those listed above, but some court decisions have refused to allow property owners to evict tenants if they have rented units without proper certificates of occupancy.

Similar to conventional housing, most repairs, modifications, and improvements to manufactured homes require a building permit and inspection, all from HCD rather than the local enforcement agency. Failure to obtain a permit, if discovered, may require the work be performed again, with an inspection and permit with multiple financial penalties; aggrieved tenants may report the violation to HCD as well. In addition, if an improper repair or modification without a permit results in tenant personal or property harm, the financial consequences may be greater. A “matrix” of when permits are required is on HCD’s website.

# GSMOL "Who's Who" (Leaders In Your Area-Refer to Map on Page 15 for Zones and Regions)

## ZONE A

### REGION 4

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

#### REGION MANAGER

**Anne Rucker**  
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### REGION 11

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

#### REGION MANAGER

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**Shirley Dajnowski**  
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### REGION 14

COUNTIES: Colusa, Sutter, Sacramento, Yolo and Yuba

#### REGION MANAGER

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## ZONE A-1

### REGION 1

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

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#### Gary C. Smith

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## REGION 2

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

#### ASSISTANT MANAGER

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## ZONE B

### REGION 12

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

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#### ASSOCIATE MANAGER

**Ronnie Hulsey**  
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## REGION 13

COUNTIES: Alpine, Merced, Calaveras, Mariposa, Mono, San Joaquin, Stanislaus and Tuolumne  
(Vacant)

## ZONE B-1

### REGION 8

COUNTIES: San Luis Obispo, Santa Barbara and Ventura

#### REGION MANAGER

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##### South Santa Barbara Co.

##### Sam Herr

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## REGION 10

COUNTIES: Monterey, San Benito and Santa Cruz

#### REGION MANAGER

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#### ASSOCIATE MANAGERS

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## ZONE C

### REGION 3

Los Angeles County

#### REGION MANAGER

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## REGION 5

Orange County

#### REGION MANAGER

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## REGION 6

San Bernardino County  
(Vacant)

## ZONE D

### REGION 7

COUNTIES: San Diego and Imperial

#### REGION MANAGERS

##### North

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##### South

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#### ASSOCIATE MANAGERS

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## REGION 9

Riverside County

#### REGION MANAGER

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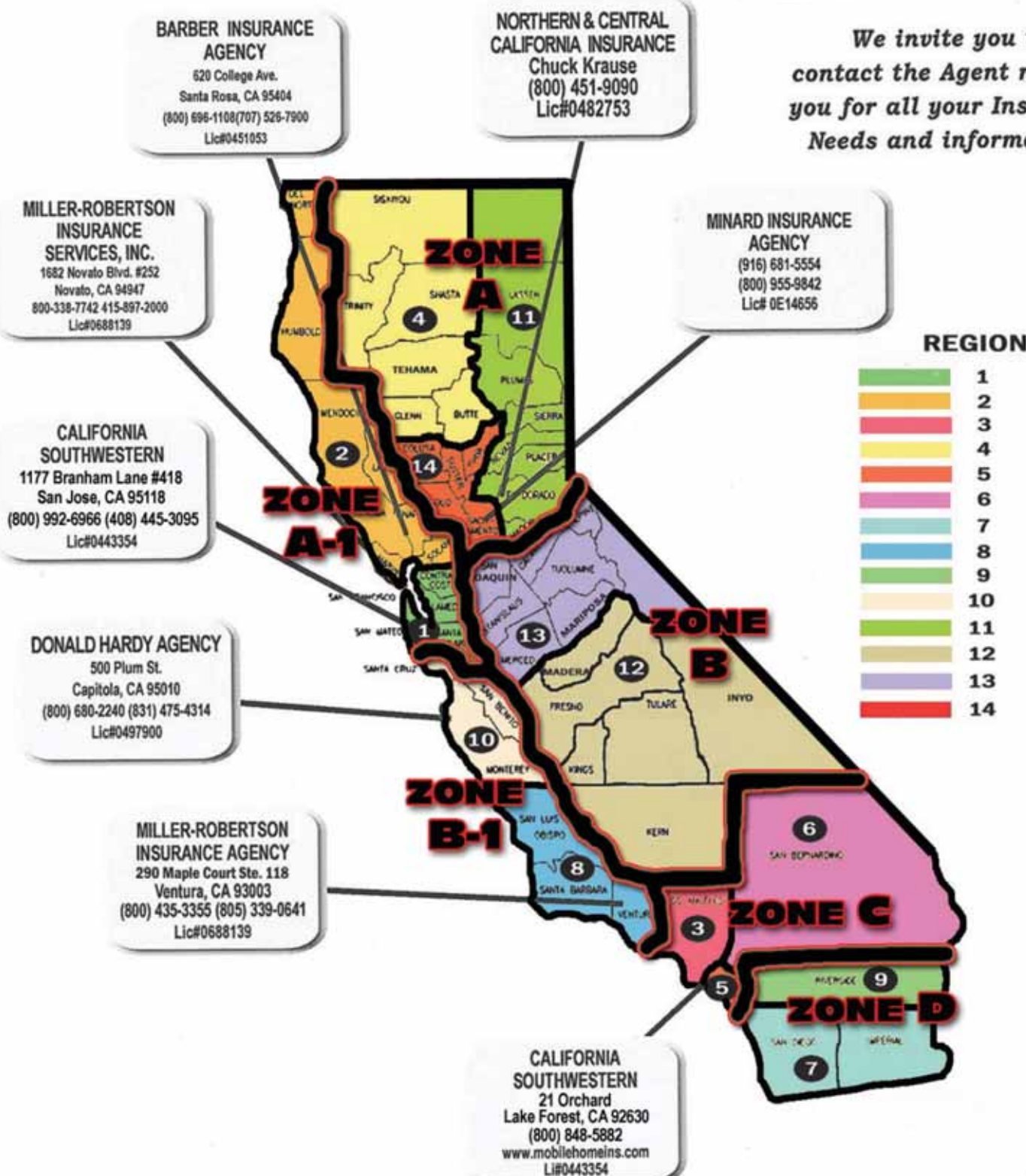
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# FIVE FOR FIVE REWARDS PROGRAM

## APPLICATION FOR REWARD

(New members only - no renewals)

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

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

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

### PLEASE PRINT LEGIBLY

NEW MEMBERS' NAMES

PARK NAME

SPACE NO. MONTH AND YEAR JOINED

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

Please send \$5 reward check to:

\_\_\_\_\_ name \_\_\_\_\_ address

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

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

## MEMBERSHIP APPLICATION

GOLDEN STATE MANUFACTURED-HOME OWNERS LEAGUE, INC. 800-888-1727 714-826-4071 FAX : 714-826-2401



- ☐ ONE-YEAR GSMOL MEMBERSHIP for \$25
- ☐ ONE-YEAR GSMOL SPOUSAL/PARTNER MEMBERSHIP for \$10
- ☐ THREE-YEAR GSMOL MEMBERSHIP for \$70
- ☐ ONE-YEAR ASSOCIATE MEMBERSHIP for \$50

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

(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*

Homeowner Defense Fund	\$ _____
General Legal Fund	\$ _____
Disaster Relief Fund	\$ _____
Enforcement Legal 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, 11021 MAGNOLIA ST., GARDEN GROVE, CA 92841