

THE
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GOLDEN STATE MANUFACTURED-HOME OWNERS LEAGUE

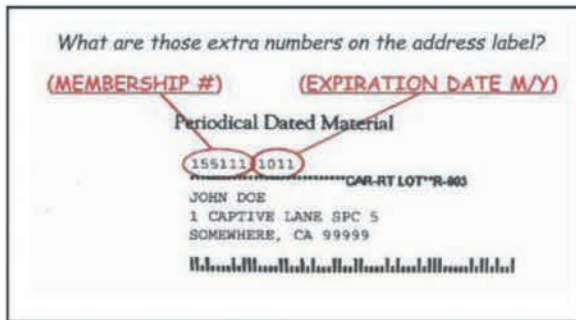
Volume 48 Issue 1 GSMOL – Advocating for Homeowner Rights Since 1962 **January / February 2013**

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2013

A New Year.

A New Beginning



THE CALIFORNIAN (USPS 898-320)

*Official bi-monthly publication of the
Golden State Manufactured-Home
Owners League, Inc.*

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Periodical Postage Paid at Garden Grove, CA and at additional mailing offices.

GSMOL Annual Dues: \$25 yearly, includes annual subscription to the *CALIFORNIAN*.

POSTMASTER: Send address changes to:

THE CALIFORNIAN
6101 Ball Road Suite 202
Cypress, CA 90630

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(See map on page 15 for Zone boundaries)

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League, Inc.**



BOARD OF DIRECTORS MEETING

Friday, January 25, 2013

6101 Ball Road, Suite 102 Cypress, CA 90630
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Board Meeting will run from 10:00 AM until 4:00 PM,
Join the board members and advisors for a free lunch:
12:30 PM to 1:00 PM

SCHEDULE

- Review of Minutes of Last BOD Meeting
- Treasurers Report
- Brief Reports from Zone Vice Presidents
- Summary reports - Standing and Special Committees:
Membership Publications Legislative Personnel
- Corp. Counsel Report, Attorney Bruce Stanton
- Legislative Update, Attorney Brian Augusta
- New Business Items
- Brief tour of new office suite after business meeting

LIMITED TO GSMOL MEMBERS ONLY

BIG CA SUPREME COURT DECISION

A GREAT VICTORY FOR GSMOL! THE SUPREME COURT HAS NOW PROVIDED A SECOND LINE OF DEFENSE AGAINST FORCED CONVERSIONS

By Attorney Will Constantine

Up until now, the only tool available to cities and counties for stopping manufactured home park conversions that are not in the interest of or supported by a park's homeowners has been Government Code Section 66427.5's resident support survey balloting requirement. However, now the CA Supreme Court's *Pacific Palisades* decision has provided manufactured homeowners with a significant victory, which may have statewide significance in opening the door to a second ground for rejecting those untenable conversions.

Pacific Palisades does not directly address the resident support issue. So it does nothing to resolve the current dispute between the *Goldstone* (CA 6th Appellate District) and *Chino* (CA 4th Appellate District) appellate decisions regarding the circumstances under which the results of a resident support survey justify rejection of a conversion for lack of resident support. That is the primary issue of the current Petition for Review by the CA Supreme Court that I recently filed in the *Chino* case and it still remains our first line of defense against park owner driven conversions that would be financially devastating to a park's homeowners.

However, *Pacific Palisades* appears to have opened the door for a second ground for rejecting those untenable conversions in its ruling that Section 66427.5 does not supersede other California laws, particularly the Coastal Act and the Mello Act, and that a conversion can be rejected if it fails to comply with those other laws. Although *Pacific Palisades*'s rulings on the Coastal Act and the Mello Act only affect parks in the coastal zone, its rationale for why the Mello Act's preservation of affordable and moderate income housing requirements must be enforced opens the door for a statewide argument that conversions can be also rejected, under California's Housing Elements Law, when it is demonstrated that a conversion will result in the loss of the low and moderate income housing that is located in a park that is proposed to be converted (*i.e., the lots will be sold at unaffordable prices*). Since California's Housing Elements Law covers all of the State, it would protect all manufactured home parks rather than just those in the coastal zone.

The *Pacific Palisades* CA Supreme Court decision opens the door to expanding this protection by ruling that the goals of the Housing Elements Law are of "vital statewide importance" and that its goal of the protection of "decent housing and a suitable living environment for every Californian ... is a priority of the highest order." Citing Government Code Section 65580, subd. (a), it then also states that Section 65583 requires programs in the housing elements of general plans for the "preservation" of such housing. *Pacific Palisades* then uses these policies and provisions of the Housing Elements Law to support its subsequent conclusions

regarding the Mellow Act, which it states "supplements the housing elements laws."

After providing the above background analysis of California's Housing Elements Law and Subdivision Map Act, the CA Supreme Court then opens the door to rejecting conversions for failure to comply with the low-income housing preservation requirements of a local community's general plan by then stating that "the subdivision map act cites a number of circumstances that require denial of a map" and then, in a footnote, it cites Government Code 66474 listing the reasons that a "city or county **shall deny** approval of a tentative map" and the very first reason that it lists is Section 66474 subd. a, which states that a map application shall be denied when it is determined **"that the proposed map is not consistent with the applicable general or specific plans."**

Following that reasoning from *Pacific Palisades*, if a manufactured home park's homes are being counted as part of a community's low-income housing supply to meet its regional mandates under California's Housing Elements Law (*which is almost always the case*) and the park owner refuses to demonstrate that the conversion will not result in the subdivided lots and manufactured homes becoming unaffordable (*i.e., the park owner refuses to guarantee their affordability*), then the conversion can be denied under subd. a of Government Code 66474.

GSMOL should receive a lot of credit for the CA Supreme Court adopting this position because it was presented to them in my amicus brief that I filed with the Supreme Court on behalf of GSMOL.

Another very helpful aspect of the *Pacific Palisades* decision is that the CA Supreme Court also adopted GSMOL's amicus brief's argument that clarifies that Government Code Section 66427.5's temporary post-conversion rent controls are only intended to protect current residents and that they do not preserve affordable housing units. It then states that those are two different goals with Section 66427.5 protecting current residents and the Mello Act preserving the affordable housing supply, that those goals are not in conflict and that both of those statutes must, therefore, be equally enforced.

So, our first line of defense against untenable park owner driven conversions is still the effective enforcement of Government Code section 66427.5's resident support survey balloting requirement. This means that we still must work to have the *Chino* appellate decision's ruling that conversions can only be rejected when it is shown that only a "trivial handful" of homeowners support the conversion overturned and the *Goldstone* appellate decision's ruling (*which gives local jurisdictions more discretion in rejecting conversions when they fail to demonstrate adequate resident support*) affirmed. But the *Pacific Palisades* Supreme Court decision now seems to also give local jurisdictions a viable second method of protecting affordable housing in manufactured home parks under California's Housing Element Law.

To see how Zone C Vice President Mary Jo Baretich used this ruling to help Huntington Beach mobilehome park residents, see Page 10, Pacific Mobile Home Park, Region 5.

QUESTIONS & ANSWERS

2012 LEGAL WRAP-UP: SUMMARIES, QUESTIONS AND ANSWERS



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.

With 2012 now in the books, and 2013 before us, it's time to provide a few legal updates and answer a few more questions from homeowners.

Question: What happens if the Permit to Operate (PTO) for a Park Owner is suspended by HCD? (Submitted by Anne Anderson, Region 8 Associate Manager)

Pursuant to the Mobilehome Parks Act (MPA) at California Health and Safety Code sections 18200 et seq., a mobilehome park owner is required to ensure that residents living inside a park enjoy conditions which assure their health, safety, general welfare and a decent living environment, so that the investments of the mobilehome owners are protected. The MPA contains a permit and fee structure to be adhered to by all park owners when constructing and operating a park. The California Department of Housing and Community Development (HCD) is charged with enforcement of the MPA provisions including the ability to collect annual permit to operate fees and to take enforcement action when the MPA is violated.

Failure to follow the MPA subjects a park owner to judicial remedies and enforcement actions by HCD. This includes a process which is in some cases used to force compliance that results in the suspension of the Permit to Operate the park (PTO) following several notices. The process begins with a Notice of Violation, which might state that there is an uncorrected code violation in the park, or that some

requirement of the law has otherwise not been met by the park owner, such as the requirement to file with HCD an Emergency Preparedness Plan. If the park does not comply within the time stated in this first Notice, then a Notice of Intent to Suspend the PTO is issued. And if compliance still does not occur, then the PTO is suspended via a final Suspension Order issued by HCD. When this happens several questions arise:

1. Do park residents have to pay rent if the PTO is suspended?

HCD issued a written opinion on November 9, 2012 which confirms that the answer to this question is "No". When the PTO is suspended the park loses its ability to operate as a lawful business, and can no longer collect any rent from residents during the term of the suspension. Thus, while the PTO is suspended, residents should not even be billed for rent. A valid PTO is a precondition to being able to operate a park. Until the date it is reinstated, and the suspension lifted, no rent can thus be collected, as the legal right to collect rent as part of its business operations. Since utilities are billed to residents in sub-metered parks as part of "rent", this prohibition presumably applies to utility amounts as well. In essence, nothing can be demanded or paid until the suspension is lifted. Any resident who pays any amount of rent to the park owner during the period of suspension should immediately request its return, and take the park owner to small claims court if refused.

2. What are the consequences to the park owner if the PTO is suspended?

Other than not being able to collect rent, the Park owner is subject to several sanctions, including:

- a civil penalty or fine for each day that any violation continues;
- criminal misdemeanor charges for a willful violation, with punishment by fine, imprisonment or both;
- prosecution by local District Attorneys for unfair business practices or a nuisance

3. Do residents have to pay back rent which accrued during the suspension period when the PTO is reinstated?

HCD emphatically says "no". Since the park owner cannot collect rent during the suspension period, it does not matter if or when the PTO is reinstated. Rent can never be collected for that period, and is simply lost revenue to the park owner who chooses to reinstate the ability to operate the park. The suspension essentially amounts to a "permanent waiver of back rents". Otherwise, both the intent of the law, and the enforcement authority of HCD, would be undermined.

(Continued on Page 6)

Q & A (continued)

(Continued From Page 5)

4. What happens to the residents of the park when the PTO is suspended?

In most cases, there is no direct impact on the right of residents to continue to live in the park. The park usually continues to exist and must continue to provide services, amenities and utilities (where sub-metered) until the PTO is reinstated. Thus, at least for some period of time, there is no evidence of any change. Residents can continue to occupy their homes. In most cases, suspensions are temporary, and are cured. In rare cases where the park owner chooses to go out of business or simply abandon the park, then ultimately the park would have to close under the auspices of an HCD- managed closure. But such cases are extremely rare, since most park owners want to reinstate their cash flow as quickly as possible.

In sum, the recent HCD opinion speaks very clearly about what happens when a PTO, and thus the privilege to operate the park, is suspended. Notification in writing of a suspension is required to be posted in the park common area and served upon all residents of the park. In the rare case when this occurs, residents need to know their rights. This is one of the few occasions when residents can safely withhold payment of rent without risk of eviction.

Question: What can be done when a park owner fails to follow Title 25 or the law? (Submitted by Norma Bohannon, Vice President Zone A)

When a park owner is in violation of Title 25, or the Mobilehome Parks Act (MPA) found at California Health and Safety Code sections 18200 et seq., there are a number of available remedies and steps that should be taken:

1. Contact the California Department of Housing and Community Development (HCD) and file a written complaint.

The form can be found on-line at the HCD website. Support the complaint with details and photographs, and request an inspection by HCD. The more serious the conditions, the more likely it is that an HCD inspection shall occur. The result of an inspection might be activation of the suspension procedure described in the previous question and answer above. Note that at least one person must identify him or herself on the complaint form, and the more residents who join in the complaint (such as a petition attachment) the more likely that you will get HCD's attention.

2. Contact your local District Attorney if there is a nuisance or ongoing health and safety issue.

3. Contact GSMOL for assistance if you do not receive any response to your complaints.

4. Contact a qualified attorney to consult about a failure-to- maintain park condition.

Civil remedies are available, and GSMOL can provide referrals law firms in both northern and southern California who specialize in these types of lawsuits.

In order to obtain results, residents need to organize and stick together. Fear of retaliation is normal in most parks. But by banding together, and working closely with your GSMOL leadership, retaliation against residents can be prevented. No one should ever be put in fear of exercising their legal rights. Remember that YOU are ultimately responsible for enforcing the laws. If residents do not have the desire to protect themselves...no one else can be counted upon to do so.

Question: Is a person who rents a mobilehome, either from a homeowner or a park owner, a "resident" or a "homeowner" under the Mobilehome Residency Law? (Submitted by Sen. Lou Correa's office to the California Legislative Counsel)

In an opinion dated September 19, 2012, the Legislative Counsel's office rendered the following answer: A person who rents a mobilehome, either from a homeowner pursuant to a sublease, or directly from a park owner (for example where the park owner owns the home) is a "resident" under the Mobilehome Residency Law (MRL), but not a "homeowner", since those terms are not synonymous. This opinion confirms previous rulings and opinions which hold that a "renter" is not a "homeowner", and thus is not entitled to all of the protections given to "homeowners" in the MRL. Separate and distinct definitions for a "resident" and a "homeowner" are found in the MRL, as is the definition of a "tenancy". An MRL "tenancy" requires three components: Locating, maintaining and occupying a home. Because merely occupying (i.e. renting) a home does not satisfy the requirement of "locating" it on the space (i.e. owning it), then a renter cannot satisfy all three required components, and cannot have an MRL "tenancy". Thus, a non-homeowner "renter" can be evicted under apartment eviction law without adhering to the stricter eviction protections set forth in Civil Code 798.56 for "homeowners".

This distinction is obviously critical for those who sublease mobilehomes or rent them directly from the park owner. Some provisions of the MRL apply to "residents", and thus would include renters and regular homeowners. These include 798.42 (notice of interruption of utility service) and 798.51 (right of free speech and assembly). But the fundamental rights contained in most of the MRL pertaining to such things as rental agreements and termination of tenancy are more than incidental, and apply only to "homeowners". Thus, only those provisions expressly applicable to residents are applicable to persons who rent a home from a homeowner (i.e. a sublease) or directly from the park owner.

News Around the State

By Tom Lockhart
GSMOL State Secretary

Zone A-1 Region 2

A lawsuit challenging the City of Calistoga's rent stabilization law, governing rents at mobile home parks, was dismissed by a Federal Judge in U.S. District Court. The ruling said the plaintiff, HCA Management, operator of 184 home Rancho de Calistoga MHP, did not prove the law was a taking of its fair rate of return on its investment in the park. The ruling also said HCA's rights to due process and equal protection under the law, constitutional guarantees, were not violated.

The lawsuit arose as a result of an arbitration ruling that said HCA could raise rents in the park by \$60 per month. This would yield an average space rent of \$537 per month. HCA was asking for almost \$90 per month more. The City officials said rent control is necessary and reasonable given the small number of affordable housing in Calistoga, and the relatively low incomes of older and retired park residents. HCA had named park residents in the lawsuit, as well as the City. The Calistoga Family Center helped park residents in the legal action.

At another park in the City, Chateau Calistoga, the owner agreed in 2011 to a gradual rent raise of slightly more than \$100 per month over eight years for most residents.

Zone A Region 11

Glen Oaks MHP in Auburn has seen an ownership change and revitalization over the last couple years. Previous health and safety violations have been corrected, infrastructure improvements have been made, and the new on site manager is an 8-year park resident who was instrumental in making the changes happen.

The CA Department of Housing and Community Development (HCD) inspected the park in response to numerous tenant complaints sent to the Placer County Department of Environmental Health, and found many violations of health and safety codes under the previous ownership.

The new owners fully intend to correct the problems and make the park a family-friendly safe, healthful place to live, and have spent \$200,000 so far in that effort, fixing about 90% of the problems.

A deadline to correct all problems was extended by HCD since so much progress had already been made by the new owners.

In addition, Placer County law enforcement reports a significant reduction in complaints initiated by residents and officer-initiated visits to the park.

All this has been accomplished without a raise in the park's space rents.

Zone A-1 Region 1

The Sunnyvale City Council has amended its mobile home park conversion policy. The changes include relocation assistance based on a tenant's actual relocation costs, or the developer must buy the home for 100 percent of its "in-place value". The previous requirement was 85 %. Also, residents will be given a longer conversion noticing period, 90 days versus the previous 30 days, to allow them to pursue purchase of the park. In addition, the ordinance now prohibits a park owner from deliberately devaluing the park property, and the City will contract with a relocation specialist at the developer's expense. Also included is a 24 month rent subsidy for low-income park residents if other assistance isn't enough for replacement housing.

The 16 mobile home parks in the City contain 4,000 mobile homes. This is about 7 percent of the City's housing.



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GSMOL LEGAL DEFENSE FUN (LDF)

GSMOL is pleased to announce it is combining its three legal funds, the Homeowner Defense Fund (HDF), the Legal Fund (LF), and the Enforcement Legal Fund (ELF), into one, the Legal Defense Fund (LDF). Combining the three former funds will result in much greater efficiency in both soliciting donations and using the money effectively to help GSMOL members and/or Chapters protect their rights and home ownership. The savings in administrative and accounting processes will be significant. The new LDF will provide the same financial assistance efforts to GSMOL members and Chapters that the three former funds did. These include supporting legal issues in the courts, advocating for legislation, and fighting violations of the Mobilehome Residency Law (MRL) and other laws through loans and grants to GSMOL chapters and members for legal expenses. The LDF will continue to support all these areas, but in a much more effective, easier to use, and far-reaching manner.

For new and renewing members who wish to contribute to the LDF, please check the LDF box on the membership form.

For our members who have contributed to the ELF through a yearly contribution with your membership renewal, please continue your donations and mark them for the LDF on the membership renewal form. Your donations will still be used to fund the efforts the ELF was set up to support. Your continued support now through the LDF is vital to GSMOL's efforts to protect the manufactured home quality of life and enforce the provisions of the MRL. Your donations will help GSMOL members protect the way of life and rights they so much deserve.

LDF funds to cover relevant legal costs will be provided to members and Chapters that are involved in disputes with park management, or are pursuing enforcement issues concerning State and local laws that pertain to mobilehome living. These include protecting rent control ordinances, and defending against forced condo-conversions in parks. Use of the LDF funds will help develop a body of favorable court rulings for mobilehome residents throughout the State. The LDF will provide GSMOL members and Chapters with the resources to protect and defend their way of life.

In addition, the LDF money will be used to support GSMOL's efforts to help enact legislation that protects and expands members' legal rights as mobilehome owners.

This includes lobbying efforts with the State Legislature and

with City and County governments, and Get-Out-The-Vote voter registration campaigns.

GSMOL members and Chapters will continue to request LDF funds through their Region Manager or Zone Vice President. Application forms will be provided for members to describe the circumstances of their request. A formal loan or grant agreement, similar to that currently being used, will also be provided.

GSMOL members and Chapters look forward to the continued efforts to advance the cause of protecting the quality of manufactured home living, and greatly appreciate your support of these efforts through the LDF.

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.

Just in case, email an update to GSMOL at

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ZONE/REGION REPORT

ZONE C, Region 3 and 5

Mary Jo Baretich, Zone C Vice President

Los Angeles City Council Housing Committee, Region 3

On December 5, the LA City Council Housing Committee was to hear an extremely detrimental Motion introduced by councilman Tony Cardenas that would have gradually instituted full Vacancy Decontrol in the Los Angeles area mobile home parks, reducing the value of homes to zero.

This Motion was not publicized, but luckily we were given this information on a Saturday prior to the LACC Wednesday meeting. Not much time to act, but through the efforts of GSMOL leaders and members sending numerous emails, faxes, and making phone calls to the Committee members and LA City Council members from all over Los Angeles and Orange County, the Motion was pulled from the Agenda and sent to be reviewed by the LA Mobile Home Park Task Force (MHPTF) in January. The MHPTF is an advisory group set up by the City of LA to advise the City on mobile home park issues. It includes City officials, mobile home owners (us), and representatives of park owners. It does not make decisions, but can advise the City Council regarding mobile home park issues.

Showing up at the LACC Housing Committee meeting with signs and signing up to speak had a positive effect. I was informed that without our presence, the Cárdenas Vacancy Decontrol Motion would have “sailed through committee”. We need to repeat this effort prior to the MHPTF meeting also, and plan to have as many people there as possible.

Also I wish to give a special thank you to both Bruce Stanton, our Corporate Counsel for his exceptional letter, and to the City of Malibu for their wonderful letter. Even though Malibu is not in the City of Los Angeles, they are concerned about the ripple effect that this Vacancy Decontrol Motion, if passed, could have on the other Rent Control jurisdictions.

Mountain View Mobile Inn, Region 3

Mountain View Mobile Inn is located in the City of Santa Monica and is a City-owned park. GSMOL has been working with both the Mountain View MHP and Village Trailer Park in Santa Monica, helping them know their rights, and getting them advice and help from our Corporate Counsel, Bruce Stanton.

We have met with the HOA Board and GSMOL members at

Mountain View, and have reactivated their GSMOL Chapter. They are a strong, intelligent group of leaders, and have been only asking the City to be responsible and listen to their concerns about harassment, parking, and other issues regarding the current management company, and health and safety issues.

The City has recently announced its intention of selling the park to a non-profit corporation, and the homeowners are working on the goal of a resident-owned park through a non-profit. First though, the City is responsible to correct any health and safety issues in the park.

Meanwhile, the HOA filed a claim on November 5th with the City of Santa Monica, for \$121 million, citing failure to maintain the trailer park, civil rights abuse, and emotional distress. The association is claiming \$1 million per space plus \$150,000 financial barrier for each of the 105 spaces at the trailer park.

Residents claim they are being forced to live in substandard conditions, that new construction is carried out under expired permits, and there is ongoing civil rights and fair housing abuse that is causing them constant mental anguish, emotional distress, and discomfort.

Since the City of Santa Monica took over ownership of the park on Dec. 22, 2000, residents claim they have become victims of harassment, bullying, and intimidation.

If the residents succeed in their Failure to Maintain case, then the major infrastructure and any health and safety problems must be fixed prior to the purchase of the park.

Village Trailer Park, Region 3

The homeowners of the Village Trailer Park, located in Santa Monica, have been fighting for their rights to a reasonable quality of life and the preservation of their park for the past six years, against the park owner and new developer.

The proposed massive development called East Village is planned to either eliminate the trailer park altogether or reduce it to only 10 homes.

At the July 26th City Council Meeting, architect Ron Goldman submitted an alternate plan to keep 58 homes, and at that same meeting Maury Priest of Resident Owned Parks, Inc. (ROP) presented a plan for the residents to purchase the land underneath the 58 homes. These 58 homes represent a major portion of the number of *(Continued on Page 10)*

ZONE/REGION REPORT (continued)

(Continued From Page 9)

affordable housing units needed by the developer for the allowance to develop his massive East Village project.

On November 27th, the City Council voted to proceed with the Development.

At the December 11th Santa Monica Special City Council Meeting, a Request was made by Councilmember McKeown that the Council discuss and vote whether to reconsider the November 27th adoption made by the previous City Council on the second reading of an ordinance enabling a Development Agreement, and direct staff to continue negotiations with the developer on issues including alternate configurations, relocation benefits, and affordable housing replacement production, and return to the Council at a future date. A vote was taken, and the new City Council voted to reconsider the Approval of the development. The development is on hold for now. There still may be a chance to keep the 58 homes as a resident owned park Option.

Pacific Mobile Home Park, Region 5

The homeowners at the Pacific Mobile Home Park in Huntington Beach can breathe a little easier for a while.

Based on the November 29th Pacific Palisades Bowl Mobile Estates (in Malibu) CA Supreme Court decision, which ruled in favor of the City of LA against the park owner in a Subdivision case, an important December 3rd vote by the new Huntington Beach City Council (6-1) was made and re-confirmed again at the December 17th City Council meeting to reconsider the Subdivision. Pacific Mobile Home Park is located in the Coastal Zone, similar to the Pacific Palisades Bowl Mobile Estates. The City of Huntington Beach can use a similar defense against the Subdivision proposed, such as the protections of the Coastal Act and Mello Act.

Unknown to the homeowners of the Pacific Mobile Home Park, the current park owners had sold the property to a new owner, probably on the assumption that the Subdivision was approved and the value of the property would go up. But once the decision was voted on at the December 3rd City Council meeting to reconsider the Subdivision, the new buyer backed out of the Escrow.

This is an opportunity for the homeowners to submit their request to purchase the park. We are encouraging them to do so as soon as possible. They have also been encouraged to conduct their own HOA Resident Survey regarding Subdivision.

Zone D, Region 7

By Karen Bisignano, Region 7 Associate Manager



SANTEE GSMOL ROAD SHOW A GREAT SUCESS

On November 30, 2012, GSMOL Attorney Bruce Stanton and Attorney Henry Heater, from Endeman, Lincoln, Turek and Heater, LLC in San Diego, were the presenters at the Santee GSMOL Road Show. Both men presented information on the Mobilehome Residence Law (MRL) and then took questions from the audience.

Santee has 12 parks, but the greater El Cajon area on has another 124 parks. Flyers were distributed to many of the parks over the two-week period prior to the event.

More than 100 people from surrounding mhp's showed up to hear the speakers and ask questions. The response from the participants was all positive, saying it was very informative and gave hope to the residents dealing with specific issues in their own park. The MRL may be a lengthy publication to read, but knowing our rights and responsibilities is worth all the effort put into it. If we as residents don't know our rights, we are easy prey to be walked over by aggressive park managers and/or owners.

GSMOL Road Shows will be scheduled throughout California in 2013, and we would encourage local chapters to work together to sponsor a Road Show for your area. Then distribute flyers to every individual in every park in your vicinity.

The demographics of California MH parks show that the largest group of residents are between 35 and 55 years old and have lived in a park 5 years or less. There are a lot of people out in your community who don't even know GSMOL exists, let alone that it helped develop much of the MRL which protects California residents, and can help protect you and your park IF you have GSMOL members and a chapter.



NEW NON-PROFIT ORGANIZATION FORMED TO HELP MOBILE HOME RESIDENTS

Golden State Manufactured Home Owners Education Fund Now Seeking Charitable Contributions

A new organization has been formed to assist manufactured home residents. We are excited to report the formation of the Golden State Manufactured Home Owners Education Fund (Education Fund), a tax exempt corporation dedicated to the protection of the manufactured/mobilehome lifestyle and manufactured/mobilehome affordable housing. Its stated purpose is to identify and create financial resources that will be channeled in ways to assist manufactured/mobilehome owners to protect, defend and enhance their way of life. The Education Fund will equip and empower mobilehome owners through educational and training seminars, multi-media capabilities, informational databases and materials, and monetary resources.

The new organization was formed pursuant to Internal Revenue Code section 501 (c) (3). This means that, unlike GSMOL, those who donate monetary resources to the Education Fund will receive a tax write off for their contribution. This makes the new entity the equivalent of a public charity. The Education Fund will not involve itself with legislative activities to any significant degree, nor does it have membership rights or dues like GSMOL. It consists of a Board of Directors comprised of mobilehome residents and dedicated professionals, and its funding shall depend upon contributions from foundations, corporations and the public.

The Education Fund is not a subsidiary of GSMOL, and is a separate corporation with its own Bylaws and Board of Directors. But it shall work closely with GSMOL to achieve its goals. GSMOL encourages all of our members to actively support the Education Fund through your generous, tax-deductible contributions, so as to ensure the success of both organizations, and the realization of our common goal: Preserving and Protecting Manufactured/Mobilehome affordable housing.

The Education Fund Board is shaping the Fund's future and determining its long-range plans, which involve providing training and education to manufactured/mobilehome residents, including leaders and field organizers. The Fund also plans to circulate mass mailings of informational and educational value, conduct educational seminars for mobilehome owners, local government officials and interested persons, and develop support tools such as email networks, website, informational databases, and on-line seminars. It shall also work to create instructional manuals on topics such as the Mobilehome Residency Law (MRL), long-term leases, rent control ordinances, and park conversions. In addition, the Fund will vigorously support local ordinances, monitor and support ongoing court cases, promote active par-

ticipation by residents in all forms of advocacy, and shall work with other affordable housing advocacy groups.

The Education Fund is now accepting and seeking donations from individuals, corporations, and non-profit foundations to provide the financial support for its activities. The Fund is constantly adding to its roster of supporters, so please let us know of any foundations and/or corporations you are aware of that may support its efforts, so that we can pass along the information to the Education Fund Board.

The Golden State Manufactured Home Owners Education Fund is actively looking into a cooperative effort with various retail stores called Community Contribution Programs. This is a program where stores donate a percentage of their receipts to 501 (c) (3) non-profits based upon purchases made by supporting customers. Stores such as Albertsons, Staples, Ralph's, Food4Less, Stator Brothers and Smart & Final are currently participating in these programs. GSMOL requests that all members consider shopping at these stores, and that you ask that the store's contributions be directed to the Golden State Manufactured Home Owners Education Fund. Details on how to participate shall be available from your GSMOL Regional Manager.

Current Education Fund President Jerry Bowles tells the CALIFORNIAN that the new organization looks forward to working closely with GSMOL. "The Education Fund joins with GSMOL and all concerned Californians to strive for the protection of our unique and important form of home ownership", Bowles said. "All affordable housing is worth protecting, and all Californians benefit from knowing that their most vulnerable friends and neighbors will have resources, and a voice, to defend their way of life. The Golden State Manufactured Homeowners Education Fund welcomes the participation of all GSMOL members in this preservation effort."

GSMOL members and other contributors may send donations, payable to: **Golden State Manufactured Home Owners Education FundV** to the following address:

GOLDEN STATE MANUFACTURED HOME OWNERS EDUCATION FUND
6101 Ball Road, Suite 202
Cypress, CA 90630

All contributions are tax deductible

HCD UPDATE

SELF-HELP OPPORTUNITIES ABOUND THROUGH HCD'S WEBPAGE

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.)

There's a whole world of opportunities and information waiting for you and your family if you take some time to "surf" HCD's website, www.hcd.ca.gov. While we can't help you find affordable cruises to the Caribbean, or doctors and lawyers, we can help you make your life in your manufactured home more safe, comfortable, and sometimes affordable!

Starting on the front page, lower left, under "Quick Links", you can click on "Codes and Standards Forms" and find many of the forms necessary for repairs to your home, for registration and titling fees and transfers, and space construction (such as patios). There's also a direct link to the Mobilehome Ombudsman that describes what the Ombudsman can and cannot do, explains the complaint process, and helps you file a complaint electronically, by mail, or by telephone. Another Quick Link option is the "Mobile Office Program": this is updated regularly to inform our customers when the mobile registration and titling office will be in your area.

On the lower right is a listing of the various HCD on-line services. You can find out information about your park (or another park) under "Mobilehome and Special Occupancy Parks (RV) Listing". If you or another person is purchasing or selling a manufactured home, you can obtain information about the status of licensed mobilehome dealers and salespersons under "Occupational Licensing Query". In the same area, you can electronically initiate the process of manufactured home licensing renewal and payment through the link to "Manufactured Home/Mobilehome Registration Renewal". You also can perform a title search if necessary ("Title Search").

Other information on the front page of HCD's website includes how to contact HCD officials and staff ("Contact HCD"), forms and information in Spanish ("En Espanol"), and a variety of information about HCD and affordable housing news.

At this point, you've only scratched the surface of valu-

able resources. Near the top of the page, click on the tab, "CODES & STANDARDS", for, as Paul Harvey would say, "the rest of the story". This directs you to all of the regulatory programs which involve you, your home, and your park.

Under "Mobilehome and Special Occupancy Parks Program", you'll find current laws, current and proposed HCD regulations, and a variety of health and safety "Important Information". Interested in carbon monoxide devices, fire safety, smoke alarms, or emergency plans in the event of a disaster? They're all discussed here. Under "Information Bulletins, Booklets, and Publications", you'll find information on how to prepare for a maintenance inspection or, if you plan to make repairs or changes to your home, check first under "Manufactured Home Alterations and Permit Guidelines" to see if an HCD construction permit is required. **At the bottom of this page is a critical safety issue: a listing of all Consumer Product Safety Commission recalls for items commonly found in manufactured homes.**

Under "Registration and Titling Program", you'll find everything you need to know about registering and renewing your mobilehome titling information, transfers, fees and penalties, title searches, and other useful documents. Click on the title of the program, and you'll be directed to a page listing the registration and titling laws and regulations, the various program activities, a schedule of fees, public counter forms to print and fill out before you go to an office, HCD and R&T contact information, and, again, the mobile office schedule.

Under "Occupational Licensing" is a wealth of information to assist you if you are buying or selling your manufactured home (along with information for manufactured home dealers and salespersons). Links include "Consumer Complaint Handling", and important information regarding "Out-of-State and Internet Sales". If you have a complaint, there is a link to the Ombudsman, and if you have been defrauded in a purchase or sale, whether or not a licensed dealer was involved, full information is available for the "Manufactured Home Recovery Fund".

Under "Manufactured Housing Program", you can learn about construction standards and defects, a variety of safety information, general information on mobilehome construction and sales, and a variety of "Manufactured Housing Program Forms and Consumer Information". Specific standards are listed under "Regulations", and *(Continued on Page 13)*

HCD UPDATE (Continued)

(Continued From Page 12)

direction is provided regarding fire safety (external and internal), carbon monoxide detectors, alterations and repairs, fire sprinklers, fire places, and “Frequently Asked Questions”.

Many private and nonprofit industry and consumer organizations exist which may assist you with problems or challenges. At the bottom of each of these “Program” sites, HCD staff have listed links to sites relevant to each of the activities or programs where you can obtain additional information or assistance.

Other state agencies also are involved with manufactured home living. If you have utility complaints, the “Mobilehome and Special Occupancy Parks Program” includes a link to the California Public Utilities Commission; also there, if you believe you have been discriminated against, is a link to the California Fair Employment and Housing Department. If you have a complaint against a real estate agent assisting with a sale or purchase, you can get assistance from the Department of Real Estate at www.dre.ca.gov, and a wide variety of other consumer protection information and remedies is available through the Department of Consumer Affairs at www.dca.ca.gov. And, last but not least, a variety of information including the Mobilehome Residency Law (MRL), various other laws governing manufactured homes and parks, and “Frequently Asked Questions” is available from the Senate Select Committee on Manufactured Homes and Communities at www.mobilehomes.senate.ca.gov.

Now it’s time to “let your fingers do your walking”! Help yourselves, your friends and your neighbors become better educated and prepared residents of manufactured homes and parks.

RESIDENT OWNED PARK

A Very Important Step in Purchasing Your Park

Mobilehome owners have long recognized that one of the best, and perhaps THE best, type of mobilehome living is to reside in a “resident owned park” (rop). This is a park in which the residents themselves, through a homeowners association, actually own the land their park sits on. They are the “park owner”. (This is not subdivision or “condoizing” of a park). There are over 200 of these rop’s in California already, and their residents are enjoying the benefits of such park ownership.

Among those benefits is that there is no longer the threat of forced subdivision or exorbitant rent raises.

The city and county benefit by the elimination of disputes over Rent Stabilization Ordinances and rent raises. An rop will also allow the city and county to preserve affordable housing for a significant number of its citizens.

An rop effort is usually started by a park homeowners association. However, that homeowners association has a very specific requirement to fulfill first in order to make the park owner aware of its intentions.

The Mobilehome Residency Law (MRL) Section 798.80 regulates some rop efforts, stating the park owner must notify the resident organization of his or her intention to sell the park if: “The resident organization has first notified the park owner or manager in writing that the park residents are interested in purchasing the park. The initial notice by the resident organization shall be made prior to a written listing or offer to sell the park by the park owner, and the resident organization shall give subsequent notice once each year thereafter that the park residents are interested in purchasing the park.”

(The park owner may, on his or her own initiative, notify the residents of the availability of the park for purchase, but that is not usually the case).

In order to notify the park owner of the residents’ intentions, the homeowners association should send two letters to the park owner each year.

The first letter states the association’s right to be told by the park owner when the park is to be put up for sale, per MRL Section 798.80.

The second letter tells the park owner the association would consider buying the park, and that it understands what is involved in owning a mobilehome park.

The owner may not want to sell, but the association must establish itself as an interested and capable potential buyer. The statements in both letters must be accurate.

Sending these letters does not give the residents association the right of first refusal in purchasing the park. Also, the park owner could make arrangements for a private sale or an inheritance transfer of ownership, thereby avoiding the MRL requirement.

A word of caution, however. The actual process of the residents’ purchase of their park is a very serious and sometimes complex effort. It is not advisable for residents to attempt this process on their own. To avoid possible problems, hire a professional consultant and/or an experienced attorney to assist your association in these efforts.

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

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REGION 11

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

ASSOCIATE MANAGER

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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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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

REGION MANAGER

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ASSISTANT MANAGER

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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

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REGION 10

COUNTIES: Monterey, San Benito and Santa Cruz

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ZONE C

REGION 3

Los Angeles County

REGION MANAGER

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REGION 5

Orange County

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REGION 6

San Bernardino County
(Vacant)

ZONE D

REGION 7

COUNTIES: San Diego and Imperial

REGION MANAGERS

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REGION 9

Riverside County

REGION MANAGER

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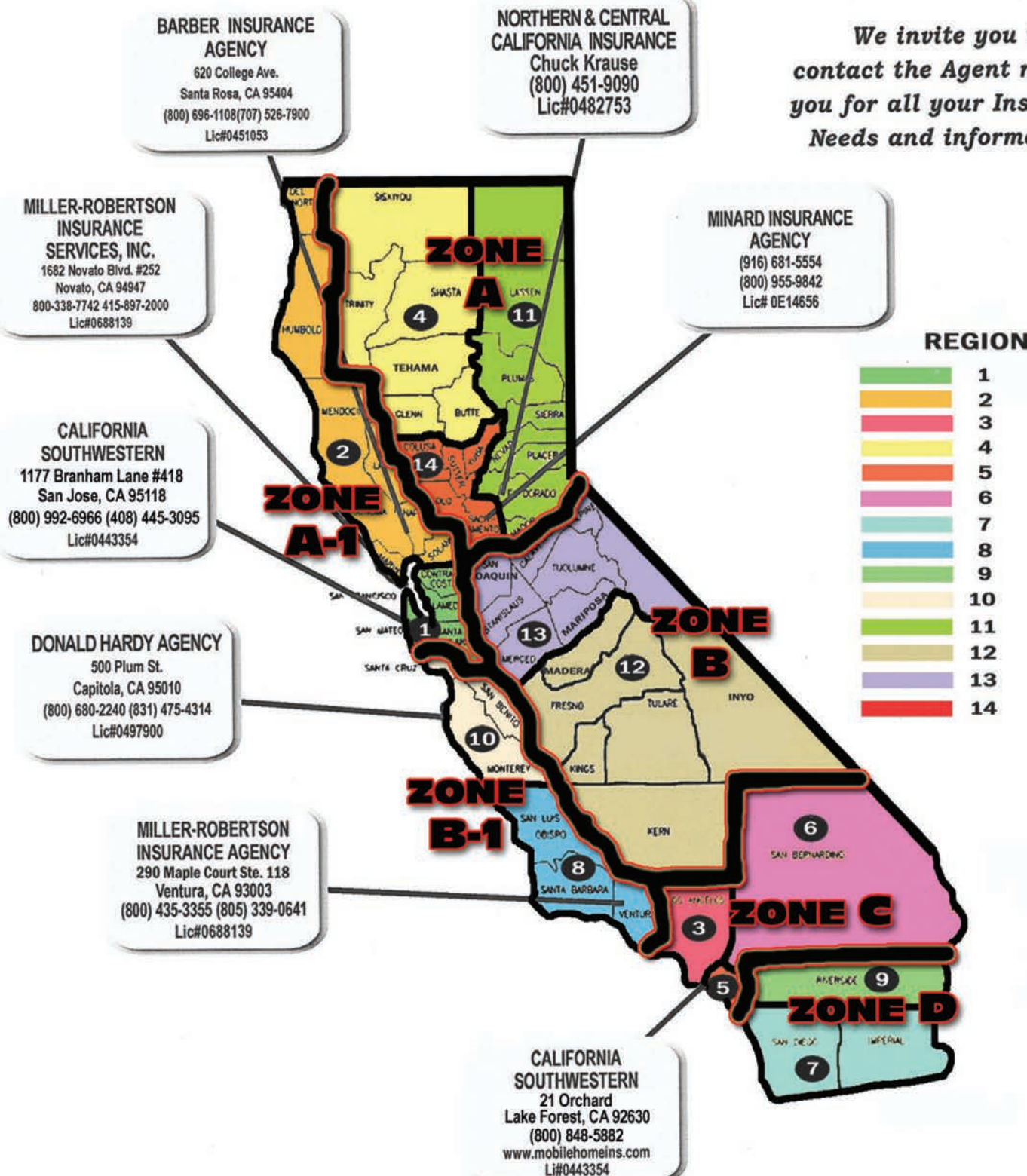
Give a "Gift
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to a non-
member.

Use the
Membership
Application
located on
the back
cover of the
Californian

With DECADES of experience as MOBILEHOME INSURANCE SPECIALISTS, we are here to ADVISE you of what is AVAILABLE and ASSIST you in obtaining WHAT IS BEST for YOU personally. Contact the nearest agent and see for yourself!

INSURANCE AGENTS EDUCATION NETWORK

We invite you to contact the Agent nearest you for all your Insurance Needs and information!



FIVE FOR FIVE REWARDS PROGRAM

APPLICATION FOR REWARD

(New members only - no renewals)

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

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

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

PLEASE PRINT LEGIBLY

NEW MEMBERS' NAMES

PARK NAME

SPACE NO. MONTH AND YEAR JOINED

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

Please send \$5 reward check to:

_____ name _____ address

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

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

MEMBERSHIP APPLICATION

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



GSMOL
SERVING HOMEOWNERS SINCE 1962

- ☐ 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

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