

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

Volume 48 Issue 5 GSMOL— Advocates for Homeowner Rights Since 1962 September/October 2013

***Page 3 - 2014 Convention Coming Up***

***Page 5 – Public Utilities Commission Update***

***Page 11 - Once Upon a Time in an Unscrupulous Park***

***Page 16 - Subleasing Opinion by Attorney General***

***Creating Futures with Endless Possibilities***

What are those extra numbers on the address label?

(MEMBERSHIP #) (EXPIRATION DATE M/Y)

Periodical Dated Material

155111 1011

CAR-RT LOT "R-003

JOHN DOE  
1 CAPTIVE LANE SPC 5  
SOMEWHERE, CA 99999



## THE CALIFORNIAN (USPS 898-320)

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

A statewide, non-profit organization not affiliated with, or subsidized by any mobilehome manufacturer, dealer, park industry, association or advertiser. GSMOL, Inc. reserves the right to exercise such discretion as it may deem appropriate in the selection of advertising material to be published in the *CALIFORNIAN*. Advertising published in the *CALIFORNIAN* does not constitute endorsement by GSMOL, Inc. of the products or services offered. The *CALIFORNIAN* welcomes articles relating to mobile home lifestyles, but they are subject to editing based on space availability, style, good taste and importance and at the discretion of the Editor. Content in this publication may not be reprinted or used in any way without the written consent of GSMOL, Inc.

**Editor: Mary Jo Baretich**

**Editorial and Advertising Offices:**

6101 Ball Road Suite 202

Cypress, CA 90630

mainline (714) 826-4071

fax line (714) 826-2401

toll-free (800) 888-1727

E-mail: [gsmol@sbcglobal.net](mailto:gsmol@sbcglobal.net)

Periodical Postage Paid at Cypress, 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

Copyright 2013, All Rights Reserved



### Statement of Ownership, Management, and Circulation (All Periodicals Publications Except Requester Publications)

1. Publication Title <b>CALIFORNIAN</b>	2. Publication Number 8 9 8 - 3 2 0	3. Filing Date SEPTEMBER 6, 2013
4. Issue Frequency BI-MONTHLY	5. Number of Issues Published Annually 6	6. Annual Subscription Price 7.50
7. Complete Mailing Address of Known Office of Publication (Not printer) (Street, city, county, state, and ZIP+4®) 6101 BALL ROAD SUITE 202, CYPRESS, ORANGE COUNTY, CA 90630		Contact Person MARY JO BARETICH Telephone (include area code) 714-960-9507
8. Complete Mailing Address of Headquarters or General Business Office of Publisher (Not printer) 6101 BALL ROAD SUITE 202, CYPRESS, ORANGE COUNTY, CA 90630		
9. Full Names and Complete Mailing Addresses of Publisher, Editor, and Managing Editor (Do not leave blank) Publisher (Name and complete mailing address) MARY JO BARETICH, GSMOL, INC. 6101 BALL ROAD SUITE 202, CYPRESS, ORANGE COUNTY, CA 90630 Editor (Name and complete mailing address) (SAME AS ABOVE) Managing Editor (Name and complete mailing address) (SAME AS ABOVE)		
10. Owner (Do not leave blank. If the publication is owned by a corporation, give the name and address of the corporation immediately followed by the names and addresses of all stockholders owning or holding 1 percent or more of the total amount of stock. If not owned by a corporation, give the names and addresses of the individual owners. If owned by a partnership or other unincorporated firm, give its name and address as well as those of each individual owner. If the publication is published by a nonprofit organization, give its name and address.) Full Name Complete Mailing Address GOLDEN STATE MANUFACTURED-HOME OWNERS LEAGUE, INC. 6101 BALL ROAD SUITE 202, CYPRESS, ORANGE COUNTY, CA 90630		
11. Known Bondholders, Mortgagees, and Other Security Holders Owning or Holding 1 Percent or More of Total Amount of Bonds, Mortgages, or Other Securities. If none, check box <input checked="" type="checkbox"/> None Full Name Complete Mailing Address		
12. Tax Status (For completion by nonprofit organizations authorized to mail at nonprofit rates) (Check one) The purpose, function, and nonprofit status of this organization and the exempt status for federal income tax purposes: <input checked="" type="checkbox"/> Has Not Changed During Preceding 12 Months <input type="checkbox"/> Has Changed During Preceding 12 Months (Publisher must submit explanation of change with this statement)		
13. Publication Title <b>CALIFORNIAN</b>	14. Issue Date for Circulation Data Below JUL/AUG 2012	
15. Extent and Nature of Circulation BI-MONTHLY	Average No. Copies Each Issue During Preceding 12 Months No. Copies of Single Issue Published Nearest to Filing Date	
a. Total Number of Copies (Net press run)	14,500	14,500
(1) Mailed Outside-County Paid Subscriptions Stated on PS Form 3541 (include paid distribution above nominal rate, advertiser's proof copies, and exchange copies)	11,523	11,400
b. Paid Circulation (By Mail and Outside the Mail)	0	0
(2) Mailed In-County Paid Subscriptions Stated on PS Form 3541 (include paid distribution above nominal rate, advertiser's proof copies, and exchange copies)	0	0
(3) Paid Distribution Outside the Mails Including Sales Through Dealers and Carriers, Street Vendors, Counter Sales, and Other Paid Distribution Outside USPS®	55	55
(4) Paid Distribution by Other Classes of Mail Through the USPS (e.g. First-Class Mail®)	0	0
c. Total Paid Distribution (Sum of 15b (1), (2), (3), and (4))	11,523	11,455
d. Free or Nominal Rate Distribution (By Mail and Outside the Mail)	0	0
(1) Free or Nominal Rate Outside-County Copies included on PS Form 3541	0	0
(2) Free or Nominal Rate In-County Copies included on PS Form 3541	0	0
(3) Free or Nominal Rate Copies Mailed at Other Classes Through the USPS (e.g. First-Class Mail)	200	400
(4) Free or Nominal Rate Distribution Outside the Mail (Carriers or other means)	2,000	2,000
e. Total Free or Nominal Rate Distribution (Sum of 15d (1), (2), (3) and (4))	2,200	2,400
f. Total Distribution (Sum of 15c and 15e)	13,723	13,255
g. Copies not Distributed (See Instructions to Publishers #4 (page #3))	777	245
h. Total (Sum of 15f and g)	14,500	14,500
i. Percent Paid (15c divided by 15f times 100)	84%	86%
16. Publication of Statement of Ownership <input checked="" type="checkbox"/> If the publication is a general publication, publication of this statement is required. Will be printed in the <u>SEPT/OCT 2012</u> issue of this publication. <input type="checkbox"/> Publication not required.		
17. Signature and Title of Editor, Publisher, Business Manager, or Owner  EDITOR	Date 09/06/2013	

I certify that all information furnished on this form is true and complete. I understand that anyone who furnishes false or misleading information on this form or who omits material or information requested on the form may be subject to criminal sanctions (including fines and imprisonment) and/or civil sanctions (including civil penalties).



# 2014 CONVENTION COMING UP

Our 2014 **Convention** will be held **April 11-13th, 2014**, at the **Crowne Plaza Hotel, Costa Mesa**. It is located at 3131 S. Bristol St, at the Bristol St exit of the 405 freeway.

The phone number: 714-957-3000, Fax 714-957-8957.

Rooms at the hotel will be \$99.00 per night - this includes **FREE** parking, **FREE** shuttle to and from the John Wayne/Orange County airport, **FREE** wifi throughout the hotel, and **FREE** computer access in the hotel Business Center.

## Breakout Sessions Request for Topics

We want this to be a very special convention. You can meet your fellow homeowners and swap stories and find out how things are done in other parks. Informative "Breakout Sessions", conducted by experts in all phases of mobilehome living, will provide valuable information on issues affecting mobilehome owners. These sessions will be held on Friday afternoon and Saturday morning.

Subjects such as leases, rent raises and rent stabilization, and the MRL will be discussed. You can ask questions and get answers from our experts.

Please send your recommendations for Breakout Session topics to Tom Lockhart at **tomhunt132000@yahoo.com**.

The Saturday evening banquet will honor "The Legislator of the Year", and Legacy Awards will be presented to GSMOL members who have made outstanding contributions to our organization. It will also have guest speakers discussing topics of interest to all attendees. For the luncheon on Saturday, a sandwich buffet is planned.

## Delegate Selection

Each active Chapter is entitled to elect a Delegate(s), and Alternate(s) if any, to participate in voting for Board officers and Bylaws changes at the Convention. **To qualify as Active**, a Chapter must have, by January 11, 2014, either at least 15 residents, or 10% of its residents, as members, and a President, Vice President, Secretary and Treasurer. The Secretary and Treasurer may be the same person.

Each active Chapter may elect one (1) Delegate and one (1) Alternate, if any, to the GSMOL Convention for each fifty (50) Chapter Members or portion thereof, and one (1) additional Delegate and Alternate, if any, for each

additional twenty-five (25) Chapter Members or portion thereof, with a maximum of five (5) additional Delegates and Alternates, for a maximum total of six (6).

In addition, GSMOL members can attend the Convention as an Observer. For details on attending as an Observer, please call the GSMOL office at 800-888-1727.

## Bylaws Changes

The 2014 Convention is the opportunity for all GSMOL members to propose changes to the GSMOL Bylaws. Proposed changes must be emailed to Bylaws Committee Chair Ray Downing no later than January 11, 2014, at **raydowning957@gmail.com**

Each proposed change must:

- Give the specific wording of the change,
- Identify the Bylaws section by number if it changes an existing section,
- Otherwise, note the proposed change as NEW SECTION.
- Give reasons/justifications for the proposed change or NEW SECTION.

## Legacy Awards

GSMOL's Legacy Awards will be presented at the 2014 Convention. They recognize members who have made a significant contribution to GSMOL's efforts over the years. Zone Vice Presidents and Regional Officers please solicit nominations. Nominations, and the reasons for them, should be sent to Mary Jo Baretich no later than January 11, 2014, at **mjbaretich@hotmail.com**

**PLEASE SAVE THESE DATES, 11-13  
APRIL 2014, FOR ATTENDING THE  
GSMOL 2014 CONVENTION—DON'T  
MISS THIS OPPORTUNITY!**

You can view this information on the GSMOL website in the USEFUL DOCUMENTS AND INFO page of the Members Only section.

For questions about the 2014 Convention, email the GSMOL office at **gsmol@sbcglobal.com** or phone 800-888-1727, or email Tom Lockhart at **tomhunt132000@yahoo.com**

# CAPITOL REPORT

## Capitol Report

By Brian Augusta, GSMOL Legislative Advocate

The halls of the Capitol have been buzzing with end of session fury as we go to press. Homeowners have been fighting long and hard to win passage of **SB 510 (Jackson)**, which would put some balance back in the law around condo conversions (subdivisions) and ensure that homeowners have a say in the process.

More than 60 homeowners showed up in support of the bill in the Assembly Local Government Committee hearing August 14. Homeowner after homeowner got up to speak in favor of the bill—joined by supporters in local government, senior groups, affordable housing advocates and others. In the end the bill passed with bi-partisan support, after an amendment was agreed to that would remove language indicating the bill was “declaratory of existing law.” That amendment left in tact the most important part of the bill—clarification that local governments can consider the survey of support and if it shows less than a majority support the bill, allow local governments to turn down the application.

From the Local Government committee, the bill went to the Assembly floor, where it was intensely lobbied on both sides. Homeowners from all around the state clamored for the bill, calling and writing their elected officials and urging their support for the measure. On Tuesday Sept 3, the bill came up for its highly anticipated vote. After much debate back and forth, the bill eventually passed with 41 votes.

Voting "Aye" on SB 510:

Achadjian, Alejo, Ammiano, Atkins, Bloom, Bonilla, Bonta, Bradford, Brown, Buchanan, Campos, Chau, Chesbro, Cooley, Dickinson, Fong, Fox, Garcia, Gomez, Gonzalez, Gordon, Gorell, Holden, Jones-Sawyer, Levine, Lowenthal, Medina, Mitchell, Mullin, Nestande, V.M. Perez, Quirk, Rendon, Skinner, Stone, Ting, Weber, Wieckowski, Williams, Yamada, Mr. Speaker

Voting "No" or "Not Voting:"

Allen, Bigelow, Chavez, Dahle, Donnelly, Gaines, Gatto, Hagman, Harkey, Jones, Linder, Logue, Maienschein, Mansoor, Melendez, Morrell, Muratsuchi, Olsen, Patterson, Perea, Wagner, Waldron, Wilk; Eggman, Frazier, Gray, Grove, Hall, Hernandez, Nazarian, Pan, Quirk-Silva, Salas.

The bill now heads to the Senate floor and then on to the Governor. Homeowners and homeowner associations are urged to write to both their Senator and the Governor and urge their support.

## AB 692 Now a 2-Year Effort

**AB 692 (Torres)**, a bill to improve the use of the state's Mobilehome Park Resident Ownership Program (MPROP) was put on hold for the year so that GSMOL and the author could spend more time working with stakeholders on the bill. While MROP funds are set aside to assist with resident ownership of parks, the program has had few successful applications for funding in recent years. The goal of AB 692 is to find ways to make the money more accessible to homeowners, but more time is needed to study the issue and find workable solutions. The bill will likely be amended early next year and move forward in 2014.

## BOARD OF DIRECTORS QUARTERLY MEETING

Thursday, Oct 17, 2013

**MILL POND MOBILE HOME PARK**  
2411 Canoas Garden Avenue; San Jose, CA  
(800) 888-1727

[gsmol@sbcglobal.net](mailto:gsmol@sbcglobal.net)

Board Meeting will run from  
11:00 AM to 4:30 PM

Join the Board members and advisors for a free  
lunch: 1:30 PM to 2:00 PM

### **SCHEDULE**

- Review of Minutes of Last BOD Meeting
- Treasurers Report
- Brief Reports from Zone Vice Presidents
- Corp. Counsel Report, Attorney Bruce Stanton
- Legislative Update, Attorney Brian Augusta
- New Business Items
- Standing and Special Committees Reports:
  - Legislative
  - Membership
  - Publications
  - Personnel
  - Convention
  - Value-Added Incentives
  - Education Fund 501 (c) 3



# LAW AND ORDER

## **PUBLIC UTILITIES COMMISSION NEARING DECISION ON TRANSFER PROCEDURE FOR SUBMETERED UTILITY SYSTEMS**

By Bruce Stanton, GSMOL Corporate Counsel  
(Updated July 25, 2013)

In 2010 the Western Manufactured Housing Communities Association (WMA), the major park owner association, filed a petition with the California Public Utilities Commission (CPUC) requesting that new rules be adopted to encourage park owners to transfer their sub-metered gas and electric systems back to the local serving utility. This petition was filed after unsuccessful attempts by WMA to pass legislation in Sacramento to address this issue. According to WMA, many of its park owner members would like to “get out of the utility business” and would be in favor of transferring their energy systems back to the local utility. But the complexity of the transfer rules, coupled with a fundamental cost issue which has created an impasse between the utilities and the park owners, have discouraged most parks from attempting a transfer under the current set of laws. In response to this filing, the PUC initiated what is called a “Rulemaking Proceeding”. Many hearings and workshops followed over the next two years. All of the major utilities are parties to this proceeding, as well as several divisions of the PUC, the consumer advocacy group TURN and WMA. GSMOL has participated in the hearing process from the start, and is the only homeowner advocacy group participating as a party.

About 3,850 of California’s 4,644 mobilehome parks are sub-metered. In those few parks which are not sub-metered, the park owner only owns and is responsible for that portion of the system which connects from the utility pedestal to the home (called “beyond-the-meter”). The serving utility owns and operates the system from the meter to the street (called “to-the-meter”). In a sub-metered system, the park owner takes over ownership and responsibility for the entire energy system, both “to-the-meter” and “beyond-the-meter”, which is located on park land, and receives a monthly “discount” from the utility for assuming this additional maintenance and operation which the utility would typically handle. This includes billing and collecting for monthly usage from the tenants. In effect, the park owner is allowed to buy gas and electric at a discounted price from the utility, and sell it to the residents at a higher price. The “discount” is received as consideration for the “avoided costs” that the utility company has transferred to the park owner. CPUC decisions prohibit a sub-metered park owner from passing through most maintenance and repair costs to homeowners, since the park owner has

already been paid to operate and maintain the system through the sub-metering “discount”. But there have never been any restrictions or requirements about how the park owner is to account for the discount money that it receives. Thus, many parks have not kept this money in reserve to pay for system repairs or upgrades, but rather have used it for other purposes for many years. This has created a fundamental breakdown in the transfer procedure.

Most sub-metered systems have aged beyond their useful life. Many suffer from deteriorating infrastructure. Others have inadequate capacity to handle the amperage needs of modern homes. The cost to remove the old system and replace with a new system is very large, and the park owner knows that it would have to bear the cost. Courts have held that in a rent control jurisdiction, rent cannot be increased to cover this cost. Left without a pass through right, or a rent increase remedy to reimburse the cost, the park owner who doesn’t want to continue operating an old system is left with but one remedy to avoid paying the large repair bill: Transfer the system back to the utility in its present condition.

An impasse has occurred because the various utilities will not agree to take the systems back in their present condition, and have required that the park owner upgrade or repair the system first before giving it back. Park owners do not want to pay this amount, since they cannot be reimbursed from residents. As a result, system transfers rarely occur. Thus, sub-metered gas and electric systems continue to age, often with minimal repair, and it is the homeowners who suffer the consequences in the form of interrupted or inadequate service.

WMA requested that the CPUC adopt new rules to establish a standard transfer agreement and provide easier steps for giving the energy systems back to the utilities. They also requested eligibility standards and that cost allocation be clarified. The proceeding that followed has identified several key areas for consideration, including: Safety and Reliability, Program Cost and Cost Allocation, Prioritization, Communication and Tenant Relations and Balancing the Public Interest. After multiple workshops and conferences, it was clear that a split of opinion in the utility industry would prevent any agreement from being reached regarding who would pay for the projected billions of dollars required to complete system replacement. Thus, assigned PUC Commissioner Michael Florio issued an Order in late 2012 setting a schedule for the CPUC to decide the issue by October, 2013. It included a briefing schedule for all parties.

*(Continued on Page 6)*

# LAW AND ORDER (Continued)

*(Continued from Page 5)*

All briefs have been filed. All parties agree that the cost to upgrade and repair existing mobilehome sub-metered systems shall be several billion dollars, that safety and reliability of service are most important, and that the best way to accomplish the upgrade would be to construct a new parallel utility system, rather than dig up and repair or upgrade the existing systems. This would involve constructing the new system, connecting it to the master meter at the street, turning the old system off and then immediately energizing the new system. The intent is to keep disruption to the residents from construction at a minimum. Costs would also be held down, since the old system will not need to be removed in its entirety, but can be left in the ground. GSMOL has been told that no homes should need to be moved, and that the new meters may be located at the front of the space, so as to minimize the amount of trenching and intrusion into residents' spaces. Once this upgrade has occurred, transfer of the system back to the serving utility would be completed.

But one critical area of disagreement which the CPUC shall need to decide, centers on the largest question: Who will pay the cost for all of this work? There are essentially two opposing coalitions which have emerged that are divided over the cost issue. One is lead by P G&E, and the other by the Southern California "Sempra" utilities.

## **The P G&E Group**

One coalition supports a P G & E plan which proposes that the entire rate-paying public of California (i.e. all residential and commercial customers) should bear the cost. This would amount to an additional few cents on every gas and electric bill. The utilities would pay for the construction, and then be reimbursed through these increased monthly charges. Park owners would not have to pay any great portion themselves, since the project would include both "to-the-meter" and "beyond-the-meter" costs. Prioritization would require those parks with the biggest safety issues to be upgraded first, and construction would be completed in all parks within 10-15 years. A utility representative would be assigned to each park as an information officer, and a massive communication and public relations campaign will inform park residents about the project. WMA, Southwest Gas and GSMOL all favor the P G & E approach.

## **The Sempra Coalition**

The Sempra utilities, including SoCal Edison, San Diego Gas and Electric and Southern California Gas,

together with TURN and the CPUC Division of Ratepayer Advocates, favor a different approach. They do not believe that all consumers should bear the entire cost of the project, and thus argue that cost sharing should be accomplished by a system of limited credits which could be as much as \$8,000.00 per mobilehome space. The balance of the cost, which could be as much as \$16,000.00 per space (the "beyond-the-meter" costs alone would be several thousands of dollars) would presumably be paid by the park owner. These parties object to paying any of the "beyond-the-meter" costs, since this portion of the system has traditionally been operated and maintained by the park owner.

## **GSMOL's POSITION**

GSMOL opted to support the P G&E plan for several reasons. It would be usual for us to argue that park owners are at fault for not using their "discount" money properly, and should thus bear a large amount of the project cost. But this would not solve the problem. No one can make the transfer process mandatory for park owners, and if there is no incentive for them to transfer (i.e. the cost to them is too high), they simply will not do so. This means that nothing will change, and the current way of doing things will continue. This is not acceptable to GSMOL. Safety of the systems is our priority, and will not improve the longer the stalemate between the park owners and the utility companies continues. While GSMOL would prefer in concept to see the park owners held accountable for the past years of "discount" money that they have received, the safety of our members, and their ability to enjoy reliable and sufficient gas and electric service, is our top priority. We thus find ourselves on the same side as the park owners at this stage of the debate.

There is another important reason for supporting the P G&E plan that would have all customers pay a share of the project cost. If park owners are saddled with any significant cost, there will surely be an attempt to pass these costs through to residents. While current CPUC decisions would likely prevent this, those decision are sure to be challenged, and could be modified to make an exception in this one instance. GSMOL's goal is to ensure

*(Continued on Page 7)*



# LAW AND ORDER (Continued)

*(Continued from Page 6)*

that no mobilehome resident is stuck with a pass through or charged with the costs of the upgrade program that must be implemented. It is far better to spread the cost to all Californians, rather than have only mobilehome residents ultimately have to bear them.

## **MARCH, 2013 WORKSHOP RE: PRIORITY AND COST**

Commissioner Florio convened a special workshop on March 4, 2013 to discuss (1) Priority and (2) How to finance the project cost. It is admitted that there is little data to determine how to prioritize parks for conversion and upgrade. The age of the existing system and manner of pipe construction could have a bearing, but even HCD does not have good data. This is a subject that will require further investigation. As to financing, a presentation was made by experts in REIT's, who propose private investment that could hold down costs to be passed through to any ratepayers. All of the utilities were skeptical of this approach, which has only been used one time prior in Texas with respect to REIT utility infrastructure investment. Although the Commissioner seemed keen on the possibility of this, it had no support from any party to the proceeding, and thus probably will go no further.

**June, 2013-** WMA and GSMOL counsel meet privately with Commissioner's office to relay urgent need to move the project forward and cover all costs of construction.

## **IMPORTANT NEW ASSIGNED COMMISSIONER RULING ISSUED JULY 17, 2013**

Commissioner Florio has now issued a ruling which finds that although the GSMOL/P G& E proposal would likely result in a much higher conversion rate of parks back to direct utility service, the projected cost is too high as estimated, and neither coalition has submitted "an implementable solution to the master-meter conversion issue" that the Commission can support. Thus, the Commissioner has ruled that there is a need for a three-year "Pilot Program" to begin the conversion process, and to try to more accurately assess the cost to construct the new parallel systems that all parties agree must be built. The parties have been asked to brief additional issues to determine:

- A three-year pilot program term;
- Who shall establish preliminary eligibility of parks to be included in the pilot program, based upon risk assessment and prioritization
- Comparison of costs ("to the meter" and "beyond the meter", so as to allow the Commission to determine how to fund the "beyond the meter" costs which the Ruling acknowledges have been left unfunded in the Sempra Coalition proposal)
- A pledge to be included in each application, that the park owner will account for receipt and expenditure of all discount monies from the date of the application (this is a good requirement).

A revised schedule has been established by the Commissioner as follows for procedural next steps:

08/19/2013- New Opening Testimony by Coalitions on the above issues to be Filed and Served  
 08/30/2013- Rebuttal Testimony of the Coalitions to be Filed and Served  
 09/09/2013- Evidentiary Hearing at the PUC (continuing September 10<sup>th</sup> if needed)  
 09/24/2013- Opening Briefs to be Filed and Served  
 10/04/2013- Reply Briefs to be Served and Filed  
 11/19/2013- Proposed Decision of Commission Filed and Served  
 12/19/2013- Commission may act on Proposed Decision

Thus, a decision is still expected before the end of the year. GSMOL shall continue to represent homeowners in this proceeding until a final decision is reached.

## **NEW GSMOL FORMS AND BROCHURES**

GSMOL has recently updated all its forms and brochures, including those associated with forming new Chapters and reactivating old ones. They are now available electronically or in hard copy. If you need GSMOL forms or brochures, please email or phone Mary Lou at the GSMOL office in Cypress.  
 marylougsmol@yahoo.com 800-888-1727.

# ZONE/REGION REPORT

## Zone A-1 Report

By Darrow Sprague, GSMOL Community Organizer

Back in May of this year, residents at the Hacienda MHP in Pleasanton, CA, contacted GSMOL for assistance resolving issues that they were experiencing. At the time, they had zero members, although there are 149 spaces in the park. After a consultation with our Corporate Counsel, Bruce Stanton, and a presentation from our Associate Manager, Gary Smith, individuals at Hacienda MHP understood how important it was to organize their neighbors. As individuals having a dispute with the city or park owner, we often feel powerless; but there is strength in numbers. The residents of Hacienda MHP took this to heart. As of the swearing-in of the chapter's officers on August 23, the chapter had 44 GSMOL members. As of August 29, they had 54 GSMOL members! This new chapter is well on pace and is having a positive impact on our statewide efforts to secure passage of SB 510 as well.

As individual manufactured home owners, you are at a major disadvantage in any negotiations with the park owners. Additionally, the park owners spend heavily to influence public policy. One proven method to counter that influence is getting organized. If you are a GSMOL member, but not a member of an active chapter, please consider inviting a GSMOL leader to your park to give a presentation. Many parks don't have the same level of problems as others, but it is advantageous to get organized to prevent problems from occurring in the first place. There are over 436,000 manufactured home spaces in California. Many of these residents have never heard about GSMOL and we need your help in spreading the word.



From left to right, Associate Manager Gary Smith, V.P. JoAnn Duncan (standing), President Cove Terry, and Secretary/Treasurer Frances Jensen (seated).

(Continued on Page 9)

## Really Are You ^ Prepared for the Earthquake? Or Fire?

### Facts you may not know:

- In an emergency your life may be in your neighbors' hands!
- Why your mobile home may be safer than a regular home or apartment.
- Why you need at least 3 days of emergency supplies – and what they should be.
- Where the real danger of gas leaks lies in a mobile home park.
- What to do when they tell you to evacuate.

If you wait until your area is hit by a major earthquake, fire or flood, you won't have time to prepare. What you do now may save your life, your home and your belongings.

For details on these facts, plus **special information for GSMOL members**, visit our website at :



[www.EmergencyPlanGuide.org](http://www.EmergencyPlanGuide.org).

It's full of information to help you and your Park prepare for major emergencies.

Joe Krueger & Virginia Nicols



**Barber Insurance Agency, Inc.**

**(800) 696-1108**

**[www.barberinsurance.com](http://www.barberinsurance.com)**

**Lic #OG55500**

**Finally, you can combine your Auto and Mobile Home Insurance to SAVE \$\$\$**

**Call the experts at Barber Insurance to find out how.**

- Same Independent Agency specializing in factory built homes since 1969.

-Offering more products and ease of doing business than ever.

-Visit our new Virtual Insurance Office online, or if you prefer....

-Call for good old fashion customer service!

**Barber Insurance Agency**

**620 College Avenue**

**Santa Rosa, CA 95404**

**(707) 526-7900**

**[info@barberinsurance.com](mailto:info@barberinsurance.com)**





# ZONE/REGION REPORT (Continued)

## Zone B-1 Report

By Craig Hull, Zone B-1 Vice President

### Disaster Relief Fund Can Help

Let me introduce myself. My name is Craig Hull. I am the GSMOL VP for Zone B-1. I got a call from a GSMOL member named Bertie V. Hansard from Sunny Acres Mobile Home Park in Oxnard. She was so thankful to get the \$200 from the GSMOL Disaster Relief Fund. It is possible to use these funds as long as the request is done right. She writes in a letter to me:

6-28-13

To whom it may concern:

I am requesting funds from GSMOL due to the fire damage to our mobile home. My insurance coverage is less than the estimated cost to repair the mobile home. The estimated damage was figured to be \$22,000. The fire was caused by our neighbor's mobile home.

Thanks,

Bertie V. Hansard

I know that the \$200 is a small amount but sometimes helping people as an organization makes them know you care. I hope in the future that other GSMOL members take advantage of this fund if they really need help.

## Zone C Region 6 Report

By Carl Laughman, GSMOL Chapter President

### 23 YEAR RESIDENT OF RAMONA VILLA MHP SAVED FROM EVICTION BY GSMOL

One of your neighbors, Nick Landi, has lived at Ramona Villa MHP for 23 years. He and his mother, Emma, moved here with both their names on file as owners with rights to survivorship. Emma passed away recently. Management of Ramona Villa MHP decided Mr. Landi no longer qualified to live here and served him with a notice to vacate, stating that he did not meet current criteria to continue to live here as a owner/resident. Mr. Landi contacted your in-park Golden State Manufactured Home Owners League (GSMOL) Chapter. We became involved,

and eventually GSMOL's attorneys were contacted. After the park's attorney received a demand letter from the GSMOL Corporate Counsel, no further action was taken to evict Mr. Landi. His rent is now being accepted as a qualified tenant of the park.

This could happen to any one of us! If your living situation changed, could you re-qualify to live here? The answer in many cases is NO, nor should it ever be necessary as you have already qualified once.

This is just ONE of the reasons that a GSMOL chapter was formed in your park. The question "Why are you GSMOL people here?" might best be answered in part by saying "to keep you informed of your rights, protect you from harassment, make sure you know the State laws and are current on them, and insure your rights to 'live peacefully' in this park as a 'PAYING CUSTOMER' and home owner."

The more members of GSMOL we have in our Chapter, the stronger we become. Join us today in protecting you, your home, its value and your rights by joining GSMOL. Contact Chapter President, Carl Laughman, to join, 909-980-3484.

## Zone D Report

By Tim Sheahan, Zone D Vice President

### Cavalier Estates

We recently received great news that the California Fourth District Court of Appeals has overturned a lower court ruling regarding an attempted forced condo conversion/subdivision of Cavalier Estates MHP in Oceanside. The Court ruled in favor of the City of Oceanside in denying the subdivision of the community into individual home sites, which had been opposed by a majority of homeowners. The ruling parallels a similar prior ruling in the Palisades Bowl MHP case from Los Angeles that also dealt with an attempted conversion of a MH community in the "coastal zone." Special laws apply to coastal zones so that affordable housing is preserved in areas threatened by redevelopment. Those protections,

*(Continued on Page 17)*

# THE END OF AN ERA – A LEGEND RETIRES

GSMOL announces the retirement of a person who achieved legendary status for her very, very valuable contributions to GSMOL over the last 22 years. Mary Ann Coleman of our office staff announced her retirement, effective at the end of July, from an exemplary career that spanned three decades and included participation in virtually every aspect of GSMOL's work.

Among her many accomplishments were managing the GSMOL office, coordinating new and renewal memberships, answering many, many member's questions on problems they encountered in mobilehome living, helping with the CALIFORNIAN, coordinating untold numbers of Board meetings, supporting membership recruiting in parks, and arranging every GSMOL Convention since 1992.

Mary Ann was well known by all GSMOL members for her ability to get things done with a minimum of difficulty and a maximum of efficiency and courtesy. From the smallest project to the largest undertaking, she was always there to see it through, going above and beyond the call of duty to ensure the wellbeing of all GSMOL members.

Zone D Vice President Tim Sheahan's sentiments about Mary Ann's career reflects the feelings of GSMOL members up and down the State:

*Having served on the GSMOL Board of Directors since 2002 as State Secretary, State President and two stints as Zone D Vice President, I want to express my appreciation and gratitude to Mary Ann Coleman for her many years of dedicated service to GSMOL. While she was known to many members as the "voice" of GSMOL for answering questions and offering help over the phone, I knew her as the heart and soul of the League. She was the ultimate authority on GSMOL history, chapter information and membership status. For years, she served as our safety-net at the office, whether to find lost files or repair aging office equipment too obsolete to be serviced by professionals. She worked wonders with Scotch tape and paper clips to keep the equipment working!*

*At conventions, Mary Ann was the face of GSMOL and the person who leaders and members turned to for instructions and assistance. Even under those stressful conditions, she handled challenges with a calm and respectful demeanor.*

*If Mary Ann wasn't able to finish work at the office, she would take it with her to complete at home. On several occasions, she even enlisted her children to form an assembly line to stuff envelopes or other necessary tasks.*

*"We have all benefited by Mary Ann's efforts and will miss her tireless devotion to the League and its members. Good luck Mary Ann, you have left a lasting legacy and shoes that will be very hard to fill!"*

*With gratitude,*

Tim Sheahan

From all of us at GSMOL, thank you Mary Ann for your dedication, loyalty and performance. We are honored and grateful to have worked with you. Your loyalty and dedication will always be remembered throughout GSMOL

**We will miss you greatly.**

## **ANNOUNCING MOBILEHOME RESIDENCY LAW (MRL) "ROAD SHOWs"**

**September 28, 2013 10:00 AM to 1:00 PM  
MILL POND MOBILE HOME PARK  
2411 Canoas Garden Avenue; San Jose, CA**

**October 12, 2013 1:00 PM TO 4:00 PM  
WESTFORK ESTATES  
500 No. Tully Road, Turlock, CA**

**November 15, 2013  
(time and location to be announced later)  
Oxnard, CA**

**November 16, 2013  
(time and location to be announced later)  
San Luis Obispo, CA**

**Contact Craig Hull for details on the November  
Road Shows**

**THE MRL ROAD SHOW IS A  
PRESENTATION FOCUSING ON YOUR  
LEGAL RIGHTS AND THE LAWS THAT  
PROTECT YOU!**

### **FEATURED SPEAKERS:**

**Bruce Stanton, GSMOL Corporate Counsel.  
Henry Heater, San Diego Law Firm of Endeman,  
Lincoln, Turek & Heater, LLP.**

*(Continued on Page 17)*



# HCD UPDATE

## ONCE UPON A TIME... IN AN UNSCRUPULOUS PARK...

(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.)

[QUESTION: How many buyer mistakes and seller violations can you count in these actual facts taken from several cases HCD currently is investigating?]

Jim and Nancy have modest income and savings and past credit issues, and want to live in a mobilehome park. When they drive through Heavenly Mobilehome Park, they see several homes at or above their price range and also a home that is vacant and unmaintained, and therefore might be more affordable. They go to the park office and ask the park manager about the home. He introduces them to Tina, who "handles sales" for the park owner. Tina says the home isn't prepared for sale yet, so they can get a really good deal. She says it needs only roof repairs, kitchen sink repairs, and some fresh paint. They also want an air conditioner, which she says they can buy and install themselves.

Tina says that they can buy the home, as-is, for \$22,000 with \$5,000 down and the balance financed by the park over 5 years at fifteen percent interest. She filled out a "Sales Agreement" and "Note" and told them to sign the documents and bring them back with the \$5,000 in cash or cashier's check within 24 hours. They asked about an escrow company, and Tina said it would just add more costs, and it wasn't necessary because she had done many sales for the park owner. They asked if they could show the forms to an attorney friend, and she said sure, but if someone else comes in for the home before they got back, they'd lose the chance to buy it.

They also asked about the lease, and Tina said the park would approve anybody she sold a home to, and that they would get the lease when they returned with the \$5,000. Not wanting to miss a great deal with reasonable costs, and the ease of getting a park lease despite their credit history, they returned the same day and gave Tina the \$5,000, signed the papers, signed the lease, and received their keys.

They moved in that weekend and quickly found problems. When they used their stove, they smelled gas leaking. There was no hot water, even though the water heater seemed to be on. The kitchen sink leaked into a pail

and the floor by the sink was squishy from water damage. The home was not level and seemed to rock a little. That evening, from an animal care operation next door, they heard loud, disturbing noises and smelled foul odors. In addition, a new neighbor visited and warned them about constant robberies and threats from nearby residents in a small gang.

On Monday, they called the gas company about the stove, and the gas serviceman came, told them they had a major gas leak, and shut off the gas until the stove was replaced and the water heater repair or replacement was completed. He said they needed permits and inspections from HCD for repairs. When they checked, HCD told them they couldn't get a permit without proof of ownership. Their insurance company also told them they couldn't get fire or liability insurance without proof of ownership.

They called Tina about the proof of ownership and she said that she wouldn't transfer title to them because the Sales Contract said that the park kept ownership until the loan was paid off. They went home, discussed all the problems, and decided to cancel the purchase and ask for their money back. They wrote a letter to Tina and the Park to rescind the deal because of the home's seriously bad conditions and the undisclosed park problems.

The park quickly responded, saying they could cancel the purchase, but the \$5,000 down payment would be retained as "liquidated damages". Also, under the one-year lease, they were liable for the next eleven months' rent unless another buyer or renter were found by the park.

Now completely frustrated, they called the HCD Ombudsman who checked the title of the manufactured home. They discovered it wasn't in the park's name, but owned by someone they'd never heard of who was five years behind in annual fee payments; before title could be transferred, over \$3,000 in back fees and penalties had to be paid. The Ombudsman also said it was illegal to sell a manufactured home "as-is", and that Tina's sale probably was illegal and void because neither she nor the park actually owned the home. There also was no record of a mobilehome with that decal number at that address, so it must have been moved there and installed without an HCD permit or inspection which is why it was leaning. The Ombudsman advised them to consult an attorney, since rescission was a civil matter and not within HCD's jurisdiction, and to make a formal HCD complaint about both the sale and the unit's conditions.

*(Continued on Page 12)*

# HCD UPDATE (Continued)

(Continued from Page 11)

They called a friend who was a retired patent lawyer. He talked with the park's attorney who made a new offer: they could keep the home for the \$5,000 already paid plus another \$2,000, but they would be responsible for all repairs. Already having estimates of about \$8,000 for the work, they decided this still would be a good deal and agreed. They paid the \$2,000, and asked for their title. Tina said that she had applied, but that HCD wouldn't transfer title to either the park or to them because the park couldn't prove it had a right to claim ownership. After another week, she still couldn't produce the title, and they still couldn't get permits for the work. But they had to live there, so they hired a local handyman to do the sink repairs and install the stove, new water heater, and air conditioner without an HCD permit. He also covered the floor by the sink with a cover and added shims to stabilize the home.

The next day, the park served a legal notice saying that they had violated the lease by having work done on the home without a permit and installing an air conditioner without park permission. They were given 30 days to get the permits and inspections and to remove the air conditioner or they would be evicted. There also was a letter from Tina saying that they had to pay her the \$3,725 in back fees before title could be transferred and the lease required payment of all fees owed within five days of demand. They disputed all the assertions, saying that the lack of title and back fees were the park's fault, and the air conditioner had been approved by Tina.

Soon thereafter, they received court eviction papers. Their attorney friend told them that an effective eviction defense and trial would cost thousands of dollars. They considered that new cost, the thousands of dollars they still would have to pay for other repairs, the costs of getting the permits and redoing some of the work if necessary, the possible back fees, and other unknown costs. They also heard some neighbors say there was a rumor going around that the park was going to be sold soon, and that rents would be raised by the new park owner.

At their request, the lawyers again talked and reached another agreement: if Jim and Nancy returned the keys and agreed to never sue the park or Tina, nor report them to HCD, the park would not hold them liable for any money they owed for the home or the lease, it would cancel the lease and Note, and it would pay them \$250 for moving costs. Given the potential costs and liability they now were facing, they agreed and moved the next day, taking their possessions and leaving the home without cleaning it.

The following weekend, Bill and Wilma, who have modest income and savings and past credit issues, want to live in a mobilehome park. When they drive through Heavenly Mobilehome Park, they see several homes at or above their price range, but also a home that is vacant and unmaintained, and therefore might be more affordable for them...

## Shop at Ralphs and Raise Funds for our Golden State Manufactured Home Owners Education Fund 501(c)3 (GSMOEF)

It's easy and free! Every time you shop and swipe your registered Ralphs Reward cards, GSMOEF will receive a donation.

**To Register your Ralphs card online**, go to [www.Ralphs.com](http://www.Ralphs.com) > Click on *Sign In* > *My Ralphs* > *Community Contribution* > *Participant - Enroll* and follow prompts to have Golden State Manufactured Home Owners Education Fund (organization #94240) your designated Community Contribution Organization.

If a new online customer, click on **Create a New Account** and follow prompts to create an account. Then follow the previous steps under **Sign In**.

- REMEMBER, purchase will not count for towards GSMOEF until after you register your card(s).
- If you do not have a Ralphs Reward Card, go to the Service Desk at Ralphs and apply for a free card.

**If you would rather register in person at your local Ralphs store**, go to the Customer Service counter to register your Rewards Card for GSMOEF (#94240).



# M. S. Tedesco Construction

General Construction and "Lifetime Roofing Systems"

Serving California since 1981

## 1-800-347-6540

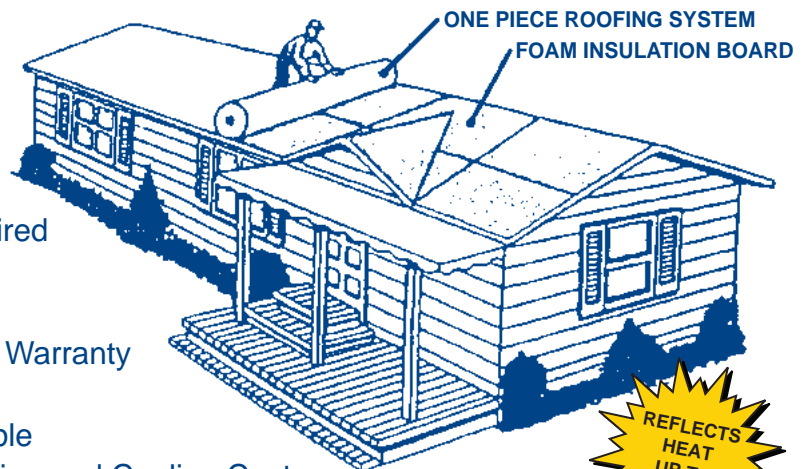
Lic #743352



Cool Roof Rebate  
Approved!

### A "LIFETIME" SOLUTION FOR YOUR MOBILE HOME or LOW PITCHED ROOF GUARANTEED!

- Fully Insulated
- Waterproofs without Caulking
- Reduces Roof Rumble
- Increases Resale Value
- No Maintenance Required
- In Most Cases No Tear-Off is Required
- ASTM Tested
- U.L. Rated (Class A Fire Rating)
- Non Prorated Lifetime Transferable Warranty
- Cool Roof Rebate Approved
- PG&E Rebates may also be Available
- Saves Money Every Month on Heating and Cooling Costs



### THE LIFETIME ROOFING SYSTEM

*is not a coating or another metal/aluminum roof, but a complete roofing system, with a blanket of rigid foam insulation covered by a heat reflective cool roof, all vulcanized together to form a complete covering over the entire roof. There are no leaky seams, and no need for any caulking, mastic or sealants to waterproof your new roof, and it's **completely maintenance free.***

Also featured on these fine establishments:



Seattle King Dome, Saddle Dome  
& Mercedes Benz Dist. Center



*"The finest seaming method in the industry..." -Roofer Magazine*

## ALSO

we can restore and waterproof your aftermarket aluminium roof, rubber roof, single ply roofs and other re-roofing systems without requiring a "tear-off" and we offer a 5 year to lifetime guarantee.

# NEWS AROUND THE STATE

**By Tom Lockhart**  
**GSMOL State Secretary**

## Zone C Region 5

Huntington Beach City Council has requested City staff draft an ordinance to restrict the conversion of the City's eight 55+ age parks to all-ages status.

The restriction would designate a zoning overlay district on the eight senior parks, which would require park owners to petition the City for a possible change in status, thereby giving the City control over the process.

55+ age parks would be prevented from converting during the drafting process under the terms of the ordinance.

Rancho Huntington MHP, a 55+ park, residents very soon afterwards received a notice from their park owner that the owner was considering converting the park to all-age in view of the City Council action.

The notice also said the residents would be given a certain period of time to consider signing a long-term lease, thereby avoiding the conversion to all-age park status.

## Zone C Region 5

The owner of the 55 unit Rolling Homes senior mobilehome park in Costa Mesa is considering requesting the City's permission to convert the park land usage to a 208-unit apartment complex. Residents of the park, many of who are seniors, disabled and/or very low income, are opposed to the conversion, and complained to the Costa Mesa City Council.

After considering the proposal, the City Council voted 4-0 to deny an amendment to the General Plan to change the zoning from general commercial to high-density residential, thereby prohibiting the conversion.

A former City Councilman familiar with the situation said a mobile home park closure ordinance was needed which would give the City guidelines for future conversion proposals.

## Zone A-1 Region 1

The City of San Jose is experiencing an unusual number of requests by mobilehome park owners for space rent raises above that allowed by the City's Rent Stabilization Ordinance (RSO). The RSO applies to the 58 mhp's in San Jose, which together contain almost 11,000 homes and 30,000 residents.

Many of the park residents are senior citizens on fixed incomes, and some are disabled. Space rent increases above the RSO limits are unaffordable for many of these people.

The area is considered a high-cost-of-living region of the State. City housing officials, concerned about the rent raises, say the parks represent a very good stock of affordable housing, and that requested rent raises would place financial hardships on some residents.

The 1986 RSO limits the yearly space rent raise, but there is provision for park owners to petition the rent review board for a higher amount. Prior to the three petitions in the last 18 months, none had been made by a park owner since 2002.

The residents of Colonial Manor MHP have received notice of raises above the RSO limit for space rent increases for the last two years, \$114 per month last year and the current request of \$85 per month. They have opposed both increases at RSO review board hearings, including hiring an attorney, and have received legal assistance funds from the Golden State Manufactured Home Owners League (GSMOL).



### AFFORDABLE AUTOMOBILE INSURANCE FOR MOBILEHOME OWNERS

Receive the service and affordable price that California Southwestern Insurance has offered to mobilehome owners for over 35 years. We now have a competitive automobile insurance program that offers a discount on your automobile and mobilehome insurance. You don't have to have mobilehome insurance with us to get a competitive rate on your automobile insurance. Personalized service and expert advice is included with every automobile or mobilehome policy we write. We are experts in insuring folks who enjoy the mobilehome lifestyle.

**DON'T HESITATE! CALL TODAY AND SAVE ON  
YOUR INSURANCE.**

**CALL TOLL FREE 1-800-352-0393  
and ask for Larry Reeder**



**CALIFORNIA SOUTHWESTERN  
INSURANCE AGENCY  
License #0443354**

## Information for Hiring a Contractor

You can hire any contractor you want who meets legal regulations, and you can do the work yourself. This right is protected by the passage of AB 2351, which took effect January 1, 2005 and is stated in MRL Section 798.37:

“The management may not require a homeowner or prospective homeowner to purchase, rent, or lease goods or services for landscaping, remodeling, or maintenance from any person, company, or corporation.”

### **Keep thorough notes on all work being done, and on all agreements and payments made.**

1. It's best, although not always required, to hire a contractor who is licensed by the State. This allows you to check the contractor's history via State records. Unlicensed contractors sometimes don't carry liability insurance or worker's compensation insurance.

2. Anyone performing construction work in California that totals \$500 dollars or more in labor and materials must be licensed by the California Contractor State Licensing Board (CSLB).

Licensed contractors must demonstrate at least four years of experience/education in the trade for which they are licensed, be fingerprinted, have an FBI background check, and be bonded.

3. Ask the contractor, licensed or unlicensed, if he or she carries liability insurance.

4. To check a contractor's state record, go to **[www.cslb.ca.gov](http://www.cslb.ca.gov)** or call the State Contractor Licensing and Complaint Hotline, 800-321-2752 or contact your:  
County Better Business Bureau  
County Consumer Affairs Department

5. Always get a written, signed estimate of the cost, time, and materials involved, and be sure you understand all the terms of the agreement. Take nothing for granted.

6. You do not have to pay for the entire job before it is finished. Pre-payment for materials is considered acceptable for a reasonable amount of money.

A contractor cannot request in advance more than 10% of the total cost of the job or \$ 1000, whichever is least.

It is best to not pay in cash. Payment by check is better for record keeping.

Don't let payments get ahead of the work.

Don't make the final payment until you are satisfied with the entire job.

7. Get in-park references of other work done by the contractor if possible.

8. Discuss possible schedule changes and delays, since some contractors work more than one job at a time.

9. Notify the contractor and park management immediately of any work you think is improper, and provide specific information, including photographs.

10. To file a complaint with the State Licensing Board, call:

State Contractor Licensing and Complaint Hotline  
800-321-2752

## Construction Permits and Permits to Operate

If you plan to make substantial additions or modifications to your home, it is best to notify your park manager in advance of the actual work.

In addition, you may need to get a construction permit from HCD.

Please see Ron Javor's article in the July/August 2012 CALIFORNIAN, Pages 9 and 10, about HCD requirements for building permits.

The HCD offices are:

HCD Northern Area Office  
9342 Tech Center Drive, Suite 550  
Sacramento, CA 95826  
Tel. (916) 255-2501  
Fax: (916) 255-2535

HCD Southern Area Office  
3737 Main Street, Suite 400  
Riverside, CA 92501  
Tel. (951) 782-4420  
Fax (951) 782-4437

If your city or county does not use HCD as the inspection agency for mobilehomes and mobilehome parks, then you should contact the appropriate local building department to obtain information on permits.



# MOBILEHOME SUBLEASING

## MOBILEHOME SUBLEASING: NEW ATTORNEY GENERAL OPINION SAYS PARK OWNERS MUST FOLLOW THEIR OWN RULES

### Recent Opinion Weighs in on Controversial Issue

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 20 YEARS. HIS PRACTICE IS LOCATED IN SAN JOSE, AND HE IS THE CORPORATE COUNSEL FOR GSMOL**

There's an old saying: "What's good for the goose is good for the gander". The California Attorney General's office recently issued a long-awaited Opinion which applied this old adage.

For many years homeowners have been frustrated by park rules or regulations which prohibit residents from subleasing their homes, while the park owner freely rents out multiple homes that it owns within the park. Many homeowners have argued that this is a direct violation of Civil Code 798.23, which states that the park owner and any of its employees *"shall be subject to and comply with, all park rules and regulations, to the same extent as residents..."* For many residents the issue is not whether subleasing should or should not be allowed in their park, but rather whether they should have the same right to rent (or "sublease") their homes once management engages in that practice. Homeowners have become increasingly concerned where park owners are buying up more and more homes and renting them out; thus turning the park into a rental community. Faced with the often unpleasant reality that subleasing is present, those homeowners often would like the option of doing the same thing that the park owner is doing. But they are denied by rules that prohibit residents from subletting. So where is the fairness, these residents say? If the park owner can rent, then why can't I?

After receiving multiple questions, concerns and requests on this issue from members, GSMOL requested through the office of Assemblyman Das Williams that the Attorney General analyze and issue an opinion on the following issue: **Other than the renting of homes to park employees, if park rules and regulations prohibit homeowners from renting their homes (i.e. "no subleasing" rules), is park management bound by those same rules?** The Attorney General has responded with an Opinion that answers this question with a firm "YES". In Opinion No. 11-703, issued on July 23, 2013, the office of Attorney General Kamala Harris concludes that *"with the possible exception of rentals to park employees...if management of a mobilehome park has enacted rules and regulations generally prohibiting mobilehome owners from renting their mobilehomes, then park management is also bound by those same rules and regulations."*

The 8-page decision contains a good summary analysis of the applicable Mobilehome Residency Law provisions, including definitions and those pertaining to rules and regulations. The arguments on both sides are reviewed, but the Opinion is primarily based upon the "plain meaning" of 798.23, which states that the management "shall" follow its own rules. This is "a mandatory duty, rather than a merely permissive option." In other words: "Shall" means "Shall". The Attorney General concludes that if there were exceptions to this for park-owned homes, the legislature should have, and would have stated them. But there is no exception in 798.23 for park-owned homes. Thus, the Opinion concludes that it does not matter whether the park owner owns both the land and the mobilehome. That fact does "not dictate the legal conclusion that a park owner may not be bound by a no-renting rule to the same extent as other homeowners in the park." Thus, while technically park owners cannot be guilty of "subleasing" homes that they own, since they also own the land, the practical effect of this rule on homeowners is a "no renting" rule, and that rule must also be followed by the park owner.

So what is the legal effect or significance of this Opinion? While this is not a court ruling, and is thus not controlling in the same way, it is nonetheless entitled to "great respect" and "great weight" according to California case law.

*(Continued on Page 17)*

## MOBILEHOME SUBLEASING (Continued)

*(Continued from Page 16)*

Attorney General Opinions are viewed by courts as “persuasive, since the legislature is presumed to be cognizant of that construction of the statute.” A future court opinion which follows this Opinion would then establish the binding precedent.

Any homeowner who lives in a park where residents are not allowed to rent their homes, but park owners openly do so, should consider whether to send a letter which demands that either (a) the park owner stop renting its homes, or (b) the rules should be changed to allow residents to rent their homes. If the park owner refuses, the foundation will have been laid for a court action which could rule on 798.23 and determine the issue with some finality. Any such court is likely to take judicial notice of this Opinion, which should be very important to the outcome. Members may log on to the Attorney General’s website to review and print Opinion No. 11-703 for themselves.

## ZONE/REGION REPORT

*(Continued from Page 9)*

along with the failure of the community owner to conduct proper impact studies, allowed Oceanside to protect homeowners of Cavalier MHP from this most recent attack.

### Start Preparing for the 2014 Convention

I encourage members of Zone D (Regions 7 and 9) to make a special effort to reactivate their GSMOL chapters so you can qualify Delegates for the GSMOL 2014 Convention. Since the Convention will be held in Orange County (Costa Mesa), most members of Zone D will be within a two-hour drive of the Convention. It’s a great opportunity to gain knowledge and network with fellow homeowners. Let’s make sure that Zone D is well represented!

I want to thank everyone who continues to promote membership and educate homeowners on the value of

GSMOL. While over a quarter of our members have been members for 20+ years, we all need to be diligent in educating new residents on past battles and continuing threats to our way of life and encourage them to join homeowner advocacy groups, especially GSMOL. The other regional leaders and I will be happy to schedule meetings in your communities to address homeowner concerns and explain the benefits of membership, chapter activation and convention participation.

## MOBILEHOME RESIDENCY LAW (MRL) “ROAD SHOWs” *(continued from Page 10)*

### ***MRL AGENDA:***

- **A review of the Mobilehome Residency Law (MRL) – Who enforces the law?**
- **Health/Safety & Code Violations – Enforcement by Dept. of Housing (HCD)**
- **Rent Pass-throughs for repair/maintenance and Capital Improvements**
- **Long-term lease v 12-month/month-to-month Rental Agreements**
- **Evictions for Park Rules Violations – Selective Enforcement of Park Rules**
- **Forced Condo Conversions – Why do you need an HOA or GSMOL Chapter?**
- **Failure to Maintain – Water, sewer, electrical, infrastructure, landscape issues**
- **PUC Update - Status of Master Metered MHP transfer of utilities**
- **Park Managers & Park Owners – Can they attend your GSMOL Meetings?**

**Refreshments to be provided**

**Contact information: (800) 888-1727  
gsmol@sbcglobal.net**

# 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

##### Margo Chappell

1901 Dayton Rd. #61  
Chico, CA 95928  
Phone: (530) 892-0422  
margo113@sbcglobal.net

#### ASSISTANT MANAGER

##### Anne Rucker

1901 Dayton Rd. #132  
Chico, CA 95928  
Phone: (530) 343-3904  
karucker@sbcglobal.net

### REGION 11

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

#### ASSOCIATE MANAGER

##### Shirley Dajnowski

20 Rollingwood Dr. #125  
Jackson, CA 95642  
Phone: (209) 223-3348  
SadieBlu@att.net

### REGION 14

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

#### REGION MANAGER

##### Kenneth (Ken) McNutt

8181 Folsom Blvd. #243  
Sacramento, CA 95826  
Phone: (916) 383-1820  
kenmac@dslextrême.com

## ZONE A-1

### REGION 1

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

#### Barbara Moravec

4141 Deep Creek Rd., #104  
Fremont, CA 94555  
Phone (510) 790-8344  
bmor1241@gmail.com

#### Gary C. Smith

390 Mill Pond Dr.  
San Jose, CA 95125  
Phone (408) 975-0950  
garyslighthouse@sbcglobal.net

## REGION 2

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

#### ASSISTANT MANAGER

##### Bill Donahue

28 Oakwood Dr.  
Petaluma, CA 94954  
Phone: (707) 765-2556  
williamdonahue28@hotmail.com

#### ASSOCIATE MANAGERS

##### Barbara Butler

35 Magnolia Dr.  
Calistoga, CA 94515  
Phone: (707) 942-8119  
barbutler@hotmail.com

##### Richard Heine

143 Bryce Canyon Rd  
San Rafael, CA 94903  
Phone: (415) 479-6343  
vicepresident@contempomarin.org

##### Darryl Blanton

6 Bear Flag Rd.  
Sonoma, CA 95476  
Phone: (707) 938-9225  
karis9225@sbcglobal.net

##### Ernest Ponce De Leon

300 Stony Point Rd. #515  
Petaluma, CA 94952  
Phone (707) 981-7605  
Cell (650) 892-3176  
ernest.deleon@comcast.net

## ZONE B

### REGION 12

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

#### REGION MANAGER

##### Jean Crowder

1500 Villa Ave. #133  
Clovis, CA 93612  
Phone: (559) 213-8002  
Fax: (559) 298-7013  
jeankc@sbcglobal.net

### 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

##### Marie Pounders

1675 Los Osos Valley Rd. #105  
Los Osos, CA 93402  
Phone: (805) 528-0825  
cafemlp@gmail.com

#### ASSISTANT MANAGERS

##### Barbara Tolerton

109 Blackburn Pl.  
Ventura, CA 93004  
Phone: (805) 647-1935  
oldvalleygirl@aol.com

##### Joan Harper

1012 Kerry Dr.  
San Luis Obispo, CA 93405  
Phone: (805) 543-7946  
nutmegger36@att.net

#### ASSOCIATE MANAGERS

##### *Ventura County*

##### Jill Martinez

213 Iris Way  
Ventura, CA 93004  
Phone: (805) 323-5859 Home  
Phone: (805) 982-0013 Cell  
jillmartinezsmsol@gmail.com

##### Anne B. Anderson

333 Old Mill Rd. #161  
Santa Barbara, CA 93110  
Phone: (805) 895-8319  
a.bushnell.anderson@gmail.com

### REGION 10

COUNTIES: *Monterey, San Benito and Santa Cruz*

#### REGION MANAGER

##### Richard Halterman

1099 38th Ave. #16  
Santa Cruz, CA 95062  
Phone: (831) 476-0337

#### ASSOCIATE MANAGERS

##### Patricia Cramer

3128 Crescent Ave., #11  
Marina, CA 93933  
Phone: (831) 384-6058  
otterpc@aol.com

##### Bob Lamonica

2395 Delaware Ave. #131  
Santa Cruz, CA 95066  
Phone: 831-469-9248  
bob@cruzexpo.com

#### Carole Harris

444 Whispering Pines Dr. #124  
Scotts Valley, CA 95066  
Phone: 831-438-4404  
carolemae\_harris@yahoo.com

## ZONE C

### REGION 3

*Los Angeles County*

#### REGION MANAGER

##### James Scott

3530 Damien Ave. #181  
La Verne, CA 91750  
Phone: (909) 833-0754  
jsracer64@hotmail.com

#### ASSOCIATE MANAGER

##### Valerie Montoya

6411 Monterey Rd #18A  
Los Angeles, CA 90042  
valerie90042@hotmail.com

#### ASSOCIATE MANAGER

##### Chuck Loring

8250 Lankershim Blvd., Olive 7  
North Hollywood, CA 91605  
(818) 768-6257  
chuckloring@dslextrême.com

### REGION 5

*Orange County*

#### REGION MANAGERS

##### Ray Deniston

338 Magpie Lane  
Fountain Valley, CA 92708  
Phone: (714) 334-5866  
raydeniston@gmail.com

#### ASSOCIATE MANAGERS

##### Nancy Agostini

21752 Pacific Coast Hwy #2A  
Huntington Beach, CA 92646  
Phone: (949) 945-5320  
nancyracer@gmail.com

##### Tim Geddes

21802 Wingsong Circle  
Huntington Beach, CA 92646  
Phone: (714) 964-3934  
timgeddes3@gmail.com

##### Janet McGirk

201 W. Collins Ave. #81  
Orange, CA 92867  
(626) 991-7537  
jlloyd758@live.com

## REGION 6

*San Bernardino County*

#### ASSOCIATE MANAGER

##### Carl Laughman

9800 Baseline Rd #7  
Rancho Cucamonga, CA 91730  
Kallkarl43@netzero.net

## ZONE D

### REGION 7

COUNTIES: *San Diego and Imperial*

#### REGION MANAGER

##### Frankie Bruce

10771 Black Mtn. Rd. # 100  
San Diego, CA 92126  
Phone: (619) 804-0735  
francesbruce@att.net

#### ASSOCIATE MANAGERS

##### Don Greene

2280-62 E. Valley Pkwy  
Escondido, CA 92027  
Phone: (619) 665-6426  
don.greene@cox.net

##### Karen Bisignano

PO Box 712022  
Santee, CA 92072  
Phone: (619) 448-9404  
smoac@juno.com

## REGION 9

*Riverside County*

#### ASSISTANT MANAGER

##### Gail Mertz

4000 Pierce St. #346  
Riverside, CA 92505  
Phone: (951) 359-4619  
g.mertz@sbcglobal.net

#### ASSOCIATE MANAGERS

##### Marcia Scott

42751 E. Florida Ave. #41  
Hemet, CA 92544  
Phone: (714) 813-6800  
mscottgsmol@aol.com

##### Barbara Rish

3701 Fillmore St. #137  
Riverside, CA 92505  
Phone: (909) 910-8186  
barbaragsmol@yahoo.com

Give a "Gift of Membership" to a non-member.



*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!*

**BARBER INSURANCE AGENCY**  
620 College Ave.  
Santa Rosa, CA 95404  
(800) 696-1108(707) 526-7900  
Lic#0451053

**NORTHERN & CENTRAL CALIFORNIA INSURANCE**  
Chuck Krause  
(800) 451-9090  
Lic#0482753

**MINARD INSURANCE AGENCY**  
(916) 681-5554  
(800) 955-9842  
Lic# 0E14656

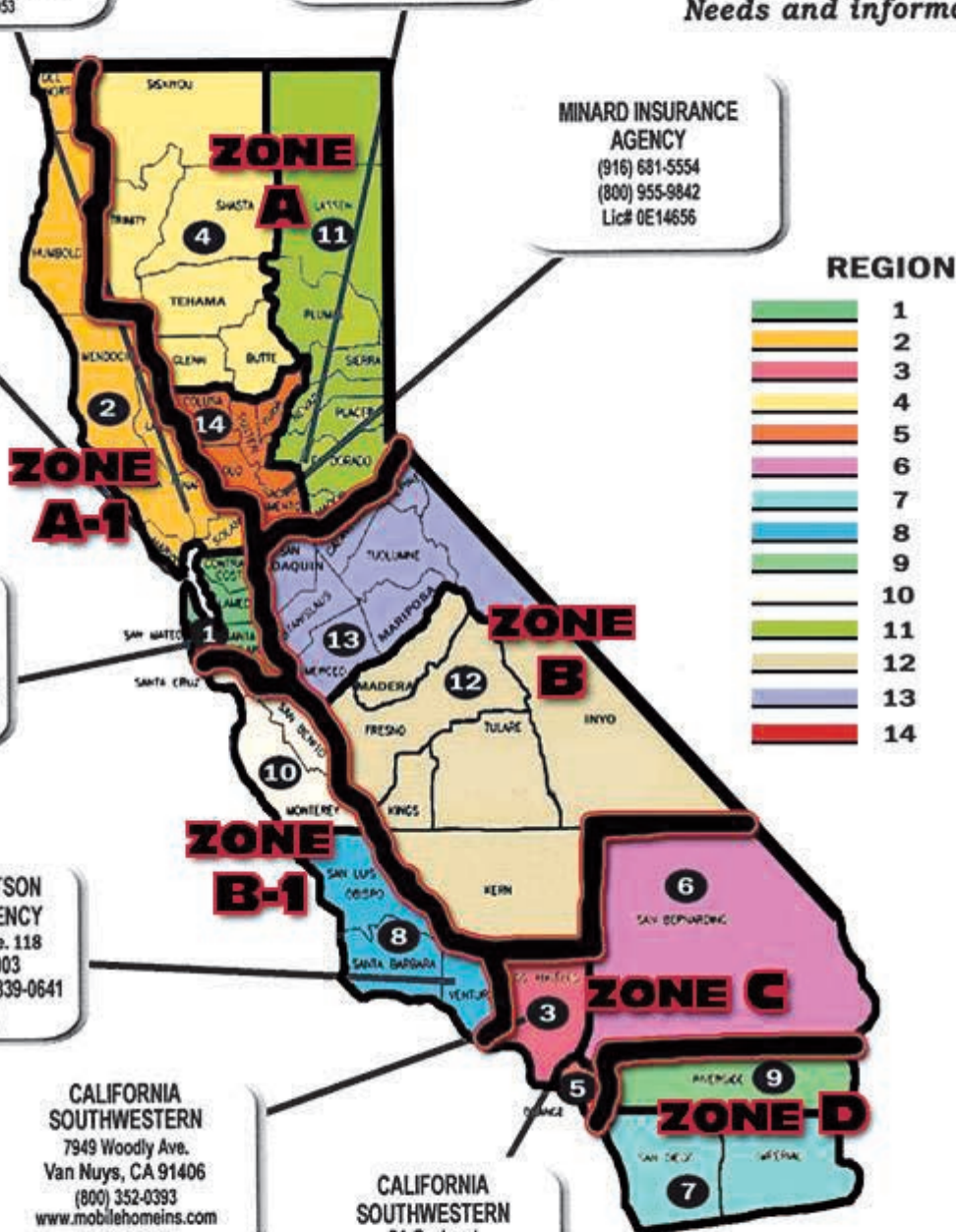
**MILLER-ROBERTSON INSURANCE SERVICES, INC.**  
1682 Novato Blvd. #252  
Novato, CA 94947  
800-338-7742 415-897-2000  
Lic#0688139

**CALIFORNIA SOUTHWESTERN**  
1177 Branham Lane #418  
San Jose, CA 95118  
(800) 992-6966 (408) 445-3095  
Lic#0443354

**MILLER-ROBERTSON INSURANCE AGENCY**  
290 Maple Court Ste. 118  
Ventura, CA 93003  
(800) 435-3355 (805) 339-0641  
Lic#0688139

**CALIFORNIA SOUTHWESTERN**  
7949 Woodyly Ave.  
Van Nuys, CA 91406  
(800) 352-0393  
www.mobilehomeins.com  
Lic#0443354

**CALIFORNIA SOUTHWESTERN**  
21 Orchard  
Lake Forest, CA 92630  
(800) 848-5882  
www.mobilehomeins.com  
Lic#0443354



# 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*

Legal Defense Fund \$ \_\_\_\_\_

Disaster Relief Fund \$ \_\_\_\_\_

Political Action Committee (PAC) \$ \_\_\_\_\_

DETACH AND KEEP FOR YOUR RECORDS Thank you!



Form 100  
Rev 02/13

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