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Q&A Session Following MRL 101 Townhall Presentation

Hosted by: The Golden State Manufactured-home Owners Education Fund

The MRL, Mobilehome Residency Law, spells out the rights, obligations, and responsibilities between mobilehome park residents and management. Most of the codes in the MRL were written as the result of laws sponsored by GSMOL.

- Information is power, security and protection! If you do not know your rights, you will not know how to protect them!

For 60 years GSMOL has been the most influential organization statewide fighting to protect mobilehome residents. In Sacramento this year, GSMOL is sponsoring two bills: 1) to require park managers to be trained and licensed, and 2) phase out the exemption from rent control of mobilehomes built after 1990 with a new rolling exemption.

Questions and Answers

Q 1: I am adding a garage to my home. Where do building permits come from, HCD or my city? A: It depends on who enforces the rules in your jurisdiction. Approximately, 20% of LEA enforcement has been ceded back to the city by HCD. Call HCD and ask if they have jurisdiction.

Q 2: Can rules be unwritten? My park no longer allows email requests for a tenant meeting with management and instead requires we fill out a 4-page request. A: Rules and Regulations must be in writing and cannot be verbal.

Q 3: Can a buyer with a criminal history be rejected for tenancy in a park? A: No! That is not one of the two bases for rejection. Using criminal

history to prejudice an applicant would be considered discrimination. Nor is insufficient income in a bank Savings Account be used to reject a tenant: Management can only consider a buyer's income (and other assets) and history that indicates they will not be a good tenant, such as an eviction.

Q 4: When do MRL eviction notices go into effect? A: Protections from eviction during the pandemic ended October 2021. Eviction requires a 3-day notice, 60-day notice.

Q 5: Does management have the right to say no outsiders can come into the park to attend events such as a Fair or Bingo night? A: If it is a meeting of the residents such as an HOA or GSMOL meeting, no. You can invite guests, such as a political figure running for office. Management has more ability to regulate non-mobilehome meetings. You might argue any restriction is unreasonable.

Q 6: My long-term lease is set to expire. Annual increases are 4.5%, but just before expiration, management increased my space rent another 8%, which makes my rent increase this year 12.5%. Is this legal? A: It depends on what the lease says. Does the lease have a Market-Catch-Up Clause buried deep within it? If so, management can increase your rent 60 days before it expires to "market rate".

Q 7: Does a buyer need to be informed of the pending sale of the park? A: Nothing in MRL addresses this. The park must provide a prospective buyer a written chart disclosing if facilities are in operation, any defects, violations, lawsuits, encroachments etc. But there is nothing about the park disclosing if it is for sale. IF the seller knows, then he/she has an obligation to disclose that since it is a material fact a buyer needs to know. It is not clear if the park has the same responsibility.

Q 8: Can I file a complaint under the MRLPP anonymously? I am afraid of retribution. A: You must identify yourself when you file. You can request anonymity from HCD if the complaint is not about your individual space but is a general one shared by others in the park.

Q 9: Can management charge for water in my rent if there is no meter to my house? A: A park owner can charge a utility as a separate line item or include it in the rent, but there must be a meter to determine usage.

When a utility charge is broken out as a separate line item, rent must be reduced by the same amount, or it would be considered a rent increase.

Q 10: I live in a rent-controlled park and am single. If I marry, what happens? A: You can add your spouse, or significant other, as a tenant. That person must qualify for tenancy and get park approval before they can be added as co-tenant. If you pass away, your partner/spouse can remain in the park with no change of ownership. He/she can remain in the park even if he/she is under the age limit in a senior park (if 80% of the people in the park are seniors).

Q 11: What is my recourse if park management denies my prospective buyer as ineligible? A: There are only two reasons to deny a buyer: financial inability to pay and history, such as an eviction. Management must provide you with the reason for refusal, in writing, within 15 days. Resale interference is an ongoing problem since some park owners want to make it hard for you to sell your home, hoping you will abandon it or give up and sell it to them at pennies on the dollar. Then they usually put in a new home, and it is no longer subject to any existing rent stabilization ordinance! One remedy is to select a strong real estate agent who knows the rules, is not afraid of management and will push for you.

Q 12: Our park manager charged a \$500 processing fee when selling a home in our park. Was this legal? A: No. MRL 798.74 states the only fee that can be charged is a credit check fee. (And, if the buyer is declined, management must refund that fee.)

Q 13: Compare the MRL to protections in other states. Should Californians be thankful? A: Californians are very fortunate due to the breadth and scope of the MRL. The consumer protections in the MRL are very detailed. Florida and Arizona also have good protections in part due to the large number of retirees.

Q 14: Who is responsible for repairs to driveways? A: It depends on who installed it. If the park owner did, then he is responsible: if the resident did, then he/she is responsible. The resident would be responsible if he caused damage to the driveway. To determine who installed the driveway, look at past records, permits, park maps etc. Most of the time the park owner, or his predecessor, installed the driveways. Do they all look the same? Then probably the (original) park owner installed them. If some

driveways are cement, others asphalt, others gravel, then probably the driveway was installed by individual residents when they moved a home in.

Q 15: My lease is due to increase by the allowed annual RSO CPI fee which is \$6. Management added on a \$3.49 “cap” fee. Is this legal?

A: More information is needed about what the cap fee refers to. If it is for a “capital improvement”, check your park rules or your RSO ordinance to determine if they allow pass throughs? There must be a basis in the ordinance or rental agreement for the fee. Ask your park owner what the fee is for. If it is for a capital improvement, then the fee must be a line item and must have a termination date.

Q 16: Can my park owner change my senior park to an all-age park?

A: Yes. You can apply to your city for a Senior Park Overlay to zone your park for seniors only. The local jurisdiction would enforce the Overlay if enacted.

Q 17: My pool and spa are open to 8 pm. Frequently my management turns the lights off and locks me in the pool. What can I do?

A: Management must follow their park rules and regulations, and if they don't, it is a breach of contract. If you are fearful of retaliation and others experience the same problem, I suggest you gather signatures on a petition to request compliance with the rules. You could also file a complaint under the MRLPP or hire an attorney.

Q 18: Does SB 869, the management training and licensing bill include harassment training?

A: The statute is still in the legislative process and is being revised. It has a list of training requirements. I am not sure if harassment is spelled out, but that issue is bound up in all the training. Many problems exist because managers do not know the law and how to interact with residents.

Q 19: Management is requiring us to use a licensed real estate agent when we sell our home. Is this legal?

A: You are allowed to sell your home by owner. Management cannot require you to hire a real estate agent although it might be in your best interest to do so. It is reasonable for the park to require an escrow and it is in your best interest to have an escrow.

Q 20 Can capital improvements be passed through to residents?

Where In the MRL does it say so? A: The MRL does not say yes or no.

But court cases do. Yes, pass throughs are allowed. For example, a park owner can pass through a tax increase when the park is sold. You are entitled to verification and proof of the cost of the pass-through. And it must be a separate line item, not part of the rent where it would be subject to annual rent increases. And the pass-through must indicate an end date.

Conclusion

Bruce encouraged participants to join GSMOL or renew their membership. The annual \$25 membership fee amounts to pennies per month to get the benefits GSMOL offers. Without a strong GSMOL, we would not get these protective laws passed. GSMOL is responsible for every code section of the MRL. Without GSMOL there would be no money to pay for our phenomenal lobbyist. GSMOL needs ammunition and your membership dollars are it. If you donate to the Ed Fund, your donations are tax deductible, and your money will contribute to GSMOL.

Anne Anderson announced a video of this Townhall will be on YouTube. (Search Education Fund, Bruce Stanton.) Bruce's MRL 101 and the Q&A session are on the GSMOL website, which is gsmol.org and the Ed Fund website, which is EdFundAcademy.blogspot.com

97 people signed in to this Townhall, with several groups of people within a community sharing one login. Estimated over 110 people attended this event.