



## **Virtual Mobilehome Townhall**

### **Discussion of Issues and Q&A**

**with GSMOL attorney Bruce Stanton**

**Saturday, July 29, 2023 10 a.m.**

Host Anne Anderson announced that the meeting will be recorded, and minutes of the meeting posted on the GSMOL.org website and the GSMOL YouTube page. Format of the meeting will begin with GSMOL Corporate Counsel, Bruce Stanton answering pre-submitted questions. It will be followed by an open Q&A.

**Q: Manager asks residents if they got a permit for work done. He says a permit and inspection is required. Is the manager correct?**

**A:** If HCD requires a permit, then YES, a permit is required. HCD posts, on its website, alteration guidelines and when a permit is required: [Information Bulletin 2022-11: HCD Permit Requirements — Alterations or Conversions \(PDF\)](#), so you can look permit requirements yourself. If a permit is required, the resident has time to correct the situation. A permit can be issued after the fact. There is concern about a pattern of some park managers trying to gain leverage over residents so they can issue eviction notices in order to bypass rent control. They inspect the park and give a resident notice no permit or park approval is on file and they must get one – even for structures that have been in place for many, many years, even prior to the resident purchasing his home. If resident cannot show a permit, they declare the building illegal and demand its removal, or be evicted. A failure to follow park rules and the law is one of the 7 reasons for evictions. Residents can go to HCD and request a Public Records Request requiring them to search their records for a permit. Regretfully, though, HCD does not keep their records for a long period of time. A resident’s best defense is to contact HCD and get an inspection and get a permit after the fact.

**Q: A park owner is unhappy with resident’s talk of “rent stabilization” and tries to force them to stop talking about it by using the treat of converting their park from a senior park to an all-age park as leverage.**

A: The solution is for the residents to ask their local city council to enact a Senior Park Overlay which will zone the park for seniors. Precedent was set by the Ninth Circuit Court in Putnam Family v City of Yucaipa lawsuit in 2012.

**Q: Management is requiring all fencing between units be taken down, including privacy fences, fences along lot lines, fences to contain a dog etc. Can they do this?**

A: If a resident spent money to construct a fence and had prior management approval and the fence is important to them, they can argue they are “grandfathered-in”. Management cannot request removal unless he changes the park rules (798.25). A rule change does not mean those that had a fence prior to the rule change need remove it. A new rule refers to new fences.

**Q: Is there any recourse if management is selective in applying park rules or there is no enforcement of the rules?**

A: Any rule must be uniformly enforced. If you feel discriminated against, you can go to Fair Housing and file a complaint.

**Q: Regarding park rentals, park owners cannot rent homes in their park if residents can't. Who is responsible to monitor this. How is it enforced?**

A: There is NO MRL police force. YOU must enforce the rules by knowing the law and staying vigilant. You can file a complaint with HCD under the MRLPP, MRL Protection Program.

**Q: Can a park owner offer a “lease-to-buy” to circumvent rules limiting his ability to rent (other than to park employees)?**

A: No. A lease-to-buy” is considered renting and he cannot do that if the park rules prohibit renting.

**Q: Can a park owner pass through liability insurance?**

A: Yes, IF the lease or the RSO allow it. He must have a “basis” for the pass through.

**Q: Can a park owner pass through the costs to wash out compost bins?**

A: Yes, but they need a basis to pass a cost through, in either the lease or RSO. See MRL 798.32

**Q: Can a park owner leave the gate open for some realtors and not others?**

A: No. That is discrimination and is considered an unlawful “time arrangement”. In the 1980’s a D.A. filed lawsuit against a park owner who would only allow certain contractors (of his choice) to work in his park. The D.A. prevailed: such action was called an unlawful “time arrangement”.

**Q: A park owner applied for a permit to add two additional spaces in the park. Can we stop him?**

A: No. There is no precedent for residents to object. The park owner owns the land, and it is his legal right to increase his profit. But he must pull the proper permits etc. GSMOL is looking at a bill in the legislature, sponsored by park owners and WMA, that would allow new spaces for single family homes including duplexes. This law would allow new spaces by statute.

**Q: Are Park owners still trying to subdivide their park?**

A: Yes, some are attempting what we call a “sham conversion”. They try to get around rent control by subdividing a park knowing that not all residents will be able to afford to buy their piece. GSMOL sponsored a bill that requires them to first do a survey that must be approved by the residents.

**Q: What about long-term leases (longer than one year) and rent control?**

A: AB 2782 states that it will end the exemption of long-term leases from rent control on January 1, 2025. This will go into effect automatically and affected residents are not required to remind/notify the park owner. Long term leases written after February 13, 2020, already benefit from rent control if it is available in their jurisdiction. Only long-term leases written prior to February 13, 2020, continue to be exempt from rent control until January 1, 2025.

**Q: What is CPI and how does it affect rent control?**

A: Most rent stabilization ordinances (RSOs) base their annual increase on inflation as measured by the CPI or Consumer Price Index. This is a measurement of costs between a single month in the prior year to the same month in the current year. This CPI increase allows park owners to grow their income based on inflation.

**Q: What steps can I take if the MRL is violated?**

A: Go to the HCD website, [hcd.ca.gov](http://hcd.ca.gov), and file a complaint in the MRLPP.

**Q: My property tax on my mobilehome went up 18.5%. What can I do?**

A: You can contact the County Property Tax Assessor if you want to challenge their calculations. As a reminder, the 2% property tax increase cap applies to real estate only, and it is the park owner who pays taxes on his property. Taxes on a mobilehome are personal property taxes, and are very different.

**Q: What is the update on AB 1035, the state rent cap bill?**

A: It has become a 2-year bill due to a court case recently filed that might affect this bill. GSMOL is still working on this bill.

**Q: What happens if a park owner fails to pay his annual PTO, Permit to Operate?**

A: If a park owner does not pay, then his PTO may be suspended. If there is a certified suspension, then the park owner cannot collect space rent from the residents. While it might sound beneficial in the short run, this is not a good deal in the long run because the park would shut down. GSMOL is looking at this situation.

**Q: My park owner denied approval for my deck construction due to the required depth of the footings. There is nothing in the rules that state the depth I can go. What can I do?**

A: A park owner can enforce rules that are written. They must be in the Rules and Regulations. He is not allowed to enforce "policies" that are unwritten.

**Q: Since residents in Petaluma revised their RSO, our park owner is retaliating by threatening to convert us to an all-age park and to close the park if we continue our request for Senior Park Overlay. Can we get a "cease and desist" while the city reviews an Overlay?**

A: To close a park takes over a year and AB 2782 says the park owner shall be required to buy out residents at a fair market value if they cannot be relocated. MRL 798.56 (g). If Petaluma enacts a Senior Park Overlay, it will keep your park senior. It is not true that the park owner can change a senior park to all age if only one person agrees to it. You cannot have a park that is partially a senior park and partially not. It takes 6 months for a rule change to become effective unless a resident signs the rule change making it effective immediately - but for that person only. GSMOL recommends you never sign.

**Q: A park manager denied the use of the Clubhouse for a political event by invitation of a park resident because it was on the same day as the monthly potluck. Management stated the Clubhouse was unavailable from 8 am to 8 pm because of the 5 pm monthly potluck. Clubhouse could not be used in perpetuity.**

A: Management cannot do a blanket closure in perpetuity. It is unreasonable to close a Clubhouse all day for a 5 pm potluck. MRL 798.51(a)(2) says you may invite candidates for public office to meet and speak with residents on matters of public interest. You can file a complaint with HCD through the MRLPP.

**Q: When I went to repair the foundation on my unit, HCD did not give me a construction permit due to the size of my unit, which is less than 400 sq. ft.**

A: Such a small unit is called a park model and is not considered a mobilehome. It is covered by different regulations under recreational vehicles.

**Q: Management is making it difficult for residents who want to sell their home. Once a resident submits an intent to sell, does management have a time limit to ask for repairs?**

**A:** Yes, but it is up to the resident seller to activate it. The seller must ask the park owner to provide a repair list. The park has 10 business days following receipt of request to comply. If the park refuses your request, and subsequent requests, you might send a final letter stating that in the absence of hearing from them, you are presuming they have no requests for repairs and are waiving their right to request repairs. MRL 798.73.5

**Q: Huntington Beach is an LEA city (Local Enforcement Agency). They have had a Mobilehome Advisory Board for over 20 years. The city now wants to give control to the state. Can we do anything?**

**A:** No, you cannot change that. There are 75 local LEAs in California. Most parks are under HCD. Both the cities and HCD enforce Title 25, Health and Safety rules, in the same manner. There should not be a difference.

**Q: We are aware that to enter a park, do a presentation etc. we must be invited in by a resident. Still, several park managers have denied us use of the clubhouse, door knocking, passing out information etc. Some require we sign that whoever hosts the meeting is responsible for damages. Can a park require us to have liability insurance?**

**A:** No. No park owner can exclude mobilehome leaders from the park. MRL 798.51 gives you the right to assemble, meet, canvass, petition and invite speakers. If you want to engage in a park you do not live in, you must develop a relationship with a resident in the park, who invites you in, schedules meetings, and accompanies you in door knocking. No liability insurance for use of the clubhouse is required. (Rules are different if the clubhouse is used for a private event, such as a wedding.) Park owner requests cannot contain language that has a “chilling effect” or is intimidating.

**Q: My spouse’s name is not on our Rental Agreement. Can I add him/her?**

**A:** No name can be added to the Rental Agreement without the park owner’s permission. There are ways to get that. If you want the person to be an equal tenant, then they must make an application for residency and qualify (i.e., income and good character) and go through the same process as a new buyer. See MRL 798.74. There is a good reason to do this because if/when the spouse who is the tenant dies, the remaining spouse has no right to occupy the home if they are not on the rental agreement. If the person you want to add to the Rental Agreement is considered an additional authorized resident, such as a family member, a caretaker, roommate, etc., the process is different. See MRL 708.34. They will fill out a registration form with their name, phone number, license plate of their car and have

to agree to follow park rules. They are not seeking to qualify for tenancy and have no rights of tenancy. They are considered a guest or additional occupant.

**Q: Can a park owner demand I hire a contractor if I want to add a prefab shed?**

**A:** A prefab storage shed less than 120 sq. ft. does not need a contractor to install. But any time a permit is required, it is wise to use a contractor (such as building a stick-built shed). If a park manager insists a contractor be hired, ask him to show you the rule. It must be a written rule and can't be just a policy! Rules must be reasonable.

**Q: When Covid began our park manager removed chairs and tables from the clubhouse. Even though the Covid emergency rules have been lifted, he has returned to the clubhouse only a very few tables and chairs even though our occupancy limit is for 110 occupants. If we scheduled a meeting, many would have to stand. Manger claims he will rent tables and chairs, as needed, for upcoming events. What can we do?**

**A:** What does your Rental Agreement specify? Is there a breach of contract? Your argument should be MRL 798.24 that states common area must be available for reasonable hours: if there is nowhere to sit, then such use does not exist. It is absurd to say seniors must bring their own chairs. MRL 798.51 gives you the right to meet: it is not reasonable to ask seniors to stand through a meeting. One option might be for your GSMOL or HOA chapter to raise funds and offer to buy the furniture and keep it in the clubhouse?

**Q: Does AB 2782, which changed the long-term lease exemption from rent control, affect new buyers in the park who are forced to assume the long-term lease as a condition of residency?**

**A:** Assignment does not affect exemption since you are not creating a new contract. If the assumed lease was written before February 13, 2020, then the new buyer will not have the protection of rent control until January 1, 2025. On that date, ALL long-term leases will be under existing rent control ordinances. If the assumed lease was written on or after February 13, 2020, they will have rent control protection, regardless of what the lease says. All other provisions of the long term will continue as written until the expiration date.

**Q: Where can I go to get the contact information for the owners of my park?**

**A:** HCD provides a list of name/s and addresses of the entity that has the PTO, or Permit to Operate, in all parks in California. Go to [hcd.ca.gov](http://hcd.ca.gov), click on **Manufactured & Mobilehomes**, look under **I Want To...** at the bottom of the page and click on **Find a Park**. You may want to bookmark the search page when It comes up. You may have to register your email address with HCD to be able to use the page.

**ANNOUNCEMENTS:**

- A description of the MRLPP program and the path to filing a complaint through the MRLPP is available through our website: [gsmol.org](http://gsmol.org)
- **Santa Maria Regional Conference**, Saturday, September 9, 2023
- **Orange County Regional Conference**, Saturday, September 30, 2023
- **LA Regional Conference**, mid October, date and location to be announced.

Some conferences will be all-day “hybrid” in-person events with the ability of members outside these geographic areas to attend by Zoom. You will be able to speak to Bruce Stanton in person and ask your legal questions regarding the MRL. You will be able to speak with Matt Weise from HCD to ask your questions about building codes and the park inspection program. David Loop will discuss how and why you should own your park and will participate via Zoom. We are waiting confirmation from state and local legislators who have been Invited, and their participation will be announced.

There were 86 participants attending this Townhall which lasted over 2 hours.

The Townhall was sponsored by Golden State Manufactured-home Owners Education Fund.

