

Golden State Manufactured-Home Owners League (GSMOL) presents a

VIRTUAL TOWNHALL

Saturday, February 13, 2024

Featuring BRUCE STANTON, GSMOL Corporate Counsel

Topic: New 2024 Mobilehome Legislation and Q&A

GSMOEF, otherwise known as the “ Ed Fund”, which sponsored this Townhall is a non-profit 501(C)3 organization formed by GSMOL over 10 years ago. It is a charitable and educational organization. Donations to the Ed Fund are tax deductible. GSMOL is a 501(C)4 organization that is allowed to lobby and participate in initiatives and political campaigns. Donations are not tax deductible. Both organizations work to support the rights and security of mobilehome residents in California.

The format of the Townhall begins with Bruce Stanton presenting our 2024 legislative agenda. It is followed by a Q&A session that allows participants to ask questions of interest to them.

GSMOL is sponsoring three bills this year:

AB 2022 (Addis)

Updated information is available in subsequent Townhall summaries.

SB 1408 (Roth)

Updated information is available in subsequent Townhall summaries.

AB 2778 (Muratsuchi)

Updated information is available in subsequent Townhall summaries.

GSMOL is watching several bills of interest to mobilehome residents

SB1190 (Laird)

Updated information is available in subsequent Townhall summaries.

AB2373 (Rendon)

Updated information is available in subsequent Townhall summaries.

AB318 (Addis)

Updated information is available in subsequent Townhall summaries.

Q&A Session during which Bruce Stanton answers resident's questions.

1. If I file an MRLPP complaint with HCD for referral to a Legal Service Provider (LSP) and the LSP says they are not funded for litigation, what can I do?

First, it is important to understand that when you engage an attorney not always will you go to Court. Many times, a demand letter, phone call, exchange of correspondence, negotiation, or threat of legal action can achieve results. It is best to avoid Court if possible. If you do need to go to Court and your LSP does not have the staff, or is not funded for litigation, you will need to contact HCD and ask for a referral to a different attorney who can handle the litigation.

2. If 8 residents have the same problem, can they file their complaint together under the MRLPP? Our LSP said they could not handle that.

YES! A group combining their complaints can file together: it is not prohibited. If the LSP says no, go to another LSP who can handle the bundled claims. This is different from a class action suit which is filed on behalf of many persons and requires much more time and effort.

3. What action can be taken by GSMOL if a park owner will not allow a month to month tenancy?

It is important to know GSMOL does not file lawsuits on behalf of its members. Such an action is a violation of the MRL Civil Code 798.18 which states you must be offered a one-year contract or a lesser term (i.e. month-to-month) as the homeowner may request. File your complaint with the MRLPP. This question does not have as much legal importance as in years past due to the passage of AB 2782 that ended the rent control exemption for long-term leases. If you signed a long-term lease after February 13th, 2020, you qualify for rent control if there is a rent ordinance in your jurisdiction.

4. Is it legal for a park owner to require a fence to be removed?

Maybe! If the fence violates Title 25, which is the mobilehome building codes and regulations, then yes. For example, the fence is made of combustible material, it violates the setback requirement, or it is too high etc. But, no, they cannot make you remove or replace it if it is not a code violation. There have been occasions when a new management of a park wants to control spaces in a rent-controlled jurisdiction, wants to raise rent, or is looking for ways to acquire homes in the park. Management looks at the resident file and sees no permit for the fence, so demands that

the resident remove the fence. If the fence existed when the resident bought the home and management didn't require removal of the fence at that time, an argument can be made that management waived their rights to object to the fence many months or even decades later.

5. What expenditures for improvements and maintenance of a park can be passed through to residents? This includes electricity.
6. **if you live in a master metered park, you will have an individual meter that reads your consumption and the park will bill you for your use. The park has taken over operation of the utility from the serving utility company. The utility company bills the park owner a discounted wholesale price and they charge the resident an allowable retail price and are supposed to use that "discount differential" to repair, service and maintain the system. So, if a repair is needed, the park owner has already received money for that repair and cannot pass it on to you. That would be double dipping. An exception would be if repair was necessary between the pedestal and your home which is your responsibility, or if the repair is to common areas that relate to everyone in the park.**
7. What leases are excluded from local rent control organizations ordinances?

A lease signed prior to February 13th, 2020, remains exempt from rent control until January 1st, 2025. On that date, the exemption will end and you will be covered by local rent control. Since the passage of AB2782, any long-term lease signed after February 13, 2020, will not be exempt from a rent control ordinance. A lawsuit has been filed in federal court in Sonoma County declaring AB 2782 is unconstitutional, which is still pending.

8. Both my mother and I are on the title and the lease of our mobilehome. My mother passed away. If I request removal of her name from the rental agreement, does that give the park owner the ability to require I sign a new rental agreement?

No! Your mom's name can be removed and the rental agreement continues. It is not ever, ever, ever required that a tenant sign a new rental agreement! When you first moved into the park, you signed a rental agreement. When that agreement expires you are on a month-to-month tenancy. There are only 7 reasons that you can be evicted from the park and expiration of a rental agreement is not one of them.

9. Can I put my home into a trust?

Yes! Management cannot prevent this type of estate planning, or require that the Trust sign a new rental agreement.

10. My Park previously had an easement for an emergency exit. The easement no longer exists. Doesn't a large park require more than one emergency exit?

An answer requires more details and investigation. An easement is not necessary for an emergency exit. (An easement exists to allow someone to travel over the land without owning the land.) I am not sure if a large park must have two exits.

11. Can a Park place recreational vehicles in a mobilehome space?

It depends! Go to the HCD website at hcd.ca.gov and click on "Find a Park". Enter the parks name which will bring up information on the number of spaces that are permitted for mobilehomes and the number for recreational vehicles. Hook ups can be different for each; a mobile home space can accommodate an RV but the reverse is not true. If you are concerned, contact HCD and ask them to investigate. The MRL states that an RV in any new Park built after 1982 must be in a designated area and not be sprinkled throughout the park.

12. The usage tier level on my water bill has changed drastically . What can I do?

The more water you use, the higher the tier level you are on, and the higher the cost. This is not a problem that the GSMOL or the MRLPP can address; you need to call your local water provider. If your concern is that the park owner is not billing you accurately for volumetric water usage, or the cost of your water consumption is too high, contact the water company to discuss. If there's a violation of the charges allowed by MRL 798.40 you can file a complaint with the MRLPP or retain an attorney.

13. Can I be asked to waive laws in arbitration. We were told that laws prohibit information used in arbitration be used later in court and were asked to waive two laws. Most of our complaints against our landlord are about waiving laws. How will this be affected by AB2778?

ADR, Alternate Dispute Resolution, precedes a lawsuit and is a standard requirement by most County Superior Courts in litigation matters, depending on the dollar amount of the case. ADR can involve mediation or arbitration. In mediation you are trying to settle the dispute and the mediator is the go-between. Any settlement discussions would not be admissible in a court of law. Arbitration is different. In an arbitration, a hearing office hears the case, and the hearing is recorded, so what is said, can be admissible in court. AB2778 will not address confidentiality or waiving rights.

14. What happened to SB869 (Leyva) that requires management training?

SB869 was signed by the Governor in September 2022 and became effective January 2023. Because it requires a ramp-up in HCD to compile the training, establish the curriculum, collect fees, etc., the manager training program will not go into effect until May 1st, 2025.

15. Our Park's emergency map shows exits. Our Park owner says per SB23 all residents are responsible for their own evacuation from the community and management is not responsible to evacuate us.

The Health and Safety code requires a park that with 50 or more units to have a manager available on the premises who is available in event of emergencies. The Park must designate exits routes! But I am not aware that a Park has a responsibility to knock on doors, call for an ambulance for disabled residents, or provide a guide vehicle to escort people out of the park in an emergency, etc.

16. My park is under the optional PUC program that is returning utilities service from control by the park owner back to direct billing of the homeowner from the serving utility. I am concerned about the unsafe placement of the Utility pedestal in several driveways in my park. Who do I contact? PG&E, PUC, or HCD regarding my safety concerns.

Under this program the utility company is abandoning the old infrastructure and installing new lines and placing the pedestal at the front of the mobile home unit and any plans to do so must be submitted to the California Public Utilities Commission (CPUC). I recommend you contact the safety division of CPUC if you have concerns about the safety of the placement of the pedestal.

17. We have ongoing problems with amenities in my park. We are unable to use our clubhouse unless we reserve it. Light bulbs are out. We talked to HCD and management said they were going to fix some problems so HCD closed the case but management hasn't done anything. What can i do?

Title 25 of the California Code of Regulations has jurisdiction over issues relating to building codes and standards which affect health and safety - such as missing light bulbs. If you have a complaint, file a health and safety complaint with HCD and ask them to investigate, and if necessary, issue a citation. They should not close the case until the problem is fixed upon re-inspection. If a case is closed, that probably means they did not find a violation or it has been corrected. The MRL addresses different types of rights and responsibilities, i.e., civil issues between a mobilehome landlord and tenant - such as reasonable use of your clubhouse. Problems under the MRL can be filed with the MRLPP. Title 25 relates to health and safety and is different from the MRL civil code which relates to management-tenant issues. Violations are handled differently under each.

18. Is water leaking a safety issue the park must repair to keep from flooding my space?

I would need to know where the water was coming from. If from a park common area, or due to lack of a retaining wall to stem the flow, then the Park is responsible. A park is responsible for the soil and elevation issues. If the leak is from your home, then it is your responsibility. If it is coming from another resident's space, the Park needs tell that person to fix it or divert the water. If it is an underground water line, it is park's responsibility. This sounds like a health and safety issue and you can file your complaint with HCD, You might have to get an attorney. It is important to document the problem.

19. Is GSMOL preparing to inform residents and governmental entities that effective January 1, 2025, AB 2782 will end the exemption of long-term leases from rent control, and thereafter, any space rent increase must be according to the local rent control ordinance?

AB2782 does not obligate a person who has a long-term lease and lives in a rent-controlled jurisdiction to do anything for the law to become effective. But it makes sense you communicate with your manager in advance of January 1, 2025, to inform him that you are now entitled to the provisions

of your local rent control ordinance regarding your space rent. GSMOL wrote the bill and is aware of 2025 deadline and will let members know.

20. I am in a master metered community and I want to convert to all-electric and to go solar. Am I responsible for the costs?

You are responsible for anything in your home. SCE (Southern California Edison) webpage lists mobilehome professionals in the mobilehome industry who will evaluate whether your roof is strong enough to hold the solar panels.