

*North Bay*

Vol. 1 No. 6 December 2013

# Mobilehome Magazine

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



## From the Staff of Mobilehome Magazine

We at Mobilehome Magazine are an “open” book. We are transparent and like to share what’s happening behind the scenes with you. Quite a lot is happening this month:

This month we welcome San Jose homeowners to our MHMag community. We couldn’t have done a MHMag-San Jose without the help of Winchester residents Mary, Phyllis and Kent. Thank you all.

Beginning January 2014, we plan a name change, perhaps to Mobilehome Life (make a suggestion and if we use it we will send you \$25 cash) as we will make the magazine more multi-dimensional and introducing different departments where you can contribute content. If you have a favorite business, tips on where to get prescription drugs, or if you are fixing up your home, improving finances, etc., please send the info our way and we will share it with our 84,000 readers (30,000 magazines x 2.8 readers per household).

We love the internet. It isn’t the future anymore, it is here today. We are considering a partnership with a computer maker to make low cost computers available to our readers. Why? Because we plan to limit the number of pages for some magazines to 16 until we get additional advertisers and/or donations. Size limits us, so those wanting more detailed content can simply visit our website [www.mobilehomemagazine.org](http://www.mobilehomemagazine.org) to see a monthly “Expanded Magazine” that contains complete articles from all magazines and even articles that didn’t get into the printed magazine. A BONUS for those with the internet! Check it out beginning December 1st and let us know what you think.

We are excited to announce a Download Page which is now available on our website. You can print and/or download every magazine we have published. You can select just a page or two or a whole magazine. Anyone having internet can use it! Perhaps in the near future we will provide an index of important articles so it’s easier to navigate through all the magazines to find what you want.

Are you ready to start brainstorming solutions? What issues would you like to work on? We can do this together. Email Frank at [frank@mobilehomemagazine.org](mailto:frank@mobilehomemagazine.org) to participate. He will give you the details. Two requirements: have a computer and the internet and a passion for finding solutions to the many issues we face today.

Our October Survey “Rate Your Park” is still open. We congratulate the Linda Vista group for sending us over 20 surveys. Please send us your Survey if you want to see your park in the summary early next year.

Finally, it is the season to be thankful. We at Mobilehome Magazine are grateful for the hundreds of volunteers and contributors who have made the magazine possible. We have high hopes for the magazine in the future which ultimately means more and more homeowners will be informed and feel part of our community. **Happy Holidays!**

## The Mobilehome Magazine Staff



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## Beyond Fear and Loathing: Unmitigated Greed Challenged by Legal Action--Part Two

Last month the plight of being subjected to exorbitant rents and an unaffordable rent increase structure at Linda Vista Village MHP (LVVMHP) in San Diego was featured in this magazine “A Tale of Unmitigated Greed, Fear and Loathing in Paradise--Part One.”

Part One described the steps taken by the LVV San Diego Homeowners Association (LVVSDHOA) to establish meaningful dialogue with our landlord to change this extremely detrimental situation. Despite our best efforts to negotiate an amicable solution, we have been rebuffed at every step by a company who has chosen instead to engage in unscrupulous business practices—raking in obscene profits above all else. This despite the fact that LVV was established as an affordable housing community for low-income persons and families.

With our backs against the wall the residents had little choice but to take legal action. It was either that or face certain economic eviction, sooner or later. Part Two of our story now continues with a summary of the legal action taken by the LVVSDHOA on behalf of the residents of LVV. It is provided by our attorney, Peter Zamoyski, Esq. of Tatro & Zamoyski, LLP, a law firm with extensive experience in mobilehome park litigation. The LVVSDHOA retained Mr. Zamoyski and his firm in November of 2012.

(From Mr. Zamoyski): Our law firm learned in late 2012 that ever since 1980, the park owners and operators of the Linda Vista Village mobilehome park were collecting rents from homeowners and residents pursuant to a Master Lease that is void because it violates the San Diego City Charter. The City Charter is akin to the City’s constitution. Our law firm filed a class action lawsuit against both the park’s landlord and the landowner—the City of San Diego—seeking a judicial determination that the Master Lease is void. Why did we seek to get that Master Lease torn up and set aside? Because of the damage it is causing

to homeowners—mandatory *minimum* 5% annual rent increases regardless of actual inflation. For example, last year rent went up 5% automatically even though inflation rose less than 1%!

So, every year, under the constitutionally invalid Master Lease, the park owner has raised space rent on the homeowners—many of whom are senior citizens on fixed incomes. And year after year, those 5% increases have been compounding and ballooning out of control. Today, space rent is now so far above all applicable cost of living indexes for inflation that many homeowners have already been constructively evicted from the Park. Our expert economist estimated that in the last 5 years alone, the mandatory 5% rent increase has cost each homeowner more than \$19,500 in extra rent!

Earlier in 2013, a judge of the San Diego Superior Court agreed with our legal position and granted our request for a Temporary Restraining Order, which prevented the annual rent increase from going into effect. But the defendants convinced a different judge to do the exact opposite by the end of July. Obviously, we feel very, very strongly that a grave injustice has occurred. So as of September, with the LVVSDHOA standing tall with us, we’ve gone ahead and continued the good fight up to the Court of Appeal. We plan to have a new website up and running devoted to this case—and mobilehome park cases generally—by mid-December. The site, [www.californiamobilehomeattorneys.com](http://www.californiamobilehomeattorneys.com), will have case updates, key documents, legal briefs, and other information so everyone can know their legal rights and follow along as this case moves through the Court of Appeal. We couldn’t be more proud and honored to represent the good people of the Linda Vista Village mobilehome park and fight the good fight for them!

In the aftermath of the Superior Court judge’s ruling in July, life continued for the residents of LVVMHP pretty much as it had for the last two years. On-site management was only available 20 hours a week to residents, and closed the park office several times

# Letter To The Editor

Dear Mobilehome Magazine: I would like to put a article in your magazine. I am writing this article to let residents know we need this Magazine.

I want to **specifically** say that GSMOL and the Mobile Magazine need to join together to get important information out to all mobile / manufactured homeowners. They should join forces because it gives us more information wealth of knowledge and would make it easier for residents to understand what their rights are and what could happen in our own parks, and to be prepared for greedy owners of the parks. With San Diego not having rent control (we will never have it), our space rents will be out of sight within the next couple of years. If your park is on commercial property (meaning you don't own the property) just your home, we could be in a world of hurt if the owners decided to sell. We need to join forces and be able to stand up to greedy owners. I am asked constantly: "Frankie, do you think Mr. Rottenbacher will ever sell our property?" MY answer is always: "***we are on a very piece of prime commercial land and who knows what your owners are thinking so we must get and be prepared.***" We need more people to join in and be ready to fight these problems. Anybody who has any questions please feel free to call me. I am all over Southern California doing mediation for residents who are having problems with management/owners.

I also will continue to deliver the Mobilehome Magazine

door to door each month. If for some reason I might have missed your house please feel free to call me. Or if you would like to help deliver them or deliver in another park let me know. We need all the help we can get and I thank you. Frankie Bruce

## BIO OF FRANKIE BRUCE

When I came to San Diego in 1998 I did not know anything about "trailer living" ha ha. Coming from a background of many sorts, the last full time job was drug/alcohol addiction counselor, TASC officer to at risk youth with the Denver Colorado Juvenile Court, Family Counselor.

Owned my first restaurant, one of four, at 19 years old, 24 hour one in Detroit, Michigan. Last one was Fran's Cafe in Escondido on Grand Ave in 1975-1978. And on the Escondido Business Board for the downtown business association. Anyway, here iI am on the flip side of the coin fighting for the elderly and trying to use some of my skills to get the owners/manager of MHP's to follow he laws and quit mistreating the elderly and trying to take their money by upping their rent all the time. Anyway I enjoy what I do and I love battling for the older folks. I have been with GSMOL for 16 years, President for 2 parks. Region 7 Manager. My model in life is you never give up or in to those who try to take advantage. I wish you all a very happy holiday season.

over the remainder of the summer and into fall, leaving the park unattended, with no way to contact them other than to leave a message on the office answering machine.

In August, a safety project that LVVSDHOA designed--and that management agreed to undertake--involving the placement of stop signs, speed limit signs, and limit lines within the park was started and then abruptly stopped, for no apparent reason. When questioned about the stoppage, on-site management explained that there was no money left in the annual budget to complete the work. When asked why there was no money left in a budget that began July 1<sup>st</sup> --only a mere month before--the manager replied that money had been taken from the site budget to pay for the "lawsuit." Upon hearing this, Jayne Henn, the President of the LVVSDHOA, contacted Inspire Communities' Regional Manager for clarification. Not surprisingly, work on the safety project resumed shortly thereafter (but has yet to be completed as of this publication date). The foregoing is only one example of inconsistencies and resulting consternation that have become apparent with on-site management interactions.

In regards to the lawsuit, the LVVSDHOA is optimistic about the prospects of prevailing in the 4<sup>th</sup> District Court of Appeals to right this egregious wrong, no matter how long it takes. It has become a test of our determination and resolve and will take everything we have for a successful outcome. As soon as we have more to tell about our legal action, the next installment of our tale

will be forthcoming, and we hope in the coming months to relay news of abundant "sunshine" being restored to LVV in the form of justice finally prevailing. If successful, we will reap the rewards of realizing our dream--once again residing in an affordable community and enjoy a return to life in paradise.

In the meantime, if any readers find themselves facing a similar plight don't give up to moneyed interests. The LVVSDHOA has found that it pays dividends to organize, maintain a strong HOA, research the issues, form subcommittees, engage residents, obtain expert legal advice from lawyers with successful MHP litigation, fundraise, contact elected public officials, network with other MHP HOAs and keep hope alive. It takes time but the effort can be well worth it. And don't despair--injustices can be overcome with dedication and perseverance.

<END>

Article by Skip Shaputnic, email address: [skipthearch@sbcglobal.net](mailto:skipthearch@sbcglobal.net)

Legal Action recap by Peter Zamoyski, Esq. of Tatro & Zamoyski, LLP, email address: [info@TatroZamoyski.com](mailto:info@TatroZamoyski.com)





## Help Make Your Magazine a Success

### THE PEOPLES MAGAZINE

We have often referred to MHMag as the “Peoples Magazine.” Why? Because it truly is YOUR, the park home owner’s magazine! It is at your immediate disposal like no other, to be used to improve your life and protect your investment. Sure, as we are getting off the ground and right now, MHMag is providing much of the content, but we anticipate and know and believe, and insist that more and more of you will contribute as you become aware of it’s unbelievable potential to change and improve your lives! Think about it: A community advocate can now reach and gain the support of thousands throughout California with important information. Never ever has this been available before in the mobile home communities of this state!!

Soon MHMag will become more multi-dimensional, i.e. provide content that is just for fun and entertaining. For example, a homeowner might organize bus trips, cruises, sporting events and casino outings! HOA’s could put together all kinds of “discount packages” that could benefit their residents with savings and their treasury... They could invite homeowners from nearby parks to come along and get to meet and make new friends! (Want to improve your social activities and lives?)

A community advocate can now reach thousands with important information. Never has this been available for the mobilehome community.

### HUGE GROWTH SINCE JULY 2013

Mobilehome Magazine has enjoyed a huge expansion from 5,000 copies every other month, to 5,000 a month, and now to 30,000 beginning January 2014. Not surprising, because the goal of Mobilehome Magazine is to provide information, a way to organize, and network to as many mobile/manufactured home residents across California as possible. And we continue to expand and improve.

Today our network of contacts is over 100 and growing. Our

staff has grown as well. Now we have three part time employees doing distribution and another for advertising sales. And don’t forget about all those contributing content: Donna Matthews, Lloyd Rochambeau, Donald DeVore, Chuck Zenisek, the Linda Vista HOA group, Bill Schlegel, Penny Vaughn, Kent Greathouse, Phyllis Trip, Suzanne Angeo and many others. MHMag gives every homeowner a voice. We are a team, everyone working together, everyone supporting the team.

### ADVERTISING IS CRITICAL

The engine behind the magazine is advertising. Without advertising there simply wouldn’t be a magazine. There are many expenses besides printing costs including expenses for distribution (trucking pallets of magazines to the right location), help to get the magazines to our contacts, help for ad sales, help maintaining and upgrading our website, graphic design, and items such as stock photos, phone service, office supplies, etc.

### WHY DOES A BUSINESS ADVERTISE?

Why does a business advertise? Of course we all know the answer: to get customers and to make money. Our advertisers provide insurance (home and auto), pest control, help selling your home, new homes if you want to upgrade, elder care, plumbing services, satellite television service, and much more.

Why do they advertise in MHMag? Because they know you need their services. Do they advertise in other magazines? Yes, of course. As a result, you might see their ad in more than one magazine.

So here’s the rub. Businesses often judge the effectiveness of their advertising by using special 800 numbers (that track caller information such as the callers phone number), or their staff keeps track of the source of calls. Our advertisers are no different. Some have used these methods to access the effectiveness of their advertising in MHMag. In some cases, the results have not been good. Continued on next page bottom.

## SELECT COMMITTEE ON MANUFACTURED HOMES & COMMUNITIES

Stephanie Reid, Principle Consultant for the Select Committee on Manufactured Homes and Communities, is a terrific resource for questions on the civil code - Mobilehome Residency Law (MRL). She can be contacted at 1020 N Street, Room 502, Sacramento, CA. 95814. Her phone number is 916-651-1517. She responded to our recent questions:

### **Q: Does state law regulate rent increases in mobilehome parks?**

A: No, state law does not regulate the amount of a rent increase in a mobilehome park. However, the MRL requires a park to give residents a 90-day advance written notice of a rent increase (Civil Code §798.39). If residents are on a long-term lease, the lease would govern the percentage and frequency of rent increases, with increases not less than every 90 days as required by law. If residents sign a long-term lease of more than one year in length, state law provides that the lease is exempt from any local rent control ordinance now in existence or enacted in the future. (Civil Code §798.17(a) (1)) (Approximately 102 local jurisdictions have some form of rent control for mobilehome parks.)

State law does not regulate the amount of a rent increase.

A 90-day advance written notice of rent increase is required.

If resident is on a long-term lease, check the language in lease for frequency (not less than every 90 days) and percentage of increases.

### **Q. Can a park owner raise rents every 90 days?**

A. Yes, a park owner can raise the rent every 90 days – with the proper 90-day notice.

### **Q. Is there any legal recourse on the size of the increase?**

No, there is no legal recourse over the size of the increase, only if it was raised without the proper notice of 90-days.

Basically, there is no state law that regulates the size of rent increases for mobilehome parks. Rent control ordinances must be enacted at the local level by an ordinance enacted by the City Council or Board of Supervisors, or by the People (ballot measure)

There is a guideline of not more than the annual CPI (usually 3.5%), but it is not the law. In some local jurisdictions, mobilehome owners have organized and put a ballot measure on the local ballot that would create a mobilehome park rent control ordinance for their city or county. One would have to procure the services of an attorney who would write such a ballot measure, then the mobilehome owners team would follow the rules of the local elections office, such as gathering enough signatures for the measure to qualify for the ballot.

### **Q. Do you often get questions from homeowners? Do you mind getting them? Can I refer homeowners questions to you?**

A. I answer questions all the time. Send 'em this way.

So what is the result? We hate to admit it, but we have lost some good advertisers simply because their ad in MHMag isn't working for them nearly as well their ad as other magazines. Of course a business advertises where they get the most bang for the buck.

### **YOU CAN GUARANTEE SUCCESS**

Yes, you can guarantee the success of your magazine. It is actually simple and takes only a few minutes a month.

1. Read MHMag. MHMag provides you information that can improve your lifestyle and protect you rights and investment.

2. Take notice of our advertisers. Perhaps you've seen their ad before in another magazine or on a flyer.

3. If you need their services, please call them. And here's the key! **Tell them you saw their ad in MHMag - the full color magazine.**

4. We often ask you "Call or email us" because we love hearing from you. You are family and a family that communicates stays together! When you contact us, even just to say hello, you are on our radar.

The same applies to our advertisers. Take 5 minutes a month, sit down in your easy chair, pick up the phone and **dial one of our advertisers and say hello.** Tell them you appreciate their support of the magazine and when you need their service, you will call again. They would love that!

5. Of course we recommend you purchase a FAQ Handbook. It is a terrific resource for 58 commonly asked questions by homeowners.

6. Finally, 25,000 magazines a month is a huge undertaking. We still appreciate your contributions and want to thank those who have donated. In fact if everyone contributed just a little, success would be guaranteed.

### **FINALLY**

Many mobilehome owners do not have it easy. We are forced to fend for ourselves, to protect our investment and lifestyle. Never has there been such an opportunity as YOUR MAGAZINE to inform, unite and network. We are family. Let's all work for the success of this opportunity. Contribute a few minutes a month, the results will be astonishing.

# Tips and Suggestions



Do you have a question? Although we are not attorneys, we feel the advice we are about to offer is good advice.

## RULES AND REGULATIONS

Parks are always giving residents new Rules and Regulations (R&R). so you should be aware there is a procedure to do so.

Please know also there are just a handful of legal firms that put together these R&R, i.e. the R&R are usually generic and not specific for your park. For example in one park, the R&R says you must shower before using the pool; however there are no showers in the park.

This is the procedure. After giving all residents a copy of the new R&R, the park must notify all residents of a meeting where they can ask questions. Residents DO NOT have legal rights to force a park owner to change any R&R.

Parks will often ask you to sign the new R&R. By doing so, you are agreeing to every item and the R&R becomes effective the day you sign. If you go to court for some reason and the R&R are involved, the park may well show the signed copy where you agreed to abide by all R&R.

We suggest you do not sign new R&R and the park can not force you to sign. If you don't sign, the new R&R become effective six months from the time of the meeting.

Anything in the R&R that is counter to the Mobilehome Residency Law is void, i.e. the park can not enforce it.

## NEW RULES GIVEN "ON-THE FLY"

Parks often give new rules or regulations on-the-fly, i.e. in

the monthly newsletter. Our understanding is these are null and void, i.e. the park can not enforce them because the park did not go through the formal process as discussed above. You should let the park know this fact.

## HOW TO FORM AN HOA

Mobilehome Magazine recommends you form a Home Owners Association (HOA) in your park. Here are some suggestions:

a. You need a core leadership group, made up of 3-4 park residents. Volunteers should have a basic understanding of the MRL, should be open and willing to learn, and should be motivated by service rather than ego. Egos have NO place in advocacy.

b. The group need not be formal, i.e. incorporated with the California Secretary of State. We believe simple is better and you can focus on issues rather than protocol.

c. Include all park residents in your meetings and information distribution. You can distribute Mobilehome Magazine once a month with an insert about HOA developments.

d. If you live in a large park, it is helpful to have "block captains" so any flier/magazine distribution work is a team effort.

e. Be an open group. Welcome suggestions and comments.

f. If you have a manager that is an issue, you can have the first series of meetings in a residents home, rather than in the clubhouse.

g. Order an instructional manual from Mobilehome Magazine. We have "how to" guides from two different statewide organizations - Utah and Minnesota.

h. Always have an agenda for meetings.

i. Keep control of meetings. No one likes a meeting where residents are shouting at one another. One way of keeping control is the use of question cards, written by residents, and submitted to the front table.

j. Have specific goals.

k. Use Mobilehome Magazine. We will help.

## COMMUNICATION WITH MANAGEMENT

We suggest any communication with management be in writing. Give one copy to management (with a witness if possible) and keep one copy for yourself. This provides you a paper trail just in case you go to court. You can also mail a document to management using the "Proof of Service" form found in MHMag -

## WHEN IS RENT LATE?

Rent is late the 6th day after it is due. That means if your rent is due on the 1st of the month, you can pay through the 6th. It is late on the 7th.



# This and That - Update

## MHMag REACHES OUT TO MANAGERS

Recently we mailed MHMag to managers in areas where we do not yet distribute the magazine. Our hope was that they might like the magazine for the residents in their park.

## WHO RECEIVED MHMAG?

Orange County managers received 167 magazines, i.e. we reached 167 parks in Orange County that do not receive the magazine.

In addition, the following area park managers received the magazine directly by mail: San Jose 48, Sacramento 38, North San Diego County 39, Hemet 37, North Bay 11, and Hayward 9. The total was 350 magazines.

We at MHMag were optimistic. We would have loved to hear from managers wanting the magazine for their park, and why not! We have had managers call us for advice because we are very accessible, more so than their park attorney. Also managers have ordered our FAQ Handbook for all their homeowners.

## WHAT WAS THE OUTCOME?

We wish we had better news, but NOT ONE manager contacted us about the magazine. NOT ONE! This was very disappointing, but perhaps not unexpected. We do have good news however. A few managers are accepting boxes of magazines and some are even distributing them in their parks. Thank you! We feel everyone can benefit from the magazine.

## MOBILEHOME MAGAZINE EXPANDS DISTRIBUTION

As indicated in last month's issue, residents in many San Jose parks will receive MHMag beginning December, thanks to the help of residents in Winchester Ranch. They are fighting to keep their park and are organizing other parks in San Jose to stand up and fight take-overs by developers. We applaud their efforts and will do our part to help them get the word out.

Beginning January 2014 we hope to bring back the California edition for parks not in local areas. That means any park in California will be able to get MHMag.

## INDIVIDUALS WITH SERIOUS PROBLEMS

Several times a month MHMag gets a letter, call or email from individuals with various problems, usually serious problems. They ask us for a name of an attorney in their area, perhaps someone who will represent them Pro Bono. Or they ask us for advice.

Our heart goes out to those folks, but, unfortunately, we do not have the time or resources to adequately handle requests.

We do not have a list of attorneys that will help you Pro Bono.

So should you contact us with your problems? Absolutely. We absolutely want to know about what issues you are experiencing, issues like interference of sales, harassment, intimidation, and other violations of the civil code. However, if you ask us for a solution, don't expect we will give you one that doesn't require your blood, sweat and tears. Unfortunately when someone calls, it may be too late and many issues must be resolved in the courts.

You must keep in mind, our focus is getting information out to as many mobilehome owners as possible. That must remain our focus.

## MHMag WEBSITE

Every magazine published by MHMag is displayed on our website at [www.mobilehomemagazine.org](http://www.mobilehomemagazine.org). This month we have separated magazines into areas: North Bay, Orange County, North San Diego County and San Diego. Now you can read all magazines in any area. Content varies from one area to another, so if you currently get the North Bay issue, you may find some interesting information by browsing magazines for other areas.

**Advertisers:** Now advertisers can get a FREE Business Directory listing simply by completing the form on the website.

**Want MHMag by email?** If you are a resident in a park that does not currently receive MHMag, you can simply send an email to "fawodley@yahoo.com to be put on our email list.

## DOWNLOADS OF MHMAG AVAILABLE

We are excited to announce that you can download every magazine, every page or just the page or two you want. Go to our website and look under "Downloads."

## LOOKING AHEAD IN 2014

We have high expectations for MHMag in 2014. In fact we are considering a name change, perhaps to a name like "Mobilehome Life" because we intend to publish other important information for you besides information about laws and issues with park managers and owners. Remember a few earlier magazines had a few pages about tips to improve your home. We might bring back that feature. Let us know what you think. After all the is YOUR MAGAZINE.

## HELP US WITH A NEW NAME

You can help us with our new name. Simply send us a note, call or email us your suggestion. If we use your name, we will send you a check for \$25 as our way of saying Thank You.

# News From Around The State

Editor's Note: This month the newspapers are full of interesting articles you might like to read. Unfortunately MHMag doesn't have space to print full articles, so we are printing the overflow online in an "Expanded" magazine. We hope those with the internet will check it out at [www.mobilehomemagazine.org](http://www.mobilehomemagazine.org). Those without internet can get the article via snail mail simply by calling or mailing your request to MHMag. Please include \$1.00 per article for postage and handling.

## TAKINGS' CASE MAY BE HUMAN-RIGHTS ISSUE HIGH COURT ASKED TO MULL RENT-CONTROL CASE

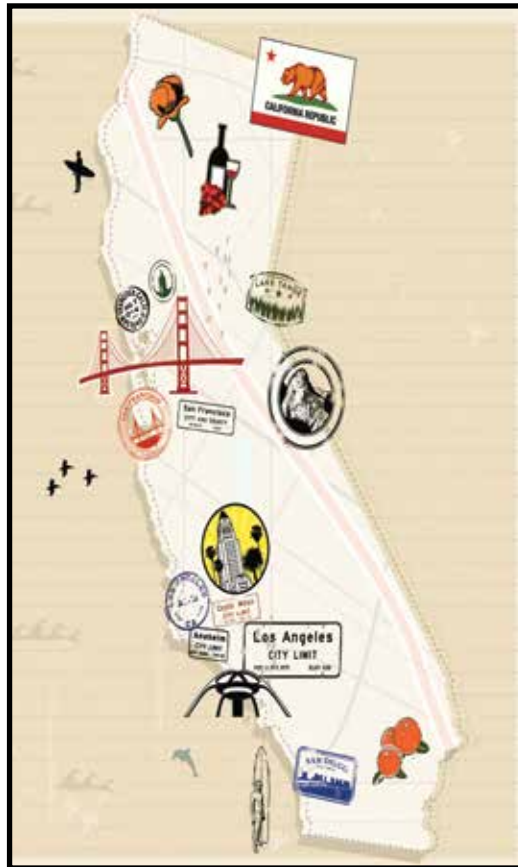
SACRAMENTO 10/21/13 An attorney who defends low-income people against local government takings likes to say that "property rights are human rights." It's not much use to have the right to speak out, he argues, if you don't have the right to be secure in your property.

We chatted years ago when a county was using eminent domain — government's right to take property, after paying fair compensation — to acquire modest lake-area homes on behalf of a developer. Owners called the neighborhood a "poor man's Shangri La," but officials said it was a public use to turn the area into an upscale development.

My attorney friend viewed it as an affront to the rights of the mostly retired owners. Most Americans seemed to agree. After the U.S. Supreme Court ruled in the 2005 *Kelo v. New London* case that localities could use eminent domain for "economic development," a public backlash ensued given the seeming unfairness of these "take from the poor, give to the rich" policies.

Eight years later, another landmark property-rights case may be headed to the nation's highest court. It involves a similar question that was at the heart of *Kelo*, but applies it to different circumstances: When can government take the value of private property through regulation and transfer it to a different set of owners?

The court is deciding whether to hear this new case, which centers on the city of San Rafael's rent-control ordinance. Here it harms an out-of-state developer and benefits local mobile-home residents, but many of the same principles are at stake even if



the economic conditions of the beneficiaries and losers are swapped.

In California, mobile-home residents typically own their homes but rent the land from the park owners. When owners sell their home, the park management must lease the underlying property to the new purchaser. A park owner is limited in the ability to evict a mobile-home owner, based on state law.

<http://www.utsandiego.com/news/2013/Oct/21/takings-human-rights-court-case/>

*Read the full article and see what's happening in Marin County. Go online to [www.mobilehomemagazine.org](http://www.mobilehomemagazine.org)*

## MOBILE HOME PARKS: GOLD MINES OR MONEY PITS?

By WEALTH Magazine Staff

If you ask multi-niche investor Frank Rolfe what he thinks of investing in mobile home parks, his

answer is simple:

"They're a gold mine," he says. "We are willing to bet money that they are the best real estate niche in existence in America right now."

Rolfe says he has personally owned and operated more than \$100 million in parks over the last decade.

Rolfe of [MobileHomeParkStore.com](http://MobileHomeParkStore.com) finds mobile home parks to be a phenomenal investment—if you get educated and do your due-diligence research.

## WHAT MAKES MOBILE HOMES MONEYMAKERS

Why are parks so great for investors? Rolfe says the main reason is that customers can't move their homes. If an apartment renter wants to move, he can just pick another apartment. If a homeowner decides to move, he can sell his home and buy another. But if a mobile home owner wants to move, he either has to sell the mobile home or move it—and moving it is usually too cost-prohibitive. Either way, the park owner keeps collecting rent on the home site.

The second factor that makes mobile home parks a great investment is that not many, if any, new mobile home parks are being built. Yet the demand for affordable housing is increasing, and mobile homes remain popular because they offer the perk

of a single-family dwelling rather than apartment living with neighbors over, under and adjacent to you. The third reason why these investments can be so attractive, Rolfe says, is that many of them are owned by people who are nearing retirement age or no longer want to keep the park in the family.

“There are about 50,000 parks in the U.S. and forty thousand of them are basically owned by moms and pops, many of whom don’t know what they are doing,” Rolfe says. “If you look at their financial statements—if they even have financial statements—they are often messed up. You can find many parks where the expenses are overinflated and the rent has not been raised in decades and is way behind the local market.

When you find a park where you can walk in and either easily cut costs or raise the rent, then you are looking at a great investment.”

Rolfe says the *pièce de résistance* for mobile home parks is that the land in many of the “mom and pop” parks is already paid off, and the sellers will hold the loan with only 10 or 20 percent down.

“When you already have the financing done by the seller, it allows you to avoid the whole banking nightmare,” Rolfe says. “Plus, sellers don’t require recourse, which means you have very little risk. If you hate it or if disaster strikes, you can just give the park back and walk away.

<http://wealthmagazine.com/2010/06/mobile-home-parks-gold-mines-or-money-pits/>

*Read the full article. Go online to our website.*

## **MOBILE HOME OWNERS FACE MORE THAN DOUBLE RENT INCREASE**

By Jane Northrop, Pacifica Tribune, 11/05/2013

The people who own their mobile homes at Pacific Skies Estates face a rent increase that would more than double their rent, in most cases.

Pacific Skies Estates at 1300 Palmetto Avenue has a total of 93 mobile homes, 78 are rented by the park and the remaining 15 are owned by individuals.

Because of a Pacifica rent control ordinance enacted in 1991 for those homeowners, the park owner must hold an administrative hearing through the city’s planning department to determine if the increase is justified. The request would raise the rent on 15 homeowners by \$1119.58 per space per month on top of the approximately \$800-\$1300 a month they are currently paying for a total of at least \$1900. Some of the homeowners, John Nardello, Carmen DelaBarre and Debra Mallan, who have been there for decades, said they could not afford such an increase. They are month to month tenants without a lease and therefore could face almost immediate eviction.

“It’s economic warfare,” said home owner Debra Mallan.

The park owner justifies the request for the increase based on costly improvements to the park, including a \$1.5 million

revetment, a new fence and landscaping and plans to upgrade all the utilities in the park, beginning with the sewer work going on now.

[http://www.mercurynews.com/pacifica/ci\\_24461379/mobile-home-owners-face-more-than-double-rent](http://www.mercurynews.com/pacifica/ci_24461379/mobile-home-owners-face-more-than-double-rent)

*Read the full article. Go online to our website.*

## **ARROYO GRANDE MOBILE HOME PARK RESIDENTS FIGHT CONVERSION**

Posted: Nov 05, 2013, By Keith Carls

ARROYO GRANDE - Jeff and Cathy McAlister have called their spectacular view of the Pismo Coastline home for the past several years.

But now the McAlisters, and their neighbors in the Mesa Dunes Mobile Home Park on Highway One in Arroyo Grande face an uncertain future.

Park owners have informed the residents they are seeking a conversion from space rentals to resident-owned lots.

“Today, we don’t know how much our lot price is going to be”, Cathy McAlister says, “we’ve been asked to commit to be either in favor of conversion or against.”

As with most mobile home parks, the McAlisters own the mobile home they live in but rent the lot on which it sits.

They claim the planned conversion is fueling a selling spree by neighbors in the park fearing inflated lot prices will devalue their mobile homes.

“If we can’t afford the lot, we will go to sell the house”, Jeff McAlister says, “the people that buy the house, buy the lot you’re looking at the price of the house at \$150,000, and \$250,000 for the lot, that’s \$400,000, you can’t sell a mobile home in this area for \$400,000.”

The McAlisters are calling on a new survey park residents and fair appraisal of lot values saying they and others could find themselves priced out of what they thought would be home for the rest of their lives.

“It is affordable housing in this community, to give all ages, or low income, rent control”, Jeff McAlister says, “people who are on fixed incomes, an opportunity to live in a place with the amenities here locally, this is their castle.”

Effective Jan. 1, 2014, California Senate Bill 510 authorizes local governments to disapprove of conversion of mobile home parks to resident ownership if the required survey of park residents does not show a majority of them support the conversion.

<http://www.kcoy.com/story/23887319/mobile-home-park-residents-fight-conversion>



# TIME TO GET PROACTIVE By Lloyd Rochambeau

Mobile home owners are essentially a group of people trying live out their lives in affordable housing that provides for a degree of privacy and freedom. A mobile home can be a factory built home built in the mid-sixties, or a new manufactured home built just this year.

A private “apartment” with as little as 700 square feet, or a triple-wide over 2500 square feet, the value or cost ranging from \$10,000 to as much as \$400,000. Situated on a small plot of ground called a space, which can be owned or leased. An interesting note is that the space between homes can be 15 feet to 30 feet or more. That is interesting because many new luxury stick built homes costing \$800,000 and up may have only about 10 or 12 feet between houses.

Mobile or manufactured homes on owned land do not suffer the same problems as those on rented spaces. The rental parks are usually owned by private parties or investors who manage and rent the spaces in an effort to maximize their income and profits. There are different types of owners. Some are content to make a reasonable profit and to provide a pleasant living environment, while others could be called greedy landlords who care little about the homeowners renting their space, so long as they can rake in as much profit as possible. A good example is Lakeshore Gardens in Carlsbad, once owned by Charles Bronson, the actor. Charlie was a good landlord, maintained a nice park where rents were in the \$700 range. After Charlie passed away, I believe his family took over. While they continued to make the park a nice place to live, they have over the past few years, increased the rents to a range of about \$1200 per month. This is not an oceanfront park, although it is close by, but sandwiched between a strip mall and railroad tracks does not make it a five star park.

But I digress. I was just trying to give a little background for some of my ideas or suggestions that cause me to advocate for a more proactive, rather than a reactive approach for mobile home owners. When a park owner is guilty of trying to gouge the homeowners or does not properly maintain the park and the environment is allowed to deteriorate, the homeowners are left to react in whatever ways are open to them. Complaining to the park manager or the park owner often results in them being ignored. Please keep in mind that complaints against your neighbor’s barking dogs or excessive noise are not complaints that among the types of complaints which are involved here. The kind of violations I am referring to are those wherein the

Park Manager or the Park Owner are violating our rights and protections provide for by laws.

HCD needs to be notified and if you go on-line to the [HCD.ca.gov](http://HCD.ca.gov) there is a Mobilehome Park Complaint form which can be completed. Whether the Ombudsman responds (who cannot enforce the laws), it may also require the City wherein the park is located to take action.

Often, homeowners are told it is a civil matter and that you need to get a lawyer to help you. I do not agree that a lawyer is required. I would provide a copy of the complaint to the City, and another to GSMOL and of course to the HOA of the park and any regional mobilehome owner association. Complaints need to be specific and provide reference to the MRL and/or Title 25 or any other law being violated. While no guarantee of action supporting your claim can be made, you will at least have called it to their attention. I almost forgot, you also need

to provide a copy for the Park Manager and the Park Owner. Many homeowners do not have funds for an attorney and should not be expected to seek legal help to enforce the laws being violated. If drunks are defecating and urinating on the lawn and sidewalk in front of the Mayor’s house, does he need to get a lawyer to get it stopped?

First off, I contend that every park should have a homeowners association. If there is a city wide group such as we have in San Marcos, that can be more effective than trying to go it alone. In fact, we have discovered that the City’s Rent Control ordinance requires each park to have a Homeowner’s Association to be covered by rent control. There is also Mobilehome Magazine. It is an excellent way of informing homeowners and helping to unite them through the monthly magazines provided free to homeowners. Letters to the magazine complaining about Park Managers harassing and bullying homeowners could be way to call attention to some of their practices. Participation, involvement and unity are important and needed to counteract apathy. We also need to overcome fear of retaliation, which is as big a problem as apathy.

Another strong advocate is GSMOL. the Golden State Manufactured Home Owners League. Membership by as many homeowners in your park as possible, should be the goal of the HOA, plus a city-wide group, and GSMOL.

Continued on page 16.



# San Jose Mobilehome Owners Under Siege

All of you devoted readers of Mobile Home Magazine saw the October article that was titled "California Residents Under Siege". Who would have ever thought that the Golden State would suddenly become tarnished.

I live in San Jose, Ca. We too are under siege. Our particular villain's name is "Urban Village" and greed. Our once sleepy farming community is trying to grow up and be like San Francisco. At least that is what our Planning commission is telling us. We want to have less parking, build large buildings where you can work, eat, sleep and walk or bike to shopping.

In order to accomplish this we will have to tear down our Mobile Home Parks. These Parks were built near transit and shopping because many seniors no longer are able to drive. If they are senior Parks they also are under rent control and the owners can't overcharge. If we are sold to a developer and he comes in and builds expensive condos, guess what? More tax money for the city coffers. The little nit is none of the seniors that called this home can buy an expensive condo.

What happens to the seniors who have nice homes in the Park? No one but the seniors seem to care. Most live on social security only, which puts them in the poverty category. Even the ones who have social security plus a pension do not have the money to go and start all over again. Most people over the years have made their houses to fit their lifestyle. People with disabilities have fixed their homes to enable them to live full and productive lives. People who are in their 80's 90's often do not have family any longer to help them.

## FIGHT BACK

What is the answer to the owners/developers who want to take our homes? Fight back, let's band together by using these forums such as Mobilehome Magazine to find others. We can be powerful if we all band together. We can fight City Hall. I know if you are willing to stand up for me, I am more than willing to stand up for you. We are voters who actually take pride in voting. The Mayors, City Council, Senators and Legislators need us and want our votes. We just need to make sure they earn our votes.

Let's not become casualties in the war to remove affordable housing for profit. Let's not become refugee's at the mercy of family or friends. Let's make a stand together. Let's say 'Owner if you are tired of running this Park then sell it to us'. You will make a reasonable profit and still be able to sleep at night knowing you did not put an elderly person at risk. San Jose wake up. Are you tired of being held hostage in your own homes. San Jose Mobile Home Parks need to grow up and join together to protect one another. We see one Park after another where the owners want to sell out and make some big bucks or get rid of the rent control. One Park had to fight a 33% rent increase. We have another Park who is fighting to keep rent

control. Our Park is fighting zoning so that we won't lose our homes.

Just think if we banded together and created an alliance of all Mobile Home Parks in San Jose. What if we became just one large voice instead of one small voice? What if we said "Hell No We Aren't Going To Take It Anymore". What if we, who are just a hundred and fifty became 3000 or 4000?

## SAN JOSE ALLIANCE OF MOBILE HOMES

Join Winchester Ranch in forming the San Jose Alliance of Mobile Homes (SJAMH). We know there are 58 Mobile Home/Trailer Parks in San Jose with a total of 10,660 spaces. (Also 15 parks and 4,000 in neighboring Sunnyvale.) We know this is the answer to affordable housing. We know that we can make our politicians listen if we all stick together. In December we will host the first ever SJAMH and invite each and every one of you to come and join us in figuring out how we can best protect ourselves and each of you.

Urban Villages want to gobble us up just like the old Pac Man. We have what the developers want and the Urban Designers are selling. Most of us are close to some sort of transit, shopping, eateries, hospitals, freeways. They are wanting to do away with cars in the Village. They will cut parking by half. They will turn car lanes into bike only lanes just as they have done on Hedding and First. The premise is that you will live, eat, shop, walk, bike, bus in your village. To accomplish this feat they must get rid of the Mobile Home Parks and use that land because we are where the transit is.

We are the throw away people. We have paid taxes and contributed to the Community but we are not in the plan. Don't be held Hostage by the City Planners, Owners and Developers.

Join me in making a difference by saving our homes and keeping rent control.

Contact Phyllis Tripp, 408-247-7335, phyllistripp@comcast.net, resident of Winchester Ranch Mobile Home Community

Mari Jo wrote: Please look at our story and share it with everyone you know. I hope you will share it with everyone you know. Thank you all for taking a moment to watch and see the people really effected by the Santana two/Urban Village.

THANK YOU ALL FOR HELPING TO SHARE OUR STORY.

Your kindness and patience has paid off in what I feel is a very good video.

I hope you enjoy it. Here is the link to YouTube:

<http://youtu.be/eIHcAAVviSo>

Article by Phyllis Tripp, Winchester Ranch Mobile Home Community





## The Story of Winchester Ranch Community and the History It Preserves

The Winchester Ranch Mobile Home Community is a modern low-cost housing community for senior citizens, which also contains a unique set of rare historical artifacts, both natural and man-made. The property itself is inextricably connected to the history and myth of Sarah Winchester, having once been an integral part of her ranch. Today it still contains structures Mrs. Winchester planned and built, as well as trees she planted. At the same time it is a vibrant modern community of wide streets, neat landscaping, and a huge variety of flowering plants, and is home to 146 senior citizens living in 108 double-wide and triple-wide manufactured homes.

This is how the park community came to be: Sarah Winchester died in 1922. In 1926, from her estate, Charles and Lelia Cali purchased 30 acres of land between her unique house and what is now Moorpark Avenue. The front part of the property nearest Winchester Road contained Sarah's gardens, including a rare Cork Oak Tree

and a Speckled Elm, which are still there. The gardens also contained the caretaker's house that is now used as the clubhouse.

In the summer months, the Calis spent long hours every day operating the land as a working orchard ranch, producing prunes, walnuts, cherries and peaches. For 16 years between 1926 and 1942, the entire Cali family worked and harvested fruits at Winchester Ranch. Charles Cali worked all phases of the Ranch, cultivating the local orchards with the now landmark tractor located at the back of our park. In the Spring of 1929, the caretaker's house burned down, and Mr. Cali built a barn on its original foundation. The truck that was used to haul the boxes of fruit is showcased near the park pool beside the clubhouse.

Lelia Cali pursued her dream of owning her own family home by spending most every weekend planting and gardening at the Ranch, until one day her many hours of labor were rewarded when they finally got their own home



in the park.

The establishment of the Winchester Ranch Mobile Home Community was a long and arduous process. Lelia Cali created their first home by remodeling the apartment over the clubhouse. On the deck of the apartment she added an English garden with flowers, boxwood hedges, and a gazebo she found while visiting New Orleans. There was nothing more beautiful and peaceful than sitting on the garden deck in the Spring when the trees surrounding them were in full bloom. Even after the construction of the Valley Fair mall, the Calis enjoyed their little piece of paradise in their secluded Winchester Ranch retreat. However, in 1962, the state, by eminent domain, took a large strip down the middle of the property, destroying the beauty and peace of the Ranch. The view from their deck now included a myriad of cars speeding up and down I-280.

After being bisected by I-280, the farm was now no longer profitable, and it was decided at a family meeting in 1974 that it would be put up for sale. For one year there were no offers or interest, until a call came from a family friend with the idea of leasing the land for a mobile home park. The Calis were receptive to preserving the integrity of the remaining 16 acres of the Ranch by turning it into a luxurious mobile home community. Being on the outskirts of the city and close to the shopping mall made it an ideal location.

Mark Cali, son of Charles and Lelia Cali, determined that he himself would proceed with the plan to develop the property, not knowing how involved and stressful it would become.

From the very beginning, the Calis planned to develop a unique one-of-kind mobile home park. To become familiar with the actual development and operation of a mobile home park, they visited other parks on weekends and holidays. They decided that certain elements would not be included on the exterior of the homes at Winchester Ranch; only wood would be used in railings, porches and facial boards. They created a "closed" park policy, meaning that only the developer could place the mobile homes in the park, and other dealers were prohibited from selling homes for placement in the newly planned development.

In preparation for the formal hearing before the Planning Commission and the San Jose City Council, Mark arranged for numerous neighborhood meetings to discuss the proposed project. By using his good salesmanship abilities, Mark obtained an overwhelming approval from the neighbors, and they supported him and the project by attending the council meetings during the early stages of the project. The park was finally approved in April, 1975. After weeks of

arrangements for financing, planning and developing the mobile home community, ground was broken on July 16, 1976.

Everything already in the ranch was made usable as much as was possible to preserve the historical aspects of the park. A few small buildings had to be torn down, and that wood was later used in the Clubhouse. The Clubhouse is said to have been constructed without a single power tool. It contained many artifacts that had been collected since 1926, such as: blue glass canning jars with pewter lids; kitchen items used in the canning process; wicker demijohns used for storing homemade wine; and an elaborate framed shadow box decorated with a dove with a gold ring in its mouth. There still many historic items located all over the Ranch which add to its uniqueness and beauty. The Grand Gala opening of the park was in June of 1977. The park officially became "an elder persons" park in 1990.

Our neighbors include the residents of the blocks immediately to our north and west, plus the Winchester Mystery House, the Winchester Theatres, the Westfield Valley Fair Mall and Santana Row, We are located in the center of the "new San Jose". Every day we realize how fortunate we are to live in a beautiful, tranquil, safe and friendly environment. We want nothing more than to be allowed to continue.

We hope that the following photos will help you to visualize the unique history of Winchester Ranch Community.

*We dedicate this booklet to Mark and Barbara Cali, without whom none of us would have this beautiful place to live.*



Gazebo over Spa

Refer to the Winchester Ranch Website at

[www.WRSHOA.org](http://www.WRSHOA.org) for more info

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## WHY ARE WE OFFERING FREE ADVERTISING?

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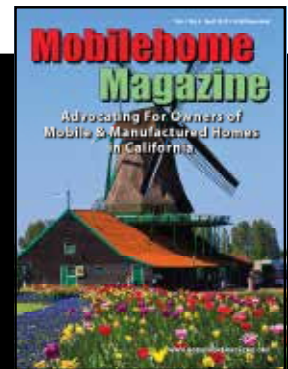
ad, our readers win by seeing local businesses others know and trust and MHMag wins when businesses know about the benefits of advertising in our magazine.

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Continued from page 12.

Since our channels for reacting are so limited, and unproductive, we need to find other ways to get help. Being proactive means more work, but no one else is going to help us if we do not help ourselves first. How do we do that? I have some ideas, which may seem cockamamie to some of you. I would also like to hear any ideas you may have as well.

We should also start pushing for legislation to require minimal training for Park managers. I believe homeowners in the State of Washington are advocating for this.

I also read somewhere that legislation is being proposed to grant Manufactured Home owners the same property rights as other real property owners. Financing and other issues need to conform as well. We have virtually no property rights, yet our collective investments in our home equals or exceeds the investments of the Park Owner. We can change things, but we need unity that gives us numbers because as individuals we have little or no power.

There are surely other ideas that could help us attain our

rightful place in the scheme of things. This is a feeble attempt to stir the pot, but it will take an effort by many homeowners to get the ball rolling. I hope there are hundreds or thousands of you willing to step up and make the effort to improve our lives. We need to use every vehicle available to us in our efforts and leave no stone unturned as we fight for rights, and a little respect.

The advertisement for Weibel Insurance Agency, Inc. features a logo on the left with a stylized 'W' inside a blue circle, set against a map of California. To the right of the logo, the text reads 'Specializing in manufactured homes' and 'WEIBEL INSURANCE AGENCY, INC.'. Below this, contact information is provided: 'P.O. Box 335, Oakdale, CA 95361, 1-800-653-5565, (209) 848-3600, Fax (209) 848-3656, scott@weibelinsurance.com'. On the far right is a portrait of Scott Wilson, an insurance agent with license #OC53493.

# Order Form for FAQ Handbook

The FAQ Handbook, described on the previous page is a "must have." Ordering is simple. Just fill out the form below and send it with a check made out to "Mobilehome Magazine." We will mail your Handbook within 24 hours of receipt of your order.

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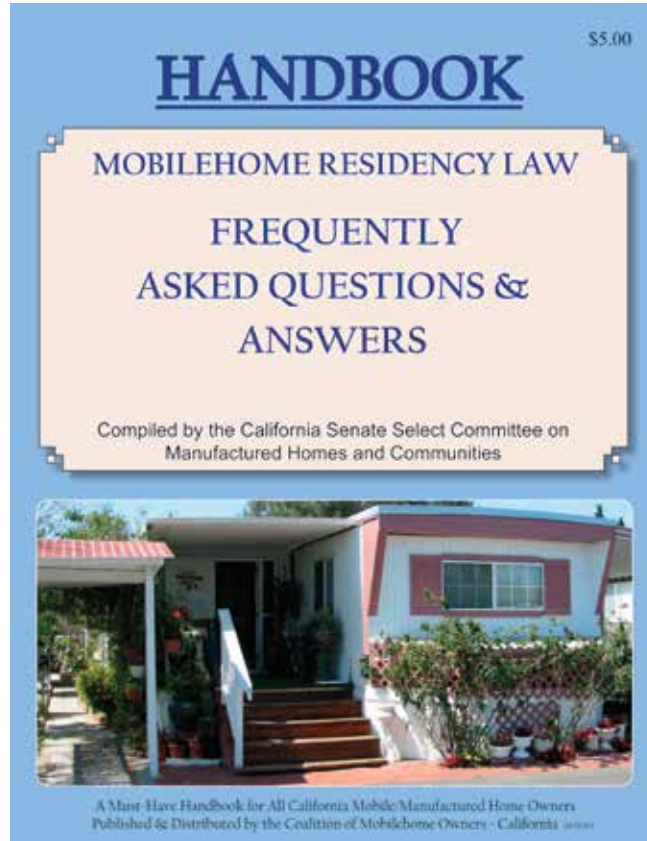
There are several ways you can support Mobilehome Magazine.

### a. Distribute in your park.

It is a big help when you volunteer to distribute MHMag in your park. Remember the law allows the distribution of the magazine in your park, but only by a park resident. We will pay anyone volunteering to distribute in their park 5 cents per copy.

### b. Write an article.

Remember, this is your magazine. Please step up and write an article of interest to other mobilehome owners



- what's happening in your park, successes you may have had, etc.

**c. Please donate.** We publish Mobilehome Magazine on a "shoestring" budget. To date we have distributed 170,000 magazines. We appreciate any donations you might send our way and please know 100% of all donations go to support our efforts to educate and inform California mobilehome owners.

**d. Send us your email address.** We soon will have an email network in California to link residents.

**e. Email or write us.** Tell us how we can improve MHMag. What kind of articles would you like to see? And we appreciate your feedback.

**f. Above all, please read** Mobilehome Magazine and educate yourself. You need

to know the basics and where to go to get assistance. We will continue providing you up to date, accurate information.

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| <input type="checkbox"/> Liability        | <input type="checkbox"/> Falling Objects              | <input type="checkbox"/> Workers' Comp. |
| <input type="checkbox"/> Tornado          | <input type="checkbox"/> Lightning                    | <input type="checkbox"/> Theft          |
| <input type="checkbox"/> Smoke Damage     | <input type="checkbox"/> Water Damage                 | <input type="checkbox"/> Explosion      |
| <input type="checkbox"/> Medical Payments | <input type="checkbox"/> Vandalism                    | <input type="checkbox"/> Hail           |

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