

Mobilehome/Manufactured Home

MH *Life*

*The Voice of
Mobilehome Owners
Network - Sacramento*

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MH Life Magazine August 2017

INDEX OF ARTICLES FROM MOBILEHOME MAGAZINE

This month we focus on our new INDEX of articles published in our magazine from September 2011 to the present. The INDEX allows you, our readers, to find articles of interest quickly and efficiently. Remember, most articles are ageless, i.e. they apply as much today and yesterday. See page 13. Also next month we will publish one page of our INDEX. You can order a copy of the index of over 600 articles for \$5 from Mobilehome Magazine - see the application on page 14.

IMPORTANT ARTICLES

This month we are reprinting four important and useful articles from our archive.

- Clay Harrison, long time advocate, has written a Seller's Guide (pages 4-5). Selling your home is a critical time for you to be aware of your rights and responsibilities. Often management will try to interfere.
- We hired Attorney Bruce Stanton to write an article on Inheritance. Again, it is important for your heirs to have an understanding, lest they be taken advantage of by management. See pages 6-7.
- Next (pages 8) our old attorney Jon Heim has written an article titled When Can Park Management Enter My Space? We're sure you'll find it interesting.
- Finally, another article by attorney Jon Heim on "Who Takes Care of Trees." See page 9.

- We have promoted the Regional Plan for over two years. Why? Because advocacy today DOES NOT serve the Community. The Plan brings needed change. It is more efficient, less wasteful, gets everyone working together, and puts resources where they are needed. It takes full advantage of organizations expertise. We continue to inform, and with your support, we will begin challenging those parks that step across the legal line.
- Benefits of the Plan are huge. This is an opportunity that comes once in many years. Please read page 10 and support our efforts to make change happen. It is in your best interest!
- The Plan will only happen if you support it. That means joining The Network. It's now only \$10 for the balance of 2017. You can join by check, paypal, or credit card (just call 818-886-6479 and give us your info - that's it).
- Enforcement is finally on everyone's mind today. Please read page 11 - the Senate Select Committee's hearing on Enforcement help 35 years ago in 1982. Our leaders knew litigating problems with an attorney didn't work. Our question. Why did it take 35 years to finally introduce legislation so residents will have a viable means to challenge illegal activity in mobilehome parks? That has been high on our priority list since we began our advocacy in 2004.

Seller's Guide by Clay Harrison

Information contained herein is intended to make the selling of a mobile/manufactured home less stressful.

The Manufactured Home Owners Consulting Services is dedicated to the promulgation of affordable housing in all of California.

The following Sellers Guide is offered for your convenience.

A GUIDE TO SELLING A MANUFACTURED HOME©

The foregoing is not intended as legal advice.

This guide, intended to facilitate the sale of a home in a land lease community, has been developed by Clay Harrison, founder of the Manufactured Home Owners Consulting Services. Clay Harrison Resides in the Hillsdale Community, Sacramento County, and is the past GSMOL Reg 11 Mgr.

The sale of a home in a land lease community is a private transaction, between the buyer and seller. It is a transaction in which no outside element has the right to intervene, influence, make a determination, or otherwise engage them. The normal course of buyer and seller interaction is protected by law, just as in any other act of commerce.

The management of land lease communities has no authority to inspect your home and space, and impose certain conditions, before you will be allowed to sell your home in place. That authority is vested entirely in the hands of the State Department of Housing and Community Development or other appropriate authority. You should not allow yourself to be intimidated.

Management's use of a check list as a means of determining the condition of your home or space, and imposing conditions to be met before sale constitutes interference. Such a practice gives management undue influence in a private transaction in which they should not be involved.

The sale of a home in a land lease community is no different, in terms of involvement, than the sale of a home elsewhere.

Management MAY (it is not required), approve of a prospective resident of the community. PLEASE

NOTE: THE DETERMINING FACTORS ARE STRICTLY LIMITED TO TWO AREAS ONLY.

Those are: the ability to pay the rent (as of the moment, past credit history is not a consideration), and management's ability to determine, based on prior tenancies, if the purchaser will obey the rules of the park. This burden falls entirely upon management. Not the buyer or the seller.

FOLLOWING ARE SUGGESTED STEPS TO BE TAKEN BY THE SELLER OF A HOME THAT IS TO REMAIN IN THE COMMUNITY

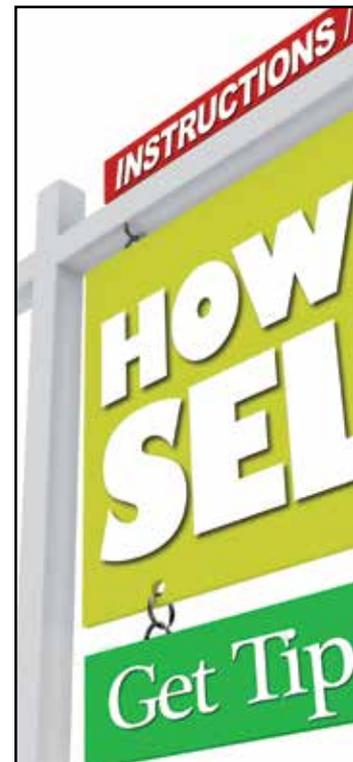
Keep in mind that from this moment on, all communication with management should be in writing. If any problems develop, your remedies will be greatly diminished by relying on, he said, she said.

1. Read and understand, section 798.74 of the Mobilehome Residence Law (MRL). Paying particular attention to sub-section (a).

2. Deliver to management, in person, a signed notice to the effect that your home is about to be marketed, you are hereby requesting a copy of the new resident application, a statement of the rent to be charged to your buyer, and if you should complete a transaction of sale, this document constitutes due notice in accordance with MRL 798.59.

If management has a policy of inspecting homes on resale, you should also include a request for a written summary of any repairs or improvements that will be required. Pay close attention to MRL 798.73.5 paying particular attention to sub sections (b) and (c).

3. Do not, repeat, DO NOT provide management with any information concerning the sale: Price, terms, method of marketing, or any other information.



4. Do not under any circumstances, direct a buyer to management. Handle all of the details yourself. There will be time enough for the buyer to meet with management, after, but only after the sale has been fully consummated.



5. Arm yourself with a PURCHASE AGREEMENT and Deposit of sale (from a stationary store, or write one yourself). Be sure and get a deposit. If the buyer won't provide a deposit, he/she is not a committed buyer. Be sure and include a clause in the purchase agreement that the sale is subject to the buyer being accepted as a resident.

6. Gear all of your advertising so as to be shown by appointment only, do not name the park in the ad. Most parks have a sign at or near the entrance that warns the public to not commit to buying a home until they have checked with

management. **DO NOT BE MISLED BY THIS.** And do not let your prospects be misled. Have your customers come directly to your home. These signs have the effect of causing a house hunter to visit the office, to inquire as to what is for sale in the park. Be aware that management in some parks are themselves engaging in the resales of homes. Management has been known to steer buyers to certain units only, and or, discourage a prospect on the basis of nefarious reasons. A buyer once reported to us that the park owner said: "we don't want your kind living here."

7. In order to protect yourself and the buyer, execute and have the buyer sign, in triplicate, the simple form that requires management to notify you and the buyer, of acceptance in the park. (see 798.74)

8. **RESIDENT APPLICATION:** Complete this form for the buyer, being very careful of the questions being asked. Some forms ask for bank account and credit card numbers, previous mortgage payments and mortgage company, a net worth statement, as well as other confidential information, that are of

no concern to the park. Simply mark these: "non applicable" or NA.

9. Read, and understand MRL 798.39 and explain to the buyer that management can levy a security deposit, in an amount not to exceed two month's rent, and that it is refundable following a 12 month period during which the rent is paid in full, when due. The deposit can be in addition to the first month's rent, and can only be charged on or before initial occupancy. Which means management cannot collect it as an afterthought.

10. You are now ready to escort your buyer to the office. Do not, REPEAT, DO NOT, send your buyer to the office without an escort. Chances are the buyer is just as naive as we all were when we first moved into a park and will be subject to intimidation by management.

11. Either in step two or seven above, you and the buyer should have received copies of the rental agreement, the park's rules and regulations, and the MRL. Please note that in accordance with 798.15 of the MRL, these documents combined, constitute the rental agreement. The buyer should read the rental agreement very carefully. If he or she cannot understand it, they should have it explained by a competent person, preferably an attorney.

12. Please note: MRL 798.74 (b), allows for a fee to be charged to obtain a credit report. If management charges such a fee, that fee must be credited to the first month's rent. AND, the burden of obtaining a credit report falls entirely upon management.

SPECIAL NOTE: It is assumed that you have assessed the sale value-not your emotional value-of your home. You have, to the best of your ability, learned what comparable homes, in your park, have recently sold for. And how much, if any, the rent was increased for the new resident. If the rent will be increased on your space-you received this information employing steps two and seven-you have what is known as vacancy de-control. Vacancy de-control has the effect of causing depreciation of value. For every \$10. increase in space rent, the home depreciates \$1,000.

That about sums it up. Questions or additional explanation, may be directed to Clay Harrison 916 348 7262, seeclay@foothill.net Good luck and we wish you the best in your new location.

PROTECTING MOBILEHOME INHERITANCE RIGHTS by Bruce Stanton

I am often contacted by families following the death of a mobilehome resident about what they should do to get the home secured and sold, or just to obtain an understanding of their rights as heirs to the estate. The Mobilehome Residency Law (MRL) portion of the California Civil Code contains a specific section which sets forth the rights of heirs or joint tenants when the homeowner has died. It is important that certain steps be followed by the heirs to ensure that they protect their rights to the home. It is equally important that heirs know their rights ahead of time, so they will not fail to do what is necessary to maintain the mobilehome tenancy after the death of a family member. Otherwise, the park owner can use what is typically a time of confusion and emotions to deprive the estate of what is often its most significant asset value. Where rent is not paid, or some other violation of park rules occurs due to the actions of unsuspecting relatives, the park owner can use it as justification for requiring that the home be evicted from the park, or to de-control and raise space rent where there is local rent control in place. Absolute vigilance by the decedent's family is required to ensure that this does not occur.

Preliminarily, a homeowner can take certain steps in advance to ensure that his or her family understands what needs to be done to protect the mobilehome inheritance.

1. **KNOW YOUR RIGHTS.** This is essential. A homeowner needs to know his or her rights so that they can communicate them to family members. Every mobilehome resident should have a copy of the MRL, which is distributed by most park owners annually. Anyone can go on line to download a copy of the complete MRL for free at: www.sen.ca.gov/mobilehome, or can write to the Senate Publications Office in Sacramento to purchase a copy for \$5.25. Or any resident should be able to go to the park office and request a copy. The MRL requires a park owner to distribute a copy to all residents each year where a "significant change" of the MRL provisions is made by the legislature, so there will often be a copy kept in the home. But heirs who do not know anything about the MRL will need to know where to look for a copy of the law. This leads us to step 2 below.

2. **INFORM YOUR HEIRS OF WHERE TO FIND**

INFORMATION AHEAD OF TIME. Just as you would tell your family members where to find important papers, or the details of disposition of property and funeral instructions, you also need to tell your heirs how to secure and sell your home after your passing. Be sure that they know where to find a copy of Civil Code section 798.78, which is the MRL section that sets forth the rights and responsibilities of heirs. Make a copy of that section and leave it in a place where they can locate it, or give it to them in advance with a copy of this article.

3. **WHAT SHOULD THE HEIRS DO AFTER THE HOMEOWNER HAS DIED?**

It is important that heirs act immediately to present the loss of their inheritance rights in the home. There are two options set forth in section 798.78. First, any heir, joint tenant or personal representative may seek to sell the home "in place" in the park. Or, in the alternative, any heir or joint tenant may seek to establish a tenancy with the park and move into the home. But for either of these steps to be

available, it is required that the decedent's estate satisfy all of the decedent's responsibilities, such as payment of rent and utilities or maintenance of the homesite. Thus, if the rent is allowed to go into default or other maintenance issues arise which are not performed after a notice is served (this might only be taped to the door), then the right to establish a tenancy or sell the home is lost. 798.78(b) specifically provides that in such a case the park owner can require the home to be removed from the park. **IT IS THUS CRITICAL THAT THE HEIRS ASCERTAIN WHAT THE SPACE RENT AND UTILITIES PAYMENTS ARE AND PAY THEM IMMEDIATELY AS THEY COME DUE.** The death of the homeowner does not deter many park owners from claiming a breach of the rental agreement if the rent or utilities payment is even one day late. And since the heirs may not visit the home immediately, they might be unaware that the first of the month has rolled around and a rent payment is due. No payments can be missed if the family wants to be certain that its rights are protected. And if a three-day notice to pay rent or utilities is served, it must be satisfied at once within the three day period. The three days are calculated from the day after the notice is served. Since service of any 3-day or 7-day notice



by the park does not have to be personal, and the notice can thus be posted on the home and mailed to that address, it is important that the heirs visit the home regularly to check for posted notices, and that the mail be immediately forwarded to an address where it will be read. There is nothing worse than opening an envelope after the fact to find that an important deadline has been missed. If a rent payment is not made within the three-day period, and there is a loan on the home, the heirs should immediately contact the lender and request that it “cure” the rent default by paying the rent to the park. Under 798.56(e) (4), a bank may cure a rent default twice every twelve months, and the park owner is obligated to accept the payment. This section presumably also applies where the homeowner has died, but the estate desires to maintain the right to sell the home “in place”.

Equally important is the duty of the estate to maintain the physical appearance of the home and the homesite. This means that landscaping must be maintained, and debris cannot be allowed. Any seven-day notices for Rules violations need to be corrected at once. Newspapers should be stopped, the home should be secured, and vehicles should be either removed or otherwise stored only in the carport at the homesite. A gardener should be hired to mow and weed the homesite if the heirs live out-of-town or otherwise are not likely to visit the home often. But it is also important to check for notices at the home regularly, in case something is posted that is never received via mail.

To ensure the best possible communication, the heirs should meet with management as soon as possible following the death and identify a new person and address for communication purposes. Rent bills and all notices from the park should be directed to that new address, so that communications do not fall into a “black hole”.

4. **WHAT THE HEIRS SHOULD NOT DO.** It is equally important to understand one of the most frequent problems encountered by estates. Often, the heirs allow someone to move into the home if it is otherwise vacant in order to be a caretaker and watch over the home. This certainly sounds reasonable enough. After all, the estate desires that the home be protected from crime or vandalism. And if it is perceived that cousin Bob will most certainly qualify to purchase or occupy the home, it might be tempting to allow him to just move into the home early without qualifying for tenancy first. This should not be done. Most all parks throughout California do not allow a non-tenant to occupy the home if a tenant is not present. Thus, either scenario could trigger an immediate seven-day notice of a rules violation. If the estate desires to allow someone to occupy the home, written permission should be obtained from the park first. Otherwise, it should never be allowed to occur, since the result could be a termination of the estate’s right to sell the home “in place”. Note that we

are only speaking of occupancy here; any authorized person, including heirs or third party contractors or realtors can enter the home to clean, repair or secure it. But no one can occupy it by spending the night or establishing it as their residence. If a seven-day notice is received for this sort of violation, the occupant needs to be removed at once. Note that this scenario also does not help the potential tenant, whom the park might categorize as a “rules violator” when an application for tenancy is later presented for consideration.

5. **WHAT ABOUT SATISFYING AGE RESTRICTIONS?** In senior parks, or parks which seek to meet the Federal guidelines for “housing for older persons”, homeowners who are 55 or older often leave the home to much younger heirs who are under age 55. The immediate reaction of these younger heirs is that they are not old enough to live in the park, and thus cannot qualify for tenancy. But special exemption language in the Federal law allows heirs who are under age 55 to still inherit the home and live in it without compromising the park’s senior status under Federal law. Otherwise, the inheritance might prove to be without value for the family, and this was never the intent of the Congress when the 1988 laws regarding age limitations were passed. This means that a park can never reject an heir based upon age status by arguing that it will lose its senior status under Federal law if a 40-year old heir is allowed to occupy the home. The key is that only the heirs or blood relatives of the deceased homeowner would probably qualify for this exemption. Note that if the park otherwise has an age limit for all residents in its own rules, those limitations may still need to be complied with.

6. **CAN THE PARK RAISE THE SPACE RENT?** The answer depends upon the local laws. If there is a local mobilehome rent control ordinance, it should be consulted. Many ordinances do not allow a park to raise rents to the family following the death of the homeowner. But if the family sells the home to a dealer, the rent can probably be raised at that time, since local rent control typically does not protect commercial dealers or agents.

The ability to protect a home during the inheritance process can be tricky. But if these steps are followed, the family of a deceased homeowner should be able to inherit and realize the value of the mobilehome which has been left to them in a Will or Trust. Just as importantly, the intent and last wishes of the deceased homeowner can be honored and carried out.

ABOUT THE AUTHOR: MR. STANTON HAS BEEN A PRACTICING ATTORNEY SINCE 1982, AND HAS BEEN REPRESENTING MOBILEHOME RESIDENTS AND HOMEOWNERS ASSOCIATIONS AS A SPECIALTY FOR OVER 20 YEARS. HIS PRACTICE IS LOCATED IN SAN JOSE, AND HE IS CURRENTLY THE CORPORATE COUNSEL FOR GSMOL.

WHEN CAN PARK MANAGEMENT ENTER MY SPACE?

Some owners and managers of mobilehome parks think they can enter a leased space in order to conduct a general inspection or for any reason they like. However California's Mobilehome Residency Law ("MRL", Cal. Civ. Code, secs. 798-799.11) limits the grounds for entry of land and mobilehomes, and affirms that all but emergency or abandonment entries must respect the mobilehome resident's right of quiet enjoyment.

Management entry rights in leased parks are set by California Civil Code section 798.26. A similar Section 799.2.5 governs entry rights in condominium parks. Under both sections management's right to enter a mobilehome itself is understandably more limited than management's right to enter the surrounding space. "[T]he ownership or management of a park shall have no right of entry to a mobilehome or enclosed accessory structure without the prior written consent of the resident" (Cal. Civ. Code, sec. 798.26, subd. (a)), except "in case of emergency or when the resident has abandoned the mobilehome or accessory structure" (id., subd. (b)). The resident may revoke consent at any time, but must do so in writing. (Id., subd. (a).) These provisions recognize that a resident's mobilehome is his or her castle, like a house.

In recognition of the communal aspects of mobilehome parks, management has greater rights to enter the leased land on which a mobilehome rests. Management may enter a leased space "for maintenance of utilities, trees, and driveways, for maintenance of the premises in accordance with the rules and regulations of the park when the homeowner or resident fails to so maintain the premises, and protection of the park at any reasonable time[.]" (Cal. Civ. Code, sec. 798.26, subd. (a).) If such maintenance requires interruption in utility service for over two hours, management must give residents 72 hours notice of such interruption. (Cal. Civ. Code, sec. 798.29.5.) Otherwise the MRL requires no notice of management's intent to enter. However some leases and some rules and regulations may specify notice beyond that mandated in the MRL.

A right of entry for maintenance of utilities, trees and driveways, or for protection of the park, is sensible because the MRL assumes and most park leases and regulations provide that the park owner will maintain those things. Note however that management may enter a space to maintain the leased premises in general only if the resident does not do so in accordance with park rules and regulations. Under

this provision residents may credibly argue that management may not enter a space just to inspect it or to determine if it is being maintained as required, but rather may enter it only if it actually is not being maintained as required. In short, no "fishing expeditions."

Moreover management entry of a space, even for such authorized reasons, must not be done "in a manner or at a time that would interfere with the resident's quiet enjoyment." (Cal. Civ. Code., sec. 798.26, subd. (a).) Many mobilehome residents and other lessees may have heard the term "quiet enjoyment" yet know only generally what it means.



In the absence of language to the contrary a covenant of quiet enjoyment is implied in every mobilehome and other lease. "The covenant of quiet enjoyment 'insulates the tenant against any act or omission on the part of the landlord, or anyone claiming under him, which interferes with the tenant's right to use and enjoy the premises for the purposes contemplated by the tenancy.'" (Andrews v. Mobile Aire Estates (2005) 125 Cal.App.4th 578, 588.) However only a substantial interference with a resident's right to use and enjoy the premises constitutes a breach of the covenant of quiet enjoyment.

"Minor inconveniences and annoyances" must be tolerated by residents. (Andrews v. Mobile Aire Estates, supra, 125 Cal.App.4th 578, 589.) Thus, for example, occasional maintenance entries and equipment noises would not violate a resident's right of quiet enjoyment, but persistent and unnecessary entries or noises might well.

In this manner the MRL strikes a reasonable balance between management's needs and residents' solitude. Management may enter leased land to fulfill management's maintenance duties, handle abandonments or protect the park, but in so doing must not unduly interfere with a resident's use and enjoyment of the land. Management may not enter a mobilehome or accessory structure unless the resident consents to entry in writing and in advance, the resident abandons the mobilehome or structure, or an emergency arises and necessitates entry. Management can't just barge in and snoop around, and the law protects residents' expectations of reasonable peace and quiet.

by Attorney Jon S. Heim, COMO-CAL's
THE VOICE May/June 2009

WHO TAKES CARE OF TREES? by Attorney Jon Stanley Heim

Many of the legal rights of mobilehome residents are established in the Mobilehome Residency Law (“MRL”), California Civil Code sections 798 through 799.11. These statutes must be attached to residents’ rental agreements. (Cal. Civ. Code, sec. 798.15, subd. (c).) The MRL recognizes the unique investment which mobilehome residents make in their dwellings, an investment that distinguishes mobilehome residency from ordinary tenancies such as apartment rentals. The MRL protects mobilehome residents against certain abuses, sharp practices and add-on fees by owners and managers of mobilehome parks.

Every mobilehome resident should have a copy of the MRL and at least a general understanding of mobilehome owners’ rights under it.

In this article and future ones, I shall endeavor to explain key provisions of and rights under the MRL and other laws affecting mobilehome residents. Of necessity my explanations and opinions in this space can only be general. Mobilehome residents who are aggrieved by actions of park management or who find themselves in significant disputes with management should seek advice on their particular situations from counsel familiar with the MRL and other relevant laws.

One common legal issue in mobilehome residency concerns trees. Who is supposed to take care of trees, and when? The MRL addresses this issue directly. California Civil Code section 798.37.5, subdivision (a), which is part of the MRL, provides that, “[w]ith respect to trees on rental spaces in a mobilehome park, park management shall be solely responsible for the trimming, pruning, or removal of any tree, and the costs thereof, upon written notice by a homeowner or a determination by park management that the tree poses a specific hazard or health and safety violation.” If the homeowner and management disagree whether a tree poses such a hazard or violation, either party may request an inspection of the site and a resolution of the issue by Department of Housing and Community Development (“DHCD”) or a local agency that enforces mobilehome laws. Under California Civil Code section 798.37.5, subdivision (b), also part of the MRL, park management is responsible too for “the trimming, pruning, or removal of any tree [in a common area of the park], and the costs thereof[,]” whether or not the common area tree poses a hazard or health and safety violation. Management must also repair “root damage to driveways and foundation systems....” (Cal. Civ. Code, sec. 798.37.5, subd. (c).) Mobilehome residents are forbidden from planting trees in the park “without first



obtaining written permission from the management.” (Cal. Code Civ. Proc., sec. 798.37.5, subd. (d). All current rules and regulations of mobilehome parks must comply with the foregoing statutes (Cal. Code Civ. Proc., sec. 798.37.5, subd. (g)), so they cannot be waived or diluted by any rental agreement or park rule.

Thus under the MRL any mobilehome resident who believes that a tree on his or her rental space is hazardous or presents a health and safety violation must give notice of the hazard or violation to park management, in writing. If management disagrees or does not respond, the mobilehome resident should request an inspection and determination by either DHCD or a responsible local agency. Very few tree maintenance disputes will not be resolved by these processes. However if the state or local agency agrees that the tree is hazardous and management still refuses to trim, prune or remove the tree, the mobilehome resident can file suit under the MRL for injunction, compensatory and punitive damages, attorney fees, and an additional \$2,000 for each willful violation of the MRL by management. (Cal. Civ. Code, secs. 798.84-798.87.)

So now you know: trees in mobilehome parks are the responsibility of park management, and government agencies and courts will make sure that management fulfills its responsibilities for trees. Under this law no mobilehome resident should suffer a hazardous tree or any expense for making it safe.

Editor’s Note: This article was first published in THE VOICE March/April 2009 & June 2015 It was written by our attorney Jon Stanley Heim. Mr. Heim is no longer with COMO-CAL; however his advice remains timely.

Support The Regional Plan! It Works

HOW MANY MORE?

How many more decades will pass us by without resolution of the most pressing issues we face when we live in rental parks? How many more years will managers be able to intimidate, harass and retaliate their residents without someone stepping up to prevent it? How many more years will parks be allowed to interfere with sales? How many more years will MH owners be vulnerable because they don't have the money to hire an attorney to litigate an issue? How many more years will we trust our advocacy leaders to protect us and have our backs?

TIME FOR CHANGE

The results of our recent Survey were unanimous. Respondents all want CHANGE. And MH owners deserve change NOW. This isn't about the past, it is about today and tomorrow. We wrote about Reorganization in November 2014, ten full months ago. That's what we do. We think outside the box to resolve issues. The Regional Plan proposed in November 2014 will resolve countless issues that exist today. We know it will.

ADVOCACY TODAY

Advocacy today is disorganized and inefficient. There is no rhyme or reason what some advocates do. There is little or no networking, sharing or working together. There is no common foundation or guidelines. That is not to say some local or park groups are not effective. Some groups have been effective; however just think if everyone were working together, without competition for members, without back stabbing, working efficiently and effectively.

THE PLAN RESOLVES ISSUES

The Regional Plan resolves ALL the above issues. Groups will have a foundation and guidelines. Residents will have equal representation, i.e. each will be represented by a regional group team. There will be 10-12 regional groups organized by county to start, each with about 35,000 mobilehomes. This means more help for residents. There will be transparency. Everyone will work together.

Here are some of the advantages of the new Regional plan:

- *It gets everyone working together (that's huge in itself) to their full potential*
- *The Plan focuses on today and the future, rather than on the past.*
- *It uses ALL resources, including GSMOL, MH Life*

Magazine, Local Groups, Park Groups, etc. We encourage local and park leaders to become leaders in the new Plan.

- *The Plan embraces ALL MH owners who want to be involved, as leaders, followers, volunteers. It excludes no one.*
- *It gives a voice to all MH owners, not just a few. It provides equal representation to all.*
- *It puts the money where it will do the most good. It funds a lobbyist, the Regional Groups, a legal fund and a magazine.*
- *It eliminates competition, negativity and politics among advocates.*
- *It greatly reduces current overhead costs by as much as 50%. This means more of your membership dues are available to protect you.*
- *The Plan increases efficiency.*
- *It increases networking, sharing and teamwork.*
- *It provides a strong foundation and guidelines to go forward.*
- *It provides much needed checks and balances. It provides a plan for the removal of leaders who are not doing their job.*
- *It provides balance and returns power and control to the people. Power to the People!*
- *It allows local areas to determine their own fate, work on their own issues, and support their own members. It allows everyone to share their problems, and successes.*
- *It provides expertise and consultants for all MH owners.*
- *It provides UNITY: All for one and one for all.*
- *It provides a Legal Fund for all members to help with enforcement*
- *It allows us to promote other options of enforcement of the Civil Code Laws, rather than having to hire an attorney and going to court.*
- *The plan means less apathy and more participation by MH owners. Why? Because now the process will be much more efficient and effective. Residents will see results and trust in the process and want to get involved.*
- *It provides a magazine to all members, and a free magazine to many so they know someone is there to protect them, so they know they are not alone.*
- *It provides for elections based on merit and expertise. It allows all members to vote, not just a handful.*
- *Members fees are used to protect them, not someone hundreds of miles away, i.e. Regional Group monies, including a legal fund, remain in the region.*

“Mobilehome Residency Enforcement Problems”

HISTORY OF MOBILEHOME RESIDENCY LAW (MRL)

In 1978, a variety of statutes relating to mobilehome park tenancies previously scattered throughout the Civil Code were brought together by S.B. 2119 (Mills) under Chapter 2.5, and titled the “Mobilehome Residency Law.” Since that time there have also been a number of additions and amendments to the Residency Law.

HEARING ON MRL ENFORCEMENT PROBLEMS

In 1982, the Senate Select Committee on Mobilehomes held a Hearing in Sacramento with Senator William A Craven presiding. The subject of the Hearing was “Mobilehome Residency Enforcement Problems” and was attended by advocate leaders and park owner/representatives from around the State of California. The entire Hearing document is at: <http://mobilehomes.senate.ca.gov/sites/mobilehomes.senate.ca.gov/files/250-S.pdf>

FOREWORD BY SENATOR CRAVENS

Note: Senator Cravens was the Chair Person of the Senate Select Committee on Mobilehomes at the time of this hearing.

The reason for this hearing is to delve into the question of enforcing the Residency Law. The Mobilehome Residency Law provisions, being Civil, not Criminal in nature, are basically self enforcing. That is, when you have a violation or dispute that cannot be resolved between the park owner and the resident, their ultimate recourse is through the legal system. Some, however, feel, because of the costs of hiring an attorney and the delays in already clogged court calendars, that court solutions are a very inadequate method of enforcing the law.

This Committee, as well as a number of legislator’s offices from whom we have heard, have had many complaints concerning enforcement of the Mobilehome Residency Law. I understand the Golden State Mobilehome Owners League has made enforcement of existing provisions of law one of its priorities in terms of problems that need to be addressed.

There are two things we want to determine here. There are some 5800 mobilehome parks in California, including RV parks. Although I know there are difficulties which many residents are having, certainly not all of these parks are violating the multiple provisions of the Residency Law. What we need to do, then, is assess the extent and seriousness of these problems. Your testimony in this regard will be helpful.

Secondly, we need to take input on alternatives. Alternatives to the present system of enforcing the Mobilehome Residency

Law through the courts. Bear in mind that any alternative enforcement mechanism requiring stepped-up local or state government involvement will mean the need for some kind of funding, whether through public tax dollars, fees on park owners, fees on park residents, or all three. Any enforcement mechanism has to take into consideration the question of cost. Nothing is free, and the question of cost is something on which we deliberate every day in the Legislature, on almost every one of the 4,000 plus bills we consider. With these guidelines and these caveats in mind, let us then proceed with the agenda.

WITNESS TESTIMONY

The following are a few short excerpts of testimony by several MH owners and MH owner advocates: We have underlined in red portions we feel most important.

Blanch Wynn, MH owner, Sacramento County.

We know that the California Legislators have, for more than quarter of a century, worked very hard to put in place a body of law to show their concern for and their understanding of the almost half-a-million mobilehome owners in this state. The problem to address now is, after the Legislature has done its work and passed a law, we have to hire an attorney to get the law enforced. The problem is, we have to buy enforcement.

Harry Foulks, Regional Director, Region 14, GSMOL:

Something has to be done so that a publicly financed enforcement effort can be made and if such attorneys as district attorneys were to do that, if the actual costs involved, first, they would screen any complaints. And complaints that did not have merit, you would not see showing up in the courts.

John Bertaut, resident of Meadowbrook Mobilehome Park, Sacramento and representative of Home Owner’s Protectorate Entity (HOPE).

Mobilehome owners generally accept a lowered standard of living from a need based on financial circumstances. We live in flimsily-built structures, crowded next to our neighbors, near a busy thoroughfare and/or railroad track, and we accept these conditions based on a belief that the trade-offs will compensate us. The trade-offs we expected were in the form of a stabilized space rent and the security of living within the friendly confines of a park with others like ourselves. These trade-offs are seldom realized.

First, we find that space rents increase at a rate much greater than the rate of inflation as gauged by the Consumer Price Index.

Secondly, the vast array of rules and regulations governing us, and used selectively as needed at the whim of the resident managers, cause us to feel as if we are living in a tightly run

MH Life Magazine This & That

MH LIFE ARCHIVE

Our archive is HUGE! It includes 7-8 years of The Voice, COMO-CAL's newsletter, and another 5 years of Mobilehome Magazine (MH Life, etc). This issue's articles are just the tip of the iceberg, there are many more. We thought you'd appreciate reading these because they effect all mobilehome owners, just one or two. Just another reason to embrace us.

PARK MANAGERS & OWNERS

Just think about it. Unprofessional, disrespectful managers reflect on all managers. We're talking about managers those that cross the legal line to take advantage of their residents, i.e. those that interfere with sales and are abusive.

We want to challenge this group of managers and would think all professional, respectful managers (including the park owners group - the WMA) would embrace our efforts. Here is an excerpt of WMA's Code of Ethics:

The residents of mobilehome/manufactured housing communities, as homeowners, can expect recognition of their rights to privacy, respect, courtesy and dignity. The responsibility of management is to serve the needs of the community, and to provide safe and well-maintained common areas and community services. Mutual respect and concern are the governing principles of management-resident relations. Contentment, security and peace of mind are the desires of residents and the goals of management. To this end, management pledges that residents shall be free of worry of arbitrary or unlawful termination of tenancy.

Beware! Don't believe everything you read. In our experience, the WMA runs interference for at least some managers who break the law. After all, their purpose is to help park owners maximise their profits.

LET US KNOW

If you live in a park where you believe management is breaking the law, including manager abuse and interference of sales, please let us know.

DOES YOUR PARK RECEIVE MH LIFE MAGAZINE?

All residents should get a copy of MH Life Magazine. If your park does not currently receive it, let us know and we'll make sure you receive enough copies for all residents.

PARK CONTACTS

Step up and volunteer to be your park contact. That's the only way to get your park on our radar. We're here to help.

OUR MONEY CLUB WORKS

Join us and find out for yourself. Just ask our member that traded Direct TV for an antenna. He is saving an average of about \$120/month. That's \$1700 per year. And no longer must hassle with the cable company!

Did we mention? He receives over 200 channels free (including all local stations - CBS, NBC, ABC, PBS, etc), plus he can subscribe to several services, including Netflix, HULU, Playstation Vue, Sling, Amazon Prime, Acorn, etc. to get premium content!

Now we have tips on a) A very effective, cheap way to catch flies inside your home, b) A ball point pen that works all the time, c) A service to get free 2 day delivery to your front door of various items, including food items.

Send us your tips and we will share them with the Community.

AB1269

We have written Assemblymember Stone's Office formally supporting AB1269. If it passes, mobilehome owners will have a viable means to enforce civil laws (The Mobilehome Residency Law - MRL) for the first time ever. Call your Senator and tell them you support AB1269.

The bill passed out of Senate Judiciary at 7:15 July 11th on a vote of 5:2 with Democrats all supporting and Republicans opposing. It will be heard next in Senate Appropriations in August.

GOOD JOB MARION

Editor's Note: Remember from last issue, Starr Management in Indian Hills, Chatsworth notified our contact she could no longer distribute the magazine. Here's what our long time friend and supporter wrote to Jeffrey Leak of Starr Management: *My next door neighbor has been told that it is "illegal" for her to deliver this magazine in the Park! We have been getting this magazine for many years this way and it has never been a problem until now. What has changed and why is it suddenly "illegal" for us get it delivered in the Park?*

We have no Home Owners Association in this Park now and personally I find it nice to know what is happening in the outside world. What objections does Starr Management and Jill (our Manager) have with this. Please advise. Many thanks. Marion S.

Editor's Note: Jeffrey Leak has not yet replied and probably won't. This is typical when someone wants to break the law. So the ball is in our court. Perhaps we should just continue to distribute in the park; however, I'm sure few residents will want to confront Starr Management for fear they will retaliate - another violation of the law. Watch next month.

Mobilehome Magazine Archives

ARCHIVES - A VALUABLE SOURCE OF INFORMATION

This month we are taking the opportunity to republish a few very important articles from our extensive archive of articles. The index on page represents a very small portion of the index listing articles contained in our magazines (Sept./Oct. 2011 - August 2017).

This index will allow our readers to find articles on specific subjects, without having to go through hundreds of magazines. In fact, we have listed over 600 separate articles in the index on topics such as Advertising (8), Advocacy (62), Cities (60), Distribution (10), Enforcement (16), Interference of Sales (3), Management (16), MRL (6), Rent (10), Retaliation (4), Selling Your Home (7), and much more. Plus we offer our 36 page FAQ Handbook, an invaluable reference.

CATEGORY	#
Advertising	8
Advocacy	62
Cities	60
Distribution	10
Enforcement	16
Interference	3
Management	16
MRL	6
Rent Issues	10
Retaliation	4
Selling MH	7

We provide a unique service to the mobile/manufactured home owner Community. No other advocacy group displays so much information (6 years of magazines), all of which can be downloaded one page or the whole magazine at a time.

No one has an index, by subject, of articles. And in fact no one comes close to providing as much information as Mobilehome Magazine or reaching the number of households as does Mobilehome Magazine.

WEBSITES

We have three websites where our magazines are displayed:

www.mhonet.org (The Network)

www.mobilehomemagazine.org (Our Original Site)

www.comocal.org (Our old coalition site)

TIP OF THE ICEBERG

Providing you important information is just the tip of the iceberg of what we do. Keep in mind, we serve you. We feel anything that effects you, your investment and/or your quality of life is fair game. This includes articles on GSMOL as we feel we have a responsibility to get the facts out to the Community. And we challenge anyone who believes we are not credible or acting in their best interest.

AB1269 - ENFORCEMENT

It has been 40 years since the MRL was introduced. All that while, mobilehome owners have been extremely vulnerable. Why? Without a viable means of enforcement, any park owner, any manager can essentially break the law at will. Only residents with lots of money and time, ones that are able to find an attorney well versed in the MRL, have been able to fight illegal park actions.

We are happy to see that might soon change with the introduction of AB1269 - Mobilehome Residents and Senior Protection Act. But remember, even if it passes and is signed into law, you are vulnerable until July 2019! We have a solution.

WE ARE THE ENFORCER

We strongly believe any illegal act by park management should be immediately challenged with a letter. We need to demonstrate we will no longer roll over and play dead.

That's where we come in. We will do the hard lifting for you. We will write and deliver letters to the offending manager(s). All through this process, you will be protected because we will not mention your name.

The power of one, if fearless and focused, is formidable, but the power of many working together is better.

Gloria Macapagal Arroyo

Benefits of Membership in The Network

IMMEDIATE BENEFITS

- Monthly issue of MH Life Magazine
- Access to Help Line (818-886-6479)
- Access to member website
- Knowledge that someone is working to protect your rights.
- A 36 page Frequently Asked Questions and Answers Handbook. It is a must-have for all residents (must have 20 members in your park). Existing members can receive the Handbook, just send us \$2 for postage.
- A free tip that will help you save your hard-earned money and will pay for your membership many times over. And more tips to come - all free.
- We offer a 90 day full money back guarantee.

YOUR CONCERNS

Question: Is my information kept confidential? Absolutely.

Question: I'm reluctant to provide my phone number.

Answer: Don't be. We will not call unless it is an emergency.

When do I renew? On or before 1/1/2018. We will not send out renewal notices. When you renew, there is no need to fill out an application again unless your information has changed. Just send us a check, with your membership number on the

memo line.

Still reluctant to join. Then at least do your part and send us a donation. We will destroy your information so it will be anonymous.

OUR GOALS

- To offer you a low cost way to protect your rights.
- To UNITE mobilehome owners
- To get everyone working together & more efficiently
- To provide you a viable means to enforce the laws already on the books (MRL).
- To challenge park owners and managers who are violating the law.
- To donate profits from Mobilehome Magazine to your community.
- To better serve you by offering much more than just advocacy.
- To provide resources to those who support us.
- To provide you money saving suggestions you can use to improve your financial situation and diminish some of your stress.
- In the future, to provide you more suggestions to save money and improve your lifestyle.

Network Membership Application

NAME: _____ Date: _____

MAILING ADDRESS: _____ E-MAIL: _____

SPACE #: _____ CITY: _____ ZIP: _____

PHONE #: _____ PARK NAME: _____

____ Network Membership (expires 12/31/2017). (\$10) \$ _____

____ Please send me the 36 page FAQ Handbook + Membership (\$12) \$ _____

____ Please send me my free Tip (refer to page 10). Tip # _____ \$ _____

____ I believe in the cause and your good work. I want to donate. \$ _____

____ I will help out. ____ I will deliver magazines. ____ I will get members.

Make Checks Payable to: **Mobilehome Magazine**

MAIL TO: Mobilehome Magazine, P.O. BOX 3774 , Chatsworth, CA. 91313

8/2017

Representative for MH Life

We are looking for someone dedicated to helping mobile-home owners who will be the 'face' of MH Life Magazine and The Network. This is a part time job - perhaps up to 40 hours a month.

Requirements:

- Passionate about our cause
- Has computer & internet. Not afraid of technology
- A people person / Good communicator
- Responsible, honest, trustworthy
- Go-Getter /

Responsibilities:

- Promote MH Life and The Network
- Call contacts in parks, visit parks, call meetings
- Be the face of MH Life and The Network

Compensation: \$10-\$15 per hour depending on qualifications

Who: Anyone - mobilehome owners, their kids, college students, i.e. anyone that has the passion to do a good job

Apply: Call or email Frank Wodley at 818-886-6479 / fawodley@yahoo.com..



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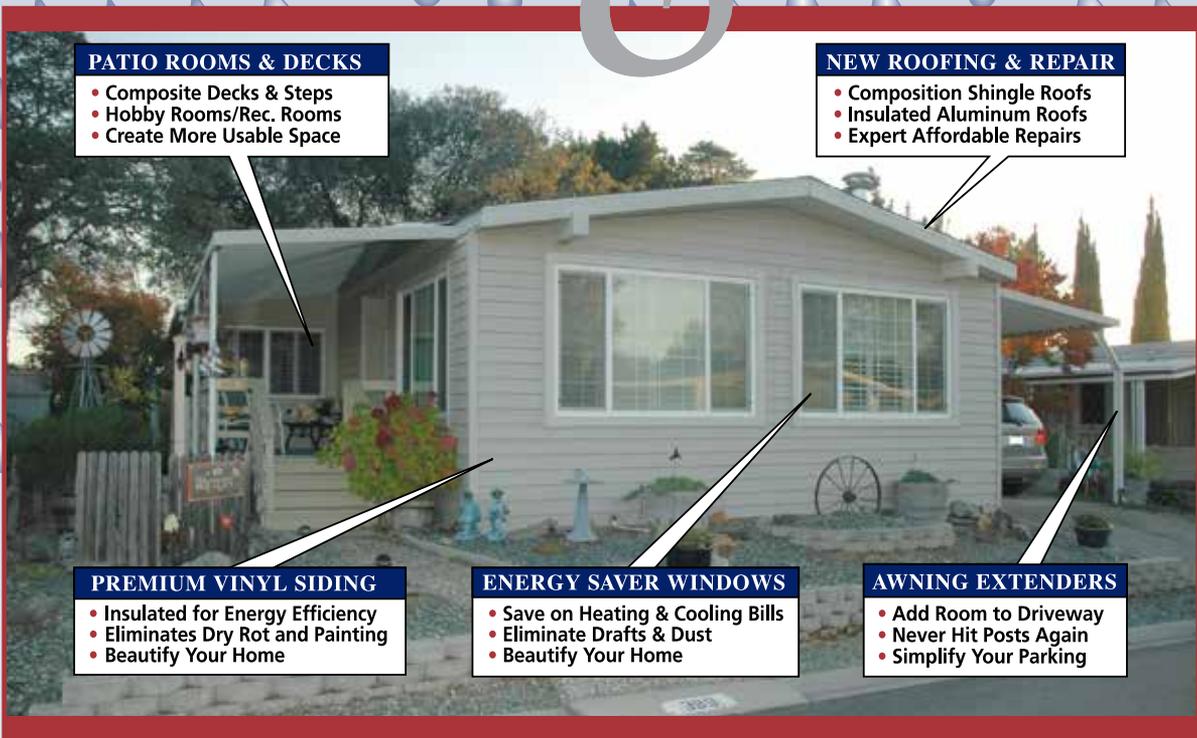
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