



THE VOICE

COALITION OF MOBILEHOME OWNERS

OCTOBER 2006 VOLUME 2 ISSUE 10

TELL EVERYONE YOU KNOW—VOTE **NO** ON **90**

Thirty-Eight days and counting. The November 7th election is just around the corner.

Please, if you are reading this, YOU are the one who must make a difference. Please:

- Pass out **NO** on 90 fliers (call us and we'll send them to you).
- If your park has a recreation committee or newsletter, use them to get the word out.
- Write a short article and send it to your local paper.
- Telephone friends, relatives, and neighbors. Have them telephone their friends, relatives, and neighbors. ALL VOTERS in the state of California should VOTE NO.
- Send emails to all in your address book that live and vote in Calif.
- If you have a hard time getting to a polling place on election day, contact your local registrar to become an absentee voter.
- Call us to volunteer your help.
- DONATE - we want to send a donation for TV time.
- Above all, VOTE **NO** ON **90**.

Here is some of the fine print which will make it illegal to have rent control in any area that does not have it now. Notice there is no mention of "rent control."

"Except when taken to protect public health and safety, "damage" to private property includes government actions that result in substantial economic loss to private property. Examples of substantial economic loss include, but are not limited to, the down zoning of private property, the elimination of any access to private property, and limitations on the use of private air space. "Government action" shall mean any statute, charter provision, ordinance, resolution, law, rule or regulation."

vote **NO** on **90**

WELCOME!

CoMO-CAL welcomes all our new members. We are here for you. Our organization is for our members, by our members. We welcome your input, we welcome your suggestions, and we will make every effort to answer your questions and assist you. We welcome articles for THE VOICE, and we need you to volunteer your time and donate to support our cause. Today we can say we are the fastest growing advocacy group in the State of California. Our “religion” is not CoMO-CAL, but all California mobilehome owners! You come first!

Please tell us what’s happening in your park. Tell us about any litigation or lawsuit? Do you feel your owner or manager is breaking the Civil Code? If so give us a call and alert us. Tell us also if you are happy living in your park. We want to hear from all.

The November election approaches, now only a month away. Please make every effort to tell ALL your friends and neighbors, whether living in a mobile home park or not, to VOTE NO on Prop 90. Some of our members are already calling their friends all around the state, and having them call their friends, etc. We can’t afford to let Prop 90 pass! It could have disastrous consequences for ALL VOTERS!

We now have members in about 250 parks across the State. If you have a residents’ group in your park, please suggest your organization join our CoMO-CAL family. **For only \$5.00/year/member, each member of the resident organization will receive THE VOICE, and many other benefits.** What better way to be informed. You can incorporate your local newsletter with our monthly newsletter. We believe if all mobile home owners across the state joined for \$5 a year, we wouldn’t have the problems we have today. See page 5 for further information.

The battle continues without letup. We continue our efforts to unite mobile home owners and we hear daily of other challenges to our way of life. Condo conversions, another way to get around rent control, are getting headlines around the state.

October 16th is the last day to apply for “renters assistance” or homeowners assistance. These programs help low income seniors. Refer to page #6 and get your application in. The eviction process is detailed on page 10. Page 11 is another alert regarding sales of older mobile homes and park upgrades.

EXECUTIVE BOARD

FRANK WODLEY
President
818-886-6479

PAUL KENNEDY
Secretary
818-773-7416

ROSE ROSALES
Treasurer
818-886-6479

RALPH WEBER
Antelope Valley President
661-723-6997

FLOYD GILBERT
Antelope Valley Representative
661-722-5799

STEVE MOLSKI
San Diego Representative
619-427-1221

NEWSLETTER EDITOR

FRANK A. WODLEY
E-Mail: fawodley@yahoo.com

<http://www.comocal.org>
818-886-6479 / 800-929-6061

CoMO-CAL, Inc. is a non-profit organization committed to protecting the rights of mobilehome owners in the state of California. All persons living in a mobilehome are eligible for membership on an equal basis, except management, owners and employees of owners.

THE VOICE is published monthly by the Coalition of Mobilehome Owners—California for the use of its members.

THE VOICE welcomes articles of interest to mobilehome owners.

Prop 90 - Deceptive Initiative Disguised as Eminent Domain Reform Contains Hidden Provisions that Will Cost Taxpayers Billions

Taxpayer, homeowner, police and fire, education, business, environmental, local government and community groups are opposing a deceptive initiative on California's November ballot, dubbed the "Taxpayer Trap" initiative. Proponents say this measure is about eminent domain reform. But that's just the bait. The trap is hidden within the fine print of the measure -- far-reaching provisions that will cost taxpayers billions of dollars. Here's why leading organizations oppose Proposition 90.

The Taxpayer Trap would:

- **Cost all taxpayers billions.** Prop. 90 will require billions of dollars in new payouts any time a law or regulation is passed to protect our neighborhoods, control development, protect air and water quality, restrict undesirable businesses or enact new consumer protection laws. That's because the measure contains a hidden provision that allows virtually anyone to sue claiming a new law or regulation has impacted the value of their property or business – no matter how far-fetched the claim – and taxpayers will be on the hook to pay the bill.
- **Result in thousands of frivolous lawsuits and more bureaucracy and red tape.** Prop. 90 encourages frivolous lawsuits and new layers of bureaucracy and red tape. Virtually any speculative landowner or business looking for a windfall can file a lawsuit under this measure, claiming even the most minor new law has impacted the value of their property. After a somewhat similar law was recently passed in Oregon (a much smaller state), nearly 2,000 claims were filed – seeking \$3.8 billion in payments that taxpayers of that state could ultimately have to pay.
- **Drive up the cost of infrastructure projects like schools, traffic relief and flood control.** Prop. 90 requires new and unreasonable payouts whenever agencies acquire property for public works. These provisions will drive up the cost of infrastructure projects, cause delays, or even halt work on much-needed community projects. Taxpayers pay, or citizens lose out on the congestion relief, road repairs, schools, utility services and other infrastructure projects we need.
- **Prevent voters and state and local agencies from enacting environmental protections.** Prop. 90's provisions would severely restrict the ability of voters and local and state agencies to enact and enforce basic laws that protect our coastline, preserve open spaces and farmland, protect air and water quality, and protect environmentally sensitive areas. The measure makes pollution a property right, forcing the taxpayers to pay to stop pollution.
- **Jeopardize funds for police, fire and other critical local services and make it more difficult to enact new consumer protection and even anti-crime laws.** Prop. 90 would dramatically reduce resources available for local police and fire protection, emergency response and other critical local services by forcing local governments to pay billions of dollars to enact measures that protect communities. It will also discourage new consumer protection and criminal laws from being enacted. For example, the initiative could require new taxpayer payouts for laws protecting consumers from identity theft, fraud and other crimes if the offending business makes a claim that such laws "damage" their business – payouts that could make these laws too costly to enact.
- **Undermine the authority of local communities and local voters.** Prop. 90 will undermine the ability of local communities and even local voters to decide what types areas. The measure makes pollution a property right, forcing the taxpayers to pay to stop pollution.

(Note: The source for the above material is noprop90.com)

Did you think this sort of initiative is only on the ballot in California? Not so. The pro-Prop. 90 campaign raised and spent about \$2.4 million through the end of June. Of that total, \$1.5 million came from Howie Rich of New York **who grew wealthy in real estate and owns apartments across the country**. That should be a warning to mobile home owners right there! In fact Mr. Rich is funding similar ballots in 10 other states. Oregon passed Measure 37 a year ago. The consequences are already being felt..

VALLE VERDE COURTYARD, CHATSWORTH**A Perfect Example How We Can Work Together**

On September 1st, we started receiving calls from CoMO-CAL members in Valle Verde who had received seven-day notices. Although some “violations” listed were reasonable, others were not. In less than 24 hours we had found a whopping 174 out of 184 spaces had received notices 122 notices required residents to paint their homes, in seven days, using a color scheme recommended by the park, at a cost of \$1500 or more. As we have seen in the past, the park delivered notices late on a Friday afternoon, prior to a three day holiday weekend, so residents had NO CHANCE to discuss their notice with management until the following Tuesday (4 days later and 4 days closer to eviction). And ALL notices contained the following threat to take their spaces: **“Failing to comply with this notice, legal proceedings will be commenced against you to recover the premises and possibly TREBLE RENTS AND DAMAGES. You are required to adhere to the VALLE VERDE COURTYARD rules and regulations. You are required to conform within seven days.”**

Not unexpectedly, Valle Verde is a WMA (Western Manufactured Communities Association) park, which means the park owner belongs to WMA, as do approximately 1700 parks across the state of California. WMA has a strong network and advises their member parks. Although the park could have accomplished their goal in a much more friendly, “let’s do it together” way, they chose this legal, but very threatening approach. **Perhaps their goal was not as much park cleanup as mass evictions!** Of course the manager denied that this had anything to do with evictions. Don’t be fooled, seven day notices can lead to eviction.

Richard Ramirez, Mobile Home Park Task Force Member and CoMO-CAL representative, immediately distributed fliers calling for a general meeting of all residents. Over 50% of the park attended. During the meeting, we did give information about the consequences of seven day notices, and suggested that residents organize a “residents committee” before trying to deal with any issues. Seven brave residents stepped forward. The next day CoMO-CAL and the residents committee met. Assignments were made, priorities established, and the next general meeting was scheduled three days later. One priority was to get more than 50% membership in the park, After 10 short days, the association has a membership of over 45%! CONGRATULATIONS! A second priority was to work to see that not one resident was evicted. Their UNITY seems to be working. Management says all but four residents are complying and as of September 12th no one has received a second notice.

Our attorney, Mr. Stuart Parker, was consulted on several occasions. He suggested residents take “before and after” photos, and work on the easier, less expensive violations first, showing the park that they are cooperating. He also advised us that “painting” should not be a park violation, unless required by a local ordinance or state statute. We believe there is no such ordinance or statute. If the park continues to force residents to paint, and threatens evictions, Mr. Parker may step in.

One final note. It is extremely stressful when anyone receives a notice threatening eviction. And seven day notices can result in the loss of your home! **Where else in America does this happen?** Some parks continue to demonstrate they want to evict us and take our homes. Valle Verde residents are stepping up to the challenge and CoMO-CAL is there to support. And they intend to picket to make their community aware of this serious issue. Let’s unite and fight this together. **YOU ARE** making a difference.

You can do this in your park also! Read the article on the next page. You need to stand up for your rights. You need to demand respect. Although Mobile Home Parks are private property, **YOU ARE AN AMERICAN.** You DO have rights! And CoMO-CAL will support your fight

Try THIS in your PARK It REALLY WORKS!

What should you do if you want REAL PROGRESS in your park? Today THE VOICE is delivered to over 225 parks. Most are not organized, which probably means most will not see any change. And unfortunately most have no idea what is involved in forming a residents' advocacy group in a park. WE DO, WE WILL HELP.

If you really want to make a difference, we suggest the formation of a resident's organization (HOA, CoMO-CAL Chapter, call it what you want). All it takes is 3-4 residents willing to serve as a resident committee (Board of Directors) and a membership willing to support them. No state-wide organization can make a difference unless you, your friends and your neighbors are organized. It doesn't take that much time, and there are other benefits besides gaining some control over your own lives. We suggest you have social events where you can get to know your neighbors and make new friends. This is what life in a park should be.

CoMO-CAL has a terrific newsletter. Use it to organize your park. Give us a call and we will send you enough newsletters for your park. All we ask is a small donation to help cover our costs. Or simply copy this article, along with a CoMO-CAL application, and distribute it in your park. Of course it will take time and effort, but TOGETHER we can make a difference. Mobilehome owners need to be informed and UNITED. Remember, if every mobile home owner joined CoMO-CAL, we wouldn't have many of the problems we have today. Unity works. This has been proven time and time again. And today it is being demonstrated in Valle Verde Courtyard.

What if you already have organization in your park, like a HOA? Why not join CoMO-CAL as an association? You'd be doing a great service to your membership. Why? All members would receive THE VOICE and be informed about our laws, and happenings around the state. Plus they would receive other benefits.

How would it work? Simply send CoMO-CAL a list of your membership. Include a check for \$5.00/member. This entitles each member full membership in CoMO-CAL for 12 months. ONLY \$5.00 per year! **For just \$5 a year, we have a chance to make a difference!** All mobile home owners should join. WHAT A BARGAIN!

What's the catch? There is no catch. Your resident organization would receive THE VOICE, by email, approximately two weeks prior to the first of the month. They would print and distribute it to you. Everyone benefits. CoMO-CAL does not have to keep track of your membership, nor do we have printing or mailing costs. And you have full benefits from CoMO-CAL: our monthly newsletter, letters on demand, flyers on demand, small claims court assistance, legal advice, and attorney referrals when the need arises.

Here is the procedure to sign up as a HOA:

1. The HOA must have a Board of Directors & should have at least 4 meetings a year.
2. All members of the HOA must join CoMO-LAC.
3. The HOA will receive a newsletter two weeks prior to its issue date. The HOA will make copies for their membership and distribute the newsletter to all their members.

We feel this is a great way for HOA members to become part of a statewide organization with many voices. You already know our newsletter – a HOA could use it as the basis of their newsletter and put inserts with local or park information. And the cost is quite low for the services we offer. We need to unite all mobilehome owners across the state of California. What better way? And everyone can afford \$5.00.

FILE BEFORE OCTOBER 16TH FOR THESE PROGRAMS

Renter Assistance Program: This program allows a once-a-year payment from the State of California to qualified individuals based on part of the property taxes that they paid indirectly when they paid their rent. The maximum amount of assistance that a claimant may receive is 139 percent of \$250.00, the statutory property tax equivalent ($139\% \times \$250.00$), which is \$347.50. You may be eligible to file a 2006 claim for Renter Assistance if you are a United States citizen, designated alien or qualified alien when you file your claim and you met the following criteria on December 31, 2005:

- You were 62 years of age or older, blind, or disabled,
- You lived in a qualified rented residence in California,
- You paid \$50.00 or more per month in rent on that residence, and
- You had a total household income of \$40,811, or less.

For example, if you had an income of \$10,000, your “refund” would be \$347.50, at \$15,000, it would be \$290.00, at \$25,000, \$112.50, and at \$30,000, your refund would be \$42.50.

Homeowner Assistance Program: This program allows a once-a-year payment from the State of California to qualified individuals based on part of the property taxes assessed and paid on their homes. For the 2006 claim year, the maximum amount of assistance that an eligible homeowner may receive is \$472.60, which is 139 percent of the property taxes paid of the first \$34,000 of full value of the home ($139\% \times \$340.00$). You may be eligible to file a 2006 claim if you are a United States citizen, designated alien or qualified alien when you file your claim and you met the following criteria on December 31, 2005:

- You were 62 years of age or older, blind, or disabled,
- You owned and lived in your own home, and
- You had a total household income of \$40,811 or less.

Nonrefundable Renters Credit: This is a tax credit available to qualifying California residents who paid rent on their primary residence. The Nonrefundable Renter's Credit is a personal income tax credit that can only be used to offset your tax liability; therefore, you must have a tax liability to claim the credit.

You qualify for the Nonrefundable Renter's Credit if you meet all of the following:

- You were a resident of California in 2005.
- Your California adjusted gross income (AGI) is \$30,794.00 or less if your filing status is single or married filing a separate return; or \$61,588.00 or less if you are married filing jointly, head of household, or qualified widow (er).
- You paid rent for at least half of 2005 for property in California that was your principal residence.
- You did not live with another person for more than half the year (such as a parent) who claimed you as a dependent in 2005.
- You are not a minor living with and under the care of a parent, foster parent, or legal guardian.
- You rented property for more than half the year that was not exempt from California property tax in 2005.
- If you are married, neither you nor your spouse was granted a homeowner's property tax exemption during 2005. (You can still qualify for the credit, even though your spouse claimed a homeowner's exemption, as long as each of you maintained a separate residence for the entire year in 2005).

Santee Residents get 'rolling'

Mobile home seniors protest higher rents with lower checks, but could face eviction

By Michele Clock UNION-TRIBUNE STAFF WRITER August 31, 2006

Writing paid under protest on their rent checks wasn't getting them anywhere. So some seniors decided to take more drastic measures. Sick of paying what they say are illegally high rents, 17 residents at Meadowbrook Mobile Estates, a park on the city's western end, are deducting about \$60 a month from rent checks. They argue that the owner, Equity Lifestyles Properties Inc., has overcharged about 330 of the park's dwellers for almost three years in violation of the city's mobile home rent control law.

The adjusters, as they call themselves, said their gripe stems from the Chicago-based company's move in 2004 to raise rents about 10 percent and charge a one-time fee of more than \$900. Meadowbrook's homeowners association sued the company, at that time called Manufactured Homes Communities, to challenge the increase and one-time fee. The renters are hoping their scaled-back payments will force faster legal action.

We're just kind of disgusted and I think we just feel like we want to get something rolling, said Evelyn Matzen, 84, who paid less in August. We just want to bring it to trial. State law says tenants may be evicted for failing to pay rent. The company has yet to evict anyone but also has returned all adjusted rent checks, warning the residents to pay full rent or move in 60 days, said Jim Montague, 75, who adjusted his rent in March, the first resident to do so.

Montague is hoping that if he is taken to court and wins, everyone in the park will be able to do this with absolutely no fear. Another 15 residents joined him late last month and paid less for August rents, and one more plans to follow suit with the September payment, due tomorrow. Their rents average about \$750. They say they don't need to look for another place to live, because they're confident that they'll prevail over the company.

A call to an ELS attorney in Chicago this week was not returned and a Santa Ana-based attorney listed as representing the company could not be reached for comment yesterday.

In Montague's case, the 60-day mark passed two months ago, but he has yet to receive an eviction notice. Fifteen of his fellow adjusters could receive eviction notices starting in October. Montague said he wouldn't let residents who are scraping by month-to-month or who are in fragile health participate in the protest. He's told people not to take part if they had any doubts. Their grievance is the latest in a long-running struggle over how much the company should be allowed to charge park residents.

The city's rent control ordinance, adopted in 1994 after years of debate, caps the amount of rent a mobile home park landlord can charge based on inflation. Santee has faced legal challenges over the constitutionality of the policy. ELS alone has filed three suits against the city over mobile home rent control. The company instituted the 10 percent rent hike and charged the \$900 fee in January 2004, Montague said, after a San Diego Superior Court judge in 2003 threw out two versions of the rent-control ordinance.

But the city of Santee sued the company, challenging the increase and fees, and the case is pending, said City Attorney Shawn Hagerty. Meadowbrook's homeowners association also sued the company to recover the \$900 fees, and to stop the company from raising rents beyond what residents felt was legal. A trial date is set for February, Montague said.

More recent rulings have favored the city and Meadowbrook residents; the two other suits filed by ELS against the city are pending on appeal. The Matzens and others in the group are quiet when asked if they have a plan if evicted. Evelyn Matzen, who moved to the park in 1995, said she's not worried, though she has jokingly told her children, Look out, Grandma's moving in.

She said she and her husband could also move to their 35-foot RV parked in the Borrego desert. It's funny because usually I'm the nervous one about stuff, but I just feel like it's the right thing to do, and that's what's given me peace of mind, she said.

Mobile home conversion plan angers residents

[Times-Herald](#) - Vallejo, CA September 5, 2006

By MATTHIAS GAFNI, Times-Herald staff writer Vallejo Times Herald

Residents of a Vallejo mobile home park are fuming in the wake of an announcement this week that the owner plans to convert the ownership structure, potentially raising rent and adding dues for tenants. The move could have ripple effects on other local mobile home parks, officials said.

The Vallejo Mobile Estates owner's attorney said the conversion from a rental mobile home park to one of resident ownership could benefit all sides. Despite getting grilled at a standing room-only meeting Wednesday night at the park clubhouse, the owner's attorney Richard Close said as long as certain steps are followed, there's nothing the city or residents can do to stop it. He may be right.

"It does appear by law that the city is very limited in what we can do," said Laura Simpson, Vallejo's housing and community development manager, who attended the meeting. "The city attorney is looking into the case," Simpson said, referring to an appellate court ruling on a Palm Springs case restricting a city's influence in a conversion. "They're researching the outcome of that case and what implications that will have on the city because it hasn't happened here before."

Lou Delgado, the park's tenant representative, said Biggs is taking advantage of a "loophole" in state law. "He's using a law basically written out for the residents to buy the park. It was never written out for what the park owner is doing here," Delgado said. "All it is is a ploy to circumvent rent control."

Close said state law is written to encourage residents to become owners, and owner Ed Biggs already has received positive feedback from residents. "The owner had received calls in the past from residents who wanted to buy spaces," Close said. "No. 2, the owner wanted to increase the value of the land in the lot."

Currently, most Vallejo Mobile Estates residents own their mobile homes and rent the land underneath from the park owner for roughly \$300 to \$500 a month, Delgado said. Under state law, Biggs must follow protocol before converting the park. "State law says that as long as the owner does A, B, C and D, the city must approve it," Close told the audience at Wednesday night's 90-minute meeting. Once the city approves the application, it only takes one resident to buy his or her plot to trigger the new rules.

Residents can refuse to buy the land and continue to rent. Low-income residents (\$38,000 annual income or \$44,000 for two people) would still have similar rents, but renters with higher incomes would have their monthly fees adjusted to state market levels, which are generally higher.

"It'll put seniors and single moms and single dads on the street," said Michelle Miller, a two-year resident at Vallejo Mobile Estates. Biggs made the same move earlier this month at his mobile home park in Pacific Palisades, where monthly rent reportedly was headed from \$500 to \$1,300 after the conversion there.

Former city council-member Joanne Schivley attended Wednesday's meeting and voiced concerns. "The concern for the city is where will the people who may be displaced go. We may be increasing the homeless population, placing a greater demand on our city resources," Schivley said.

In addition to potentially increased rent, Schivley said residents would be stuck with a homeowner's association fee under the new deal. And until 51 percent of the park is owned by residents, the owner would control the association and its decisions, according to state law.

Attorney Close countered, saying that at 51 percent ownership, the buyers would get a break on property taxes. "It's a complicated area. That's why we had the meeting, which was voluntary," Close said. "I knew I'd be abused."

But it was an opportunity for 80 percent of those in the room that wanted information, and 20 percent didn't want to hear any of it.

"People buy because they want an appreciation in the value and it's a way to protect your investment in your home," said Close, adding that buyers could get city and state assistance to help with the purchase.

Five-year resident Matt Lawson said the park already has new trailers not selling in the park, and doubts older trailers will ever sell tied to the land. "The only thing he is doing is shuffling his money to his benefit," Lawson said. "The thing is, who's going to buy my trailer at \$80,000?"

Biggs' attorney said the opposite is true. "What I've found in the past, once the public knows the park has been converted to park ownership, demand increases," Close said.

The complicated issue could find itself burgeoning at other local parks. "It's possible others will wait and look at it and see how the outcome turns out," housing official Simpson said. It's not the first time Biggs has raised the ire of Vallejo Mobile Estates residents. In 2004, Biggs tried to raise rents by about \$2 a month in order to buy a new \$61,000 trailer to replace the park manager's older unit, which the park owner said was infested with mold. The council denied his request after residents complained they shouldn't be burdened with that cost. Biggs took the city to court and, earlier this year, the city decided to settle with Biggs and pay him \$25,000 rather than risk spending more legal fees.

Last month, residents say the park manager received the new trailer, adjacent to the clubhouse. Residents have grown accustomed to such maneuvers, Miller said. "In this park there's not a lot of trust. Residents don't trust management, they don't trust the owner," said Miller, citing continual deferred maintenance issues.

Warren Acrey, who's lived in the park for more than a decade, said he realizes state law makes this an uphill fight. "Biggs is going to get it one way or another. It's a done deal," Acrey said. "The only way to fight him is to take him to court with a couple million dollars."

VALLEJO AND SANTA MONICA PARKS USING THE SAME ATTORNEY

Attorney Richard Close of Gilchrist & Rutter gets around. He represents the owner of Vallejo Mobile Estates in Vallejo, in a condo conversion. (See article on Page 8) and also the owner of Village Trailer Park in Santa Monica in a closure action.

Residents of Village Trailer Park were notified the park will close on July 31, 2007. Ralph Meyer, a park resident, wrote that "the homeless population in Santa Monica may swell by about one hundred due the closing" because the homes there cannot be relocated and the residents face eviction." The park is zoned RMH—Residential Mobile Home Park. The land use designation is Special Office for large-floor office/research and development usus. Therefore, conversion to most other uses will require a rezone, a general plan, amendment depending on the use sought, permit approvals, application permits...

Close has stated that California state law "preempts local regulation of a change of use termination: and that the state law "broadly authorizes a park owner to change the use of the park for any reason whatsoever and under any circumstances.

Deputy City Attorney, Seltzer that there will be a response to Close's letter.

(Editor's Note: e-Mail CoMO-CAL for the full article on Village Trailer Park's closure)

Can I stop an eviction if it will leave me without a home?

From SENIORS & THE LAW, a Guide for Maturing Californians

The fact that an eviction will leave you homeless is not a legal defense. However, you cannot be kicked out of your home without a court order issued by a judge. And even then, only a sheriff or marshal can actually evict you. Your landlord cannot lock you out or shut off your utilities without going through a legal process. If you break your rental agreement by failing to pay your rent, your landlord could send you a three-day notice. If you did not violate your rental agreement, the landlord could send you a 30 day notice. Then, after the notice period is over, he or she could file an unlawful detainer seeking court-ordered eviction. A copy must be delivered to you. At that point, you would have five days to oppose the eviction by filing a written answer with the court. Seek legal help immediately. If you ignore an unlawful detainer, it could result in a default judgment authorizing immediate eviction.

If you cannot afford the fee for filing an answer, you can submit a form asking the court to waive it. And if you have very little income and cannot afford an attorney, you may qualify for assistance from a local legal aid society.

Even if the court authorizes the eviction, however, you have a last resort. You could file a petition for relief from forfeiture. If the eviction would be harder on you than your continued residence would be on the landlord, the judge may allow you to stay if you are able to pay the rent.

You could also ask the judge to postpone the eviction to give you time to prepare an appeal or to find somewhere else to live. Judges often grant such a request if you pay all of the rent up to your departure date.

Remember: You cannot be physically removed from your property without a court order signed by a Superior Court judge. Even then, only the Marshall or County Sheriff's officers can remove you, not park management.

Park managers will sometimes try to evict a resident owner's guests living in the mobilehome. The MRL defines the guest's rights as:

MRL 798.34 (b) - homeowner living alone may have one other person move in without imposition of a fee.

MRL 798.34 (c) - homeowner living alone may have one other person move in as caregiver, with treatment plan from owner's doctor, without imposition of a fee.

Here are three of the seven lawful reasons for an eviction from a mobile home park:

1. Conduct which is a substantial annoyance to other residents. The burden of proof is substantial and solely on management. Statements from the annoyed residents affected must be presented in court.
2. Failure to comply with reasonable park rule. (after 7 day notice was issued to resident). The burden of proof is substantial and solely on management.
3. Nonpayment of rent, including utility charges and fees. (after 3 day notice was delivered to resident and notification to lien holder, junior lien holder and registered owner if different from homeowner.)

THE FOLLOWING ARE TWO IMPORTANT ISSUES THAT SURFACE IN PARKS TIME AND TIME AGAIN. WE HAVE ALREADY WRITTEN ABOUT THEM IN PAST ISSUES OF THE VOICE. THEY ARE SO IMPORTANT, WE WANT TO ALERT YOU AGAIN. DO NOT BE FOOLED!

PARK OWNERS INCREASE THEIR PROFITS BY “UPGRADING THE PARK” & SCAMING US

One method to increase park profits is to convince residents the park is allowed to upgrade by removing older mobile homes. For instance, one park recently wrote “the whole look of the park is what keeps the value of our homes up. Yes, we are replacing homes in the Park which are older than 1971-1974 as they come up for sale as allowed per the MRL and Park Agreements.”

So what’s the catch? **THE MRL DOES NOT ALLOW SUCH AN UPGRADE! PERIOD! DO NOT FALL FOR THIS SCAM! ALERT CoMO-CAL AND LET US INVESTIGATE.**

The law states you are allowed to sell your mobilehome if it meets code. It is the park who must demonstrate there are code violations. You can have a HCD inspection (\$66) to receive a written report of any violations. Normally you have 30 days to correct any violations of the code. This is the law. Don’t be fooled. If you have any doubt what your rights are, please call CoMO-CAL immediately.

UPGRADES UPON SALE—WHEN IS THE PARK JUSTIFIED?

Park management may never require upgrade repairs or improvements for a mobilehome that remains in the park unless all three of the following conditions are met:

Condition No. 1: The repair or improvement is to the mobilehome, its appurtenances, or an accessory structure that is not owned and installed by the management, unless the damage has been caused by the actions of negligence of the homeowner;

Condition No. 2: The repair or improvement is based upon or is required by a local ordinance or state statute or regulation relating to mobilehomes, or a rule or regulation of the mobilehome park that implements or enforces a local ordinance or a state statute or regulation relating to mobilehomes; and

Condition No. 3: The repair or improvement relates to the exterior of the mobilehome, its appurtenances, or an accessory structure that is not owned and installed by the management.

In summary, the legal ability of park management to require "upgrades" for mobilehomes that will remain in the park is entirely dependent upon the park management being able to establish the violation of a local ordinance or state statute or regulation relating to mobilehomes that would occur if the "upgrading" were not accomplished.

Stuart Parker, Esq. Attorney at Law smp@stuartmparker.com

SUGGESTIONS FOR LEGISLATION IN 2007

How about closing some loopholes in the MRL? Let's suggest the following changes to the MRL:

ISSUE #1:

Some parks under a rent control ordinance are only offering NEW BUYERS long term leases in order to get around rent control. The MRL (Mobilehome Residency Law) Section 798.18 states a "homeowner" shall be offered a rental agreement for a term of 12 months, or a lesser period as the homeowner may request or a longer period as mutually agreed upon.

So what's the problem? Those naïve buyers coming off the street wanting to purchase a mobile home are NOT PROTECTED because they DO NOT have tenancy in a mobilehome park under a rental agreement. So let's rewrite 798.9—DEFINITION OF HOMEOWNER—to include NEW BUYERS.

ISSUE#2:

Let's rewrite 798.24 POSTING OF COMMON AREA FACILITY HOURS. Today this civil code states that common areas (the park clubhouse, pool.....) will "remain open or be available." Some parks take advantage of the word "available." In Chatsworth, a park clubhouse has essentially been off limits for nine years. Often the doors are locked and residents seldom use it. Why? It started because of a park claim that the clubhouse was vandalized. Now management wants it to be reserved, rather than keep it open. One reason is they don't want us to organize and use it for a meeting place. Let's draw a line in the sand! We pay for it and it should be open during reasonable hours business hours for our use.

ISSUE #3

Milt Burdick, ex-GSMOL Vice President of Zone C and President of GSMOL Chapter 955, recently made the following proposal - stopping a park from requiring a buyer (new resident) to sign the park Rules and Regulations prior to becoming a resident.

:

Add to 798.23; (NEW)

- It shall be a violation of Chapter 2.5 of this code to require a buyer (new resident) to sign R & R prior to becoming a resident.
- R & R of the park shall not be part of the rental agreement or long term lease.
- Buyers should be advised that they are not required to sign R & R as a condition of residency. (reference 798.25 (b) and 798.25.5)

Today: Rules and Regulations (R & R) of MHPs

1. The requirement that a buyer must sign R & R subject to Park Owner approval of residency in the park.
2. R & R being part of the rental agreement or a long term lease and when you sign the rental agreement or lease you are automatically signing for R & R that may affect your rights under state law for the

County Mobilehome Park Conversion Ordinance Needed

By Betty Lovell, Orcutt Ranch

During a recent Santa Barbara County Board of Supervisors meeting, Hank Hoysak, Chairman of the Central Coast Manufactured-Home Owners Alliance (CCMHOA), spoke to the issue of the need for a Mobilehome Park Conversion Ordinance for the County of Santa Barbara, "so that situations similar to Foss Mobilehome Park in Solvang do not occur where a developer wanted to buy the park and build upscale \$700,000 homes. Mobilehome owners were offered \$7,000 for the relocation of their homes, according to a newspaper article." Mr. Hoysak also pointed out the future plans by the Santa Maria Airport to convert the Airport Mobilehome Park into a golf course. "Fortunately, Santa Maria's Conversion Ordinance states that compensation to Homeowners shall be in-place market value if there is no place to move the homes within a 10 mile radius."

One of a homeowner's greatest fears is the possibility of losing their home. This fear is magnified when the home is a Mobile/Manufactured home, located on a rented plot of ground in a mobilehome park or community. As a scarcity of developable land is becoming a reality, many cities and counties have adopted Mobilehome Park Conversion Ordinances, which offer some measure of protecting the Homeowners.

Betty Lovell, a long-time mobilehome owner, cited a portion of the California Mobilehome Residency Law (MRL), wherein the Legislature finds "...It is necessary that owners of mobilehomes occupied within mobilehome parks be provided with the unique protection from actual or constructive eviction..." The MRL also recognizes the Park Owners have certain property rights, therefore it "allows for change of use of the Park or any portion thereof...": Ms. Lovell joined Mr. Hoysak in requesting the subject "Mobilehome Park Conversion Ordinance" be placed on the agenda for a future meeting. The entire Board expressed a positive interest in the request.

SYSTEMATIC CODE ENFORCEMENT FEE—Los Angeles

The Los Angeles Housing Department has a Systematic Code Enforcement Program fee (SCEP) and a Rent Registration fee. The Rent Registration fee is \$18.71 per unit and the SCEP fee is \$35.52 per unit per year effective January 1, 2006. Some parks in Los Angeles have charged residents in mobile home parks for both fees. Here is what the law says: only 50% of the Rent Registration fee (50% of \$18.71 or \$9.36) can be charged back to each mobile home space as a one time fee of \$9.36. **Mobile Home Parks are EXEMPT from paying THE SYSTEMATIC CODE ENFORCEMENT FEE.**

If your park is charging you a monthly fee of approximately \$2.96 for SCEP, tell them of their mistake and **DO NOT PAY IT. This amounts to \$35.52/space/year of illegal charges!**

What else can we glean from the above information. There are 6600 spaces in the city of Los Angeles. Mobile home owners here pay the City of L.A. \$123,500. yearly. How is this money spent? Does it benefit us? We will be researching this issue. And this may be happening in your city. BEWARE!

WE NEVER BARGAINED FOR THIS!**Editorial by Frank Wodley, CoMO-CAL President**

When we moved into our parks, we expected a simple lifestyle and affordable living. We expected to take care of our homes and be good neighbors. We were excited about the possibilities; of community living, of making friends and having a carefree life.

After all, most parks are well kept, and look nice. When applying for residency, the park representative seemed nice enough and helpful. They gave us a tour of the common areas—the clubhouse, the pool, playground, or whatever to promote the park facilities. We did notice they did give us a lot of paperwork to sign, a rental/lease agreement, the park rules and regulations, and the Mobilehome Residency Law. And more likely than not, we were overwhelmed and had little idea what it all meant. Not to worry, it seemed that we would be protected by all those rules, regulations, and laws.

Of course we expected to pay rent for our space and knew that the park could make reasonable annual increases to our rents, perhaps based on the consumer price index (cpi), a win-win situation. And we expected we would have to keep up our homes. That's what we bargained for, that's what we expected.

Unfortunately, many park owners are NOT SATISFIED with a fair return on their investment. Often they are not content that we honor our end of the contract with them. They are greedy and WANT MORE! Often times, they are not content until they evict us and get our homes! So in reality, what did we get???

We never bargained for this!

- From day one, parks want an advantage. Most park Rules and Regulations (written by their attorneys) are very lengthy and restrictive. Parks would have us believe they are written for our own good, for our "health and safety," but in most instances they do not use them for our benefit, but against us. They enforce them when it is to their advantage, not ours. We do want reasonable rules enforced to protect our way of life and our investments.
- We often live under tyrannical rule. They tell us "if you don't like it here, move." We are hostage in our own parks. If we want to move our homes, it will cost us at least \$10,000. And where can we move them? If we live in California, we CAN'T.
- A park owner can be ruthless. If he belongs to an organization like WMA (and about 37% do), he may be advised how to take full advantage of us. After all it is only a business to make money, right! And more often than not, he does take advantage! He is quick to get his attorney involved, especially if there is a possibility to make money. He loves to give notices on Friday afternoon, so residents have to wait several days for more information.
- We have a considerable investment in our homes, yet we are at the mercy of our park owner. Even if we live in a "rent controlled" area, park owners are working hard to get around rent control or eliminate it altogether. And we estimate for every \$10.00 in monthly rent, the value of our homes decreases \$1000.00!

- We never bargained for PROPOSITION 90! Overnight, we could lose the few protections we have.
- We never bargained for managers who intimidate, harass, and threaten us. Managers who are on an ego/power trip. Managers who have little or no training, yet run the lives of dozens of families !
- Are you are reading this saying it is not happening in your park? Well, just wait until you go to sell your mobile home or until you pass away. Then comes the real problem: interference of sales by parks. They have several techniques: they may ask you to move your home rather than sell it, they may allow you to sell, but ask your buyer to move it, they may require upgrades upon sale, stall a buyer or simply not qualify him, etc.
- Parks KNOW most residents will not FIGHT. They know most residents have little money to hire an attorney, and usually do not want the aggravation of a long court battle. And residents usually do not know their rights. This allows management to skirt the law almost at will.

We could go on and on!

SOMETHING IS WRONG WITH THIS PICTURE. HOW CAN THIS HAPPEN TO US?

WELL IT IS HAPPENING, LET'S FACE IT! AND LET'S DEAL WITH IT!

We have come to this point many times in past publications. Residents have few resources that will really help. Our best bet is UNITY and WORKING TOGETHER. It will work, it has worked. We must draw a line in the sand and say "we're mad as hell, and we won't take it anymore." You are probably tired of reading this, but it is so important.

- Every park should have an organization. Without organization, you will accomplish little. Form a board, with a president, vice president, and secretary/treasurer. They should have regular meetings, with an agenda so something positive can be accomplished. We can help you get started! Do IT!
- Every board should have email. USE the email to link to a state-wide, umbrella organization, such as CoMO-CAL. We will support you in your efforts to deal with problems in your park.
- Work to get 50% membership; however you can accomplish much even if you do not reach that level.
- Use CoMO-CAL. Use THE VOICE to inform your residents. Supplement it with a page or two of local happenings or issues. This way residents in your park will realize there is a campaign against them and they will want to volunteer to help the cause.
- Use CoMO-CAL. We have attorneys who are experienced with mobile home issues.
- Do not be intimidated. Do not hide. Together we are making a difference.
- NETWORK. NETWORK. NETWORK. If you have an issue in your park, chances are another park has already solved it.

CoMO-CAL ACCOUNTING 01/01/2005 TO 08/01/2006

INCOME		EXPENSES	
Memberships:	\$23,000	THE VOICE	\$8,000
Donations:	\$7,000	Fliers/Free Literature	\$4,500
Other(Book, Ads...):	\$1,000	Hardware/Software	\$4,500
Total Income:	<u>\$31,000</u>	Fees	\$1,000
		Other	\$5,000
		Total Expenses:	<u>\$23,000</u>
		Cash on Hand:	\$8,000
		Total Expenses:	<u>\$31,000</u>

Finances can be a critical issue with any new organization. Our annual membership fee is only \$15 and many have joined for less. The cost of THE VOICE is about \$.03/page plus mailing costs of about \$.17 per issue. This calculates to about \$9 /12 months to send you THE VOICE. Based on an average membership, this leaves less than \$4 for all other expenses. So far THE VOICE has cost us about \$8,000 to print and mail to our members. We have mailed several thousand fliers (Prop 90 Alerts) and given away many copies of THE VOICE and other information. This expense has totaled approximately \$4500.

We have spent several thousand dollars on hardware, software, and such. To give you an idea, our inventory to date is roughly: Printers (4), Membership software (2), Computer (1), Digital Recorders (2), Video Camera (1), File Cabinet (1), Portable Filing Cases (2), staplers (3), etc. Expenditures for these items has totaled approximately \$4500.

Fees include: Chatsworth Chamber of Commerce, IRS for tax-exempt application, Corporation Fees—Secretary of State, etc. totaling about \$1000. Other expenses include office help (\$300), attorneys fees (\$2500), website (\$1000), expendables (labels, envelopes, staples, etc) totaling approximately \$5000.

To date, our expenditures total approximately \$23,000. Cash on hand is \$8,000. We are very frugal with your money. We have researched the best deals for most of the hardware purchased. Note, we give our time FREE. And we DO NOT get reimbursed for any expense, even for gas. We do this because we believe in our cause. We do not pay office staff. (GSMOL pays staff over \$8,000 per month!)

We thank all our members who have made contributions. Even \$5 or \$10 has allowed us to send out over 5000 fliers, and give several thousand copies of THE VOICE and other informational literature for free.

We do need your continued support. To date less than 5% have made contributions, with two members contributing over half. Please make a donation to help our cause. You are really helping yourself when you do! Every donation will be put to good use!

THANK YOU, EACH AND EVERY ONE OF YOU, FOR YOUR SUPPORT

RENEWALS

It is very important to get your renewal in before your membership lapses. This saves us quite a bit of time and guarantees your receipt of THE VOICE and other benefits. You DO NOT have to fill out another application, simply send in a check (\$15 for one year, \$27.50 for two years or \$40 for three years) and your membership will be extended. Remember, CoMO-CAL can not operate without your membership.

DONATIONS

CoMO-CAL would like to make a donation to the League of California Cities to be used for media ads to defeat Proposition 90. If each member would send in \$5, we could make a considerable donation. But it takes each of us working on this. Have a bake sale in your park—do it! Or have a night of bingo. What is more important today than defeating Proposition 90? **NOTHING!!! LET'S CONTINUE TO WORK!**

MEMBERSHIP

Our membership has grown 20% over the last month or so. We welcome Tahitian Terrace HOA (Pacific Palisades), our many new members from Valle Verde Courtyard (Chatsworth), and those who have joined because of our fliers around the southland. Let's keep up the momentum. We soon will be able to claim we are the largest advocacy group in California, second only to GSMOL.

CoMO-CAL SECRETARY POSITION

We welcome **Paul Kennedy**, from Valle Verde Courtyard in Chatsworth, to our Board of Directors. Paul is replacing Kathy Mattes who has stayed-on a few months longer. This change will be effective September 1, 2006. We look forward to working with Paul and appreciate his volunteering for this position.

CoMO-CAL

(COALITION OF MOBILEHOME OWNERS-CALIFORNIA)

P.O. Box 4821, Chatsworth, Ca 91313-4821.

NEW MEMBERSHIP APPLICATION (Print Please)

NAME: _____ Date: _____

PARK NAME: _____ SPACE #: _____

MAILING ADDRESS: _____ CITY _____

E-MAIL ADDRESS: _____ ZIP _____

APPLICANTS PHONE NUMBER (_____) - _____ - _____

SIGNATURE OF APPLICANT _____

Check # _____ Amount: \$ _____ Money Order () Amount: \$ _____

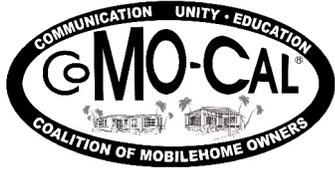
MEMBERSHIP (\$15.00/12 Months, \$40.00/36 Months) Membership Dues Not Refundable.

PLEASE INCLUDE CHECK OR MONEY ORDER PAYABLE TO "CoMO-CAL" & THANK YOU FOR JOINING

MAIL TO: CoMO-CAL, P.O. BOX 4821, CHATSWORTH, CA. 91313-4821

CoMO-CAL®
P.O. BOX 4821
CHATSWORTH, CA. 91313-4821

NONPROFIT ORG
U.S. POSTAGE PAID
CANOGA PARK, CA.
PERMIT 617



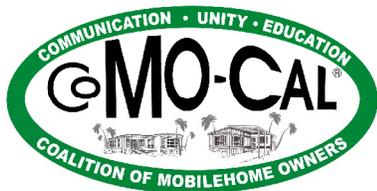
CoMO-CAL is a non-profit California Corporation dedicated to serving mobilehome owners in California. Our purpose is to educate, communicate and unite. We are MAKING A DIFFERENCE!



NEWSLETTER EDITOR

FRANK A. WODLEY
E-Mail: fawodley@yahoo.com

<http://comocal.org>



CoMO-CAL is a non-profit California corporation dedicated to serve mobilehome owners in California.

**Our purpose is education,
communication and to unite**

SERVICES WE PROVIDE OUR MEMBERS

1. 12 issues of THE VOICE. Usually 20 pages long, filled with important information no mobilehome owner should be without. Articles from around the state of California. Tips and Suggestions. Important laws explained so you can understand how you are protected.
2. Website: **comocal.org**. Members have access to all issues of THE VOICE, attorneys who know the MRL, important links to government, advocacy groups, etc.
3. Small Claims Court Assistance: We will pay your fees up to \$30.00 and help with your paperwork. (Some restrictions apply.)
4. Questions / Problems: Our staff is ready to take your call to advise you regarding questions and problems you might have.
5. We have several attorneys to help with litigation or give advice.
6. Above all, a way to UNITE and have a VOICE.

This document was created with Win2PDF available at <http://www.win2pdf.com>.
The unregistered version of Win2PDF is for evaluation or non-commercial use only.
This page will not be added after purchasing Win2PDF.