

THE VOICE

COALITION OF MOBILEHOME OWNERS

FEBRUARY 2008 VOLUME 4 ISSUE 2

The Jarvis Initiative (BAD) vs Homeowners Protection Act (GOOD)

The "son of proposition 90" is also called the California Property Owners and Farmlands Protection Act (CPOFPA) or the **Jarvis initiative**. It does eliminate rent control (spaces under rent control will lose that protection as ownership is transferred). Refer to past issues of THE VOICE for more details. **This is the BAD initiative.**

The League of California Cities has written a counter initiative called the Homeowners Protection Act which deals with the issue of Eminent Domain, without attacking rent control. **This is the GOOD initiative.**

As of January 23rd, both initiatives have qualified for the June 2008 ballot and will soon be assigned

an initiative number.

What can you do?

The League of California Cities is leading the coalition effort against it with a "YES/NO" strategy. **Vote NO for the BAD & Vote YES for the GOOD. It is that simple.**

When will voting start?

Absentee voting can start as early as April 24th. So we need to get the message out before that time. Tell ALL VOTERS to vote YES/NO. Send your friends and neighbors an email. Put a YES/NO sign in your window. It is extremely important to encourage as many voters as possible to vote!

Sacramento, CA -Eminent Domain Reform Now, a coalition of seniors, homeowners, business, labor, environmentalists, local governments, affordable housing advocates and others today announced qualification of their Homeowners Protection Act for the June 2008 ballot.

If passed by voters, the Homeowners Protection Act will prevent governments from using eminent domain to take an owner-occupied home to transfer to a private party. The measure is a direct response to the U.S. Supreme Court's infamous *Kelo v. the City of New London* decision from 2005.

Upon qualification, **Ken Willis, president of the League of California Homeowners** said, "This landmark initiative will provide ironclad constitutional protections for homeowners to prevent the

taking of their home to turn over to private interests. We are confident voters will support this measure because of its clear purpose and ironclad protections for California homeowners."

Hidden Agendas Scheme That Would Abolish Rent Control Opposed

Members of Eminent Domain Reform Now also reiterated their strong opposition to the so-called California Property Owners and Farmland Protection Act, known by opponents as the Hidden Agendas Scheme. The Hidden Agendas Scheme will be on the same election ballot and includes provisions which would roll back rent control and other renter protections, decimate local land use planning, and gut environmental protections.

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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.

CoMO-CAL, Inc. is a non-profit 501(c)3 charitable 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.

**FRANK WODLEY
EDITOR—THE VOICE
800-929-6061**

Purchase your Park

David Loop (Aptos):
831-688-1293

Deane Sargent (Hillsborough):
650-375-8043 DVD on purchasing your park—on request

George Turk (Millennium Housing): 949-515-5100

The CoMO-CAL Team

**FRANK WODLEY
President
818-886-6479
fawodley@yahoo.com**

**BOB HITES
Vice President
530-743-2965
anvil95993@yahoo.com**

**MILT BURDICK
Political Reference Committee
714-572-0253
milters2000@yahoo.com**

**RAY CHAVIRA
Lancaster Representative
661-946-8109
raymondchavira@aol.com**

**STEVE MOLSKI
San Diego Representative
619-427-1221
molски1@nethere.com**

**JOHN FATONE
Inland Empire Representative
Trumpetplayer43@msn.com
951-657-6206**

CONSULTANTS & CONTRIBUTORS

**Mr. Bruce Stanton
Attorney, San Jose
408-971-0900**

**Sally Studer
Stanislaus Mobilehome
Owners - Advocates
(reach thru CoMO-CAL)**

**Rosemary Tomai
Homeowners Coalition
Mobilehome Parks in
Tuolumne Co.: 209-532-0889**

**Jerry Lenhard
(Escondido): 760-745-3734**

**David Loop (Aptos)
831-688-1293**

Failure to Maintain Attorneys

Endeman, Lincoln, Turek and
Heater (ELTH) San Diego
800-895-5053

**HCD - Riverside
909-951-4431 or 909-782-4420.**

Attorneys—MRL Issues

Stuart Parker (Los Angeles):
323-931-2999

Jim Holmes (Ventura):
805-642-2781

Kristine Awalt (Sacramento):
916-927-7311

Jeremy Singer (San Diego):
619-543-8190

David Grabill (Santa Rosa):
707-528-6811

Bruce Stanton (San Jose):
408-971-0900

Basta (Los Angeles): 213-736-
5050

Basta (Lancaster): 661-718-
0599

Adrian Andrade (Santa Maria)
805-928-3651

Ken Carlson (Idyllwild):
951-659-6043

Will Constantine (Santa Cruz):
(831) 420-1238

Mold Attorneys

Miller Law. Inc. (Sacramento)
916-351-1200

LISTEN UP by Bob Hites

For the past several months I have traveled throughout Northern California. I have spoken to numerous people that I have not met via telephone. I have assisted many mobile homeowners and I have tried my very best to give people the most up-to-date information available to me. I have given freely of my time. I am a volunteer. I do not seek payment, I do not ask for gas money, I do not ask for anything other than your support to an advocate group such as CoMO-CAL, GSMOL or CMRAA. I have even spoken at various homeowner meetings. I have been met by some very wonderful, kind, intelligent, caring people. All share the same problems. All reside in a manufactured or mobile home. All have concerns for their life styles. All are looking for an answer to their problems and some want an answer immediately. Some do not want to pay for attorney as most cannot afford one. Believe it or not some of these mobile home parks already have GSMOL Chapters. Some have homeowners associations.

Most do not have any organization at all but demand assistance. I cannot say this anymore simply than this: **IF YOU DO NOT ORGANIZE, JOIN AN ADVOCACY GROUP, GET INVOLVED WITH OTHERS THAT SHARE YOUR SAME CONCERNS AND THEY HAVE THE KNOWLEDGE AND THE WHERE FOR ALL TO ASSIST YOU – THEN YOU WILL LOSE.**

I have received telephone calls to my home as my home number is published for all to see. I answer the telephone and the person at the other end says: “CAN YOU HELP ME?” My reply is “YES,” WHAT IS YOUR NAME? The person calling says “OH I DON’T WANT TO TELL YOU THAT.” I then say “OKAY WHAT MOBILE HOME PARK DO YOU LIVE IN?” “OH, I CANT TELL YOU THAT EITHER.” “THEN WHY ARE YOU CALLING?” “YOU

ASKED ME FOR HELP, YOU KNOW WHO I AM WHY CANT I KNOW WHO YOU ARE?” The answer is always the same. “I DON’T WANT THE PARK MANAGER TO KNOW I CALLED YOU AND I DON’T WANT OUR PARK GSMOL PRESIDENT UPSET WITH ME.” I spent several minutes trying to break down this barrier. I am not going to come out there and be mean to anyone. I am not going to come out to your home or area and cause a problem or do anything other than provide information. I ask “do you have an e-mail address,” “YES, but I don’t want to give that out either, as I don’t know you.” “OKAY. You called me, I did not call you. You have a problem, question, situation, etc. Apparently, you are afraid, intimidated. I want to help and can, but I need to have your trust. I have numerous resources and I am not afraid or intimidated or going to be threatened by your park manager/owner or any other advocate group. We are first and foremost human beings.”

There are laws, standards of conduct and some of us actually have the ability to negotiate, stimulate, and communicate. What YOU must do is to help us UNITE. Come together as one. You have nothing to fear except fear itself. So please, call me, Send me your e-mail address, join our CoMO-CAL Group, and join our message board. Please do something other than call me and refuse to give me your name. Let’s try some common sense and some common courtesy. We can do so much for each other if we UNITE, COMMUNICATE and EDUCATE each other. Thanks for reading. My telephone number is 530-743-2965 and my e-mail is anvil95993@yahoo.com.

Until next time America. This is BOB HITES, Retired and willing to work with you and for you. PLEASE JOIN US.

Not All Advocacy Groups Are Created Equal

QUESTION, QUESTION, QUESTION by Frank Wodley

In America, every citizen has guaranteed rights. One is the right “to question.” Today, across this country, voters are questioning candidates running for the office of President. Voters are asking candidates about their past record, their accomplishments, their goals.... Many are active in this process. A process which culminates on election day in November 2008 when we go to the polls and vote.

As members of GSMOL, we have a right to question our leaders. We have the right to ask questions about their record, their accomplishments, their goals... We have a right to bring up concerns and to make suggestions... After all GSMOL would be nothing without it’s members.

This Convention happens every two years. What better forum or time to ask questions.

I have been active in the organization as a five year member, a Chapter President, an Associate Manager, and a Delegate at the last two Conventions. I’ve attended most of the board meetings between 2004 and 2006 and chaired a committee of eight managers who spent two months writing a “Recommendations Report” which was submitted to the GSMOL Board in August 2004.

As a GSMOL member in good standing, I would like to ask the following questions:

Regarding the Enforcement Legal Fund

ELF was started in 2002. Many members contributed \$10 each year since 2002. Some gave as much as \$50 to ELF between 2002 and 2005. Yet only \$10 of their contribution was credited to them. GSMOL just took the balance (any contribution over \$10). Members were not given an option to get a refund, or additional coverage. Why not? Shouldn’t members have had a say in this decision? After all it was their money. By the way, where did that money go?

And what about the plan for ELF? Members con-

tributed over the years based on a plan published in the February and March 2002 Californian. What happened to that plan?

GSMOL touts ELF as a way to gain our rights. Has it really accomplished that goal? Why haven’t more members been helped? How much money is in the ELF fund today?

Regarding Elections in January 2008

The Bylaws call for a specific process when electing board members. In 2004 those running for office were listed in the Californian, along with their qualifications, etc. “Nominations from the floor” is not part of the process, so an election based on nominations at the Convention are not legal.

Committees

Why are there no committees on Membership, Finances, Public Relations, etc.

Focus of GSMOL

In spite of the “Recommendations Report” by eight managers, many of whom still serve today, the focus of GSMOL has not changed. Is the purpose of GSMOL “To promote the general welfare of mobilehome owners” really being accomplished today? What about helping members by listing attorneys versed in the MRL, by writing letters to managers and owners, by focusing more on problems in parks?

Resident Owned Parks, Inc. (ROP, Inc.)

At the request of GSMOL, ROP, Inc. was formed in 2001. Maurice Priest, lobbyist and corporate attorney for GSMOL, runs ROP, Inc. Now ex-GSMOL President Steve Gullage serves on the Board of ROP. GSMOL only promotes ROP, although there are numerous organizations helping mobilehome owners purchase their parks. Isn’t

this “self serving?”

How do GSMOL members benefit from this relationship? Wouldn't GSMOL be serving it's members better if it gave them several options, rather than just ROP?

Other Advocacy Groups & Attorneys

Why doesn't GSMOL write more about other organizations and attorneys that help mobilehome

owners. Wouldn't that benefit GSMOL members?

Finances

GSMOL has published a summary of finances in past years. Why isn't that done today?

Board Meeting Minutes

They were published in past years. Why not today?

The 2008 GSMOL Convention by Frank Wodley

Mr. Bob Hites and I attended the 2008 GSMOL Convention in Sacramento to represent CoMO-CAL. Bob and I are members of GSMOL, CMRAA, and CARA. We went to observe and report back to CoMO-CAL members.

In fact, I've attended the last three GSMOL Conventions and all three were very similar. Each had one day of lectures (HCD, ELTH, Q & A, etc), and half a day devoted to voting on bylaw amendments, elections, and GSMOL Business.

For Bob Hites, the Convention was a success as he was able to meet many mobilehome owners leaders he had emailed, but never met. And GSMOL did provide information - their action manual on DVD, a folder on ELTH, info on voter registration, etc.

For me, the Convention showed the declining state of GSMOL. Although GSMOL membership is now about 17,000, fewer than 80 attended the seminars, half of those were delegates. I counted about 22 delegates for Zone A (Northern California), 15 for Zone B (Central California), 4 for Zone C (Los Angeles, San Bernardino and Orange Counties), and none from Zone B (South of Los Angeles). GSMOL members simply were not represented!

The Saturday session seemed to offer a chance to brainstorm and network. I personally would have liked to have those attending split up into smaller

groups to discuss issues in their own parks and brainstorm solutions. Unfortunately this did not happen.

As usual, the business session on Monday was too short to complete the agenda. I'm very disappointed that GSMOL Leaders did not present a financial report or allow time for observers to speak “for the good of the order” comments.

Another disturbing outcome, the 17,000 members now have NO control over assets of the corporation. Delegates went along with the board and approved a bylaw amendment that gives the Board of Directors full control over real estate—buying, selling and encumbering. Members—Beware!

Another amendment would have provided delegates important financial information—salaries of employees, expenses, income, etc. Bob Lupo, GSMOL Treasurer, argued it would cost too much and this is already available in Garden Grove.

I must disagree. Monthly reports and a year end summary are routinely done. This information could easily be summarized, in probably less than four pages. The cost would be a few dollars.

In fact, I tried to see this information 4 years ago in Garden Grove. After two requests, they would not release any employee salaries, i.e. I did not see it! In years past, GSMOL put financial information directly in the Californian for all members to see.

The Good, The Bad, and the Ugly

We feel it important that you know the “players.” Which ones are working for your best interests, and which ones are not. We ask you to support “the good.”

Who Are The Good?

You Are.

Why are **YOU** “the good?” Because you want to know what’s happening and how it will impact you personally. You don’t just leave it up to someone else or pretend nothing is happening. You take the time to join an advocacy group and to read THE VOICE. You are part of the solution, not part of the problem. Thank You!

If you just join and do nothing else, that is terrific. You know you can call us when you need help with an issue, a notice, etc. If we do nothing else, CoMO-CAL wants all mobilehome owners to know they can call us for information and support. We may not always have a solution to your problem, but we are there for you when you call or email us.

If you join and promote CoMO-CAL, you are helping yourself also. It is a fact, there are about 150 times more mobilehome owners than park owners. Remember SIN: Strength in Numbers. If even 10% of mobilehome owners joined us, we wouldn’t have nearly the problems we all experience today in many of our parks. Time is running. We need your help - get the word out to join our efforts!

Volunteer advocates.

Many MHOs up and down the state work hard to help others, whether it be a few of their neighbors, all residents in their park, in their city or even the

whole state of California. Most advocacy groups have hard working volunteers, and MHO’s should be grateful. These people sacrifice for all of us and we commend them for their work, especially those who work, not for themselves or their ego’s, but to really help others.

CoMO-CAL.

Some might say, here they go again, promoting themselves. But here are the facts. Not all advocacy groups are created equal. We communicate more than any other advocacy group, hands down. Even GSMOL leaders admit THE VOICE is superior to THE CALIFORNIAN. And it is published monthly, not quarterly. If you want to know what’s happening, it is there to read.

Why do we deserve high marks? We publish a list of attorneys versed in Mobilehome Residency Law. No other group does that, including GSMOL in their 40+ year history. We publish information on all advocacy groups. Why do we do this? Mobilehome owners need to know the truth. We often suggest you question, question, question. Whether it be your park manager, the advocacy group you have joined, your local politician, etc. Learn who really has your best interest at heart.

Although we are just three years old, we continuously work to provide more services to communicate, education and unify. We now have a message board at www.://groups.yahoo.com/group/comocal/. Any mobilehome owner can join for free. All issues of THE VOICE can be accessed on the message board, questions can be asked and answers found. If you have internet, please take advantage of this service.

Our network of volunteers is “the good.” We de-

pend on their expertise and support. Without them there would not be a CoMO-CAL.

CoMO-CAL has retained attorney Bruce Stanton for legal questions. We will publish articles written by Mr. Stanton and he is our “go to guy” regarding the MRL and Title 25.

Issues are complex and many. Solutions can not be just new legislation. They have to encompass all efforts—legislation, enforcement, education, and unity. We need to be more offensive, and less defensive. Most issues have gone unresolved for many years and it will take time to find solutions.

Above all, CoMO-CAL is for its membership. We serve you, not the other way around. THE VOICE is your voice. We do not censor. And we welcome your suggestions, criticisms and comments and often publish your letters in THE VOICE.

Other Advocacy Groups.

We consider any group that is working for mobilehome owners and not themselves - as “the good.” We are impressed with CARA. They initiate and support legislation for us. They offer leadership training. And they are 800,000 strong! In fact you, as a CoMO-CAL member belong to CARA.

The Bad

Uninformed Residents

The “bad” are those residents who put their heads in the sand, who don’t want to know and don’t care. They are part of our problem, certainly not part of the solution. Who can deny the many issues in rental parks? We need their participation!

Most mobilehome owners are not active, nor do they know what’s happening around the state. In fact, there are about 650,000 spaces statewide. At 2.0 per space, there are about 1.5 million of us. Of

course those who are seeking help and want to join a group - these are not “the bad.” We are making efforts to reach these residents - like Operation Reach Out - “OReO.” Last year we sent out almost 10,000 to residents that are not CoMO-CAL members. This year we would like to send out 50,000 informational fliers (THE WHISPER).

Uninformed advocates

Many support an organization without really knowing anything it. And they would rather “die” than hear the truth about their organization. Unfortunately these well intentioned residents are part of the problem. We suggest they question their leaders, rather than follow them blindly.

Advocates, not for us, but for themselves and their egos

We know of many advocates who do some good, yet they could do much more. Their goal is run their little dynasties and keep others (like CoMO-CAL) out. Perhaps they publish an article in a local paper or hold an occasional meeting. However they are not open to anyone with an offer to unite or network. In fact they work hard to keep the status quo. In our opinion, they are doing a disservice to those they pretend to serve.

Uninformed and Untrained Managers

Many managers lack the education and qualities to manage. Many have NO people skills. Many make no attempt to improve themselves, or study the laws (MRL and Title 25) to become better park managers. They are part of the problem as well as the park owners who employ them in the first place!

The MRL

Many would have you believe the MRL really protects us. The MRL, in our opinion, is “bad.” And

this opinion is shared by others, such as Donald DeVore who wrote “Mobilehome Wars.” Why? Because enforcement of these laws is extremely difficult and park owners know it. How many mobilehome owners know when their rights are being violated? How many have the money or the inclination to face a court battle? I’d say very few.

The laws are violated daily. How can this be? Because there must be enforcement. We hear over and over, a law is not a law unless it is enforced. When a law in the MRL is continually violated by park owners, without a challenge by mobilehome owners, pretty soon it is violated without regard to the law.

Loopholes in the MRL

In fact there are many loopholes in the MRL. For example, a park employee does not have to abide by park rules and regulations while “working for the park.” Yet residents do. This is a loophole.

Parks under rent control only offer long term leases to buyers coming off the street—another loophole in the law.

THE UGLY

Toadies. Clay Harrison, GSMOL Manager, coined this word referring to residents who are pro-management, not pro-homeowner. They often “prostitute” themselves by accepting “perks” from management. They work for management as spies and keep management informed. They are not our friends. They work against us. They keep residents from uniting. They disrupt meetings and side with management. When there is a real issue, they say we are crazy or there is no issue or we are the problem.

Managers - who abuse, intimidate, harass

Not only are they usually uninformed and untrained, but they bully. It is their way or the highway. They abuse, intimidate and harass. They can be found in many parks, especially Western Manufactured Communities Association (WMA) parks. This is senior abuse and we should not tolerate it. We all need to focus on ways to stop it.

WMA Code of Ethics

The WMA Code of Ethics is published on the next page from their website at <http://www.wma.org/>. This Code of Ethics is a JOKE, and a bad one at that. On a personal note, I have lived under the fist of a WMA manager for 10 years now. It is my experience they lie, they scheme, they violate the MRL, intimidate, harass, and abuse. They go after those residents who can least defend themselves.

Advocacy Organizations that censor and withhold important information

We have no respect for organizations that “censor” information they provide their membership. They may benefit themselves, but not you, a mobilehome owner. You need correct, complete information to make the best choices for yourselves.

For example, GSMOL only promotes Resident Owned Parks, Inc. (ROP, Inc.), when in fact there are many organizations that help residents purchase their parks. Why do they do this? We feel the reason is because Maurice Priest has become very powerful in the GSMOL organization, both as Corporate Counsel and as lobbyist in Sacramento. Maurice Priest also heads the ROP organization and he and his family benefit financially when ROP, Inc. purchases a park. So it only makes sense that GSMOL would want GSMOL members to use ROP, Inc.

You, as a mobilehome owner, should have all the information, all the options, so you can make up your own mind as to what would be best for you, based on ‘merit.’

CoMO-CAL realizes this is a serious ‘charge’ against GSMOL, Maurice Priest and ROP, Inc.

We print this not to benefit ourselves, but to show mobilehome owners why they MUST be active and do their homework. Don’t just blindly follow any one person or organization. Mobile-home owners should settle for nothing less than full, correct information. Not every advocacy group is created equal!

Greedy Park Owners

Parks are cash cows. Park owners make huge returns on their investments, yet many are not happy . Rather than treat their residents with respect, they hire untrained managers to bully. Why? Their bottom line is money! They make more money, especially in a rent control area, when they can get an older home moved out of the park or evict a resident.

Give us your input

We are always anxious to hear from you. If you have a GOOD, a BAD, or an UGLY, let us know and we will share it with other members.

WMA Code of Ethics

Editor’s Note: The following was taken directly from the Western Manufactured Communities Association website (www.wma.org). We have bolded and underlined the important passages.

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.

In order to provide for responsible relationships between resident and resident, and between residents and management, and to protect the investment of residents and management, **reasonable rules and regulations shall be established** in writing and be available to all residents. **Management pledges to enforce rules and regulations in an equitable and forthright manner.**

Communications are essential to all interpersonal relations and to the successful operation of all businesses. **Management pledges to be available to residents, to be receptive to their constructive suggestions and to provide factual information.**

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.** Management further pledges to operate the community in a manner consistent with established business practices and procedures which assure long-term economic stability for residents and investors.

Management recognizes its business responsibilities to the community, state and the Western Manufactured Housing Communities Association, and pledges full support of those laws and activities which encourage the growth of manufactured housing community living and the Association.

2008 brings us new laws

Manufactured Homes and Mobilehomes Distinguished: This new law provides a bright-line distinction between "manufactured homes" and "mobilehomes" to clarify the confusion surrounding these two terms.

Starting January 1, 2008, both a manufactured home and mobilehome are generally defined as transportable structures of certain specifications, with or without foundations, but a manufactured home is constructed on or after June 15, 1976, whereas a mobilehome is constructed before June 15, 1976. (Source: Senate Bill 538.)

Notice of Removal of Mobilehome from Park Upon Sale: Under existing law, when certain old or rundown mobilehomes are sold, the management of the mobilehome park may require the removal of such mobilehomes to upgrade the quality of the park. Beginning January 1, 2008, removal of such mobilehomes is prohibited, unless the park management provides the homeowner with a notice specifying the condition permitting removal.

Source: Assembly Bill 446

SEN. CORREA to HOLD HEARING ON MOBILEHOME PARK INSPECTIONS

Senator Lou Correa (D-Santa Ana) will convene a hearing of the Senate Select Committee on Manufactured Homes and Communities to address the enforcement of state mobilehome park health and safety code requirements by the Department of Housing & Community Development (HCD) and local agencies.

The hearing will take place on Friday, February 29, 2008, 10:30 a.m.-12:30 p.m. at the Rancho Santiago Community College District building board room, 2323 N. Broadway in Santa Ana.

Senator Correa, committee chair, said "One of the most common issues heard by the committee involves homeowner complaints about discriminatory enforcement or lack of enforcement of park health and safety laws by state or local enforcement agencies."

"Reports of failing or unsafe electrical, sewage, and common area facilities in mobilehome parks," the Senator continued, "are of concern to us

because parks provide housing to many of our senior citizens and low and moderate income families."

In addition to general allegations that HCD is too slow to respond to health and safety complaints, among others, the committee has heard complaints that substandard conditions have continued unabated in some parks for years, that enforcement follow-through on existing citations is spotty, and that inspectors often consult park managers prior to citing park violations but seldom talk to homeowners.

Those wishing to testify about park health and safety code enforcement are asked to contact (John Tennyson or Stephanie Reid) the committee in advance at (916) 651-1517 by February 21st to assure a place on the agenda. The committee reserves the right to place a time limit on presentations in order to accommodate all speakers but will also accept written testimony.

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Larry Gross, executive director of the Coalition for Economic Survival stated, "The primary financial backers of the Hidden Agendas Scheme are landlords using the initiative as a smokescreen to abolish rent control. More than 80% of the funding so far is from apartment building owners or mobilehome park owners."

Seniors and tenants rights advocates around the state have mobilized against the initiative because it will have a devastating impact on more than one

million California seniors, veterans, widows, and working families who would lose rent control and affordable housing protections.

Nan Brasmer, president of the California Alliance for Retired Americans said, "The Hidden Agendas Scheme is nothing more than a trick by wealthy landlords. We're confident voters who are serious about eminent domain reform will support our measure, the Homeowners Protection Act, and see through the deceptive agenda of the Hidden Agendas Scheme campaign."

DONATIONS

CoMO-CAL is supported by membership dues and donations. When we send you a newsletter, printing and mailing costs add up to almost \$10 per year per member. This leaves between \$3 and \$5/member/year for all other expenses.

Many of you have received boxes of newsletters, Whispers, or other information free of charge. Do you know the cost per box can be as much as \$300?

We are very careful with your money. Over the last three years we have received about \$50,000 (dues and donations). Expenses have been about \$40,000 - and we have done much with that relatively small amount of money.

CoMO-CAL is getting known around the state. We want to thank Clay Butler for his kind words and his hard work telling us about Condo Conversions. His website is found at <http://shamconversions.com/>. He notes:

[Coalition of Mobilehome Owners - California \(CoMO-CAL\)](#) - Hands down the absolute best mobile home newsletter out there. Worth the price

of membership just for that alone. Started by Frank Wodley and run by people who actually live in a mobile home park like yourselves. I urge you to become a COMOCAL member.

No other advocacy group has a monthly newsletter with so much information. Last year we sent THE WHISPER telling non-members about AB-1309, the WMA (Western Manufactured Communities Association—the park owners group), threats to rent control and more. CoMO-CAL picked up the tab, thanks to your support.

And it is important to note we do not have office staff. We are all volunteers.

2008 is a new year. We have high hopes to accomplish much more, but we need your support. Please send us \$5, \$10, or even \$25. Your donation will allow us to reach many more residents and attain our goals of education, communication and unity.

We are grateful for your support. Let's do this together. We are already making a difference.

THANK YOU

TELL US WHAT YOU THINK - WE NEED YOUR INPUT

Tell us about your park.

Do you have a pro-resident group in your park?:

- Yes
- No

If yes, do they publish a newsletter? And if so how often?

- Yes
- No

_____How often?

We want to network with your leaders. Please give us their names and contact information. Thank You!

If you have other friends or neighbors who would like to get THE VOICE, please list them on a separate sheet. If you have a park directory, please share that with us. If we have a name and space number, we can send them info.

If you have email, please print the address below.

Are you willing to distribute info in your park?

- Yes
- No

Do you get the Mobilehome Residency Law from your park every January or February?

- Yes
- No

Is your park?

- Senior Park 55+
- All Age
- I don't know

Do you have rent control?

- Yes
- No
- I don't know

What are the issues in your park?

- Management Problems
- Interference of Sales
- Rents too high
- Other _____
- _____
- _____

What issues would you like us to write about?

- Management Problems
- Interference of Sales
- Rent control issues
- Condo Conversions
- Enforcement of Laws
- Pep Talks to unite mobilehome owners
- Other _____
- _____
- _____

Writing about other advocacy groups can be controversial. What do you think?

- Don't write about any other groups
- Don't write about GSMOL
- No, it is selfserving and not politically correct to write about another advocacy group
- Yes, we want to know about other groups. We appreciate the 'no subject is taboo' policy
- Other _____

How can advocacy groups help you? In order of priority (1,2... 1= highest). (Note: Dollar figures /year/member - approximate cost..)

- Monthly newsletter (\$10)
- Legal Fund (\$10??)
- New Laws (\$6)
- Oppose new laws from Park Owners (\$4)
- Assistance by phone or email (\$5)
- List of Attorneys (0)
- Write letters to managers/owners (\$10)
- Help form Home Owner Association in my park (0)
- Unite mobilehome owners statewide (\$5)
- "Free" Attorney Services (\$10??)
- Other _____

We need representatives around the state. Will you volunteer to help spread the word about CoMO-CAL.

- Yes, it helps me also
- No, thank you.
- Maybe sometime in the future
- Other _____

We have lists of parks in your area. Would this information be beneficial to you?

- Yes
- No

Do you know if parks in your area have organized into a larger coalition?

- Yes
- No

If yes, can you give us contact information for the leaders.

Will you volunteer to distribute THE WHISPER in your park?

- Yes
- No

How would you rate CoMO-CAL?

- Worth the \$15 membership fee
- Not worth the \$15 membership fee
- A breath of fresh air
- Average
- Nothing to write home about

Please print your name below:

Please return your completed survey to P.O. Box 4821, Chatsworth, Ca. 91313.

Your feedback will be kept confidential. We are always open to your suggestions, comments and criticism. Feel free to call us anytime and just say hello. We are working hard for you!

THANK YOU SO MUCH!

CAN A PARK OWNER REQUIRE REMOVAL OF A MOBILEHOME FROM THE PARK AT THE TIME OF SALE? 2007 Legislation Attempts to Strengthen Resident Rights

By: Bruce E. Stanton, CMRAA Corporate Counsel

Reprinted from CMRAA's January 2008 Newsletter with their permission

In recent years, as the mobilehome stock continues to age and deteriorate, there has been an increase in attempts by park owners to require that mobilehomes be removed from the park as a condition of sale. This is obviously a critical issue for California mobilehome owners, for it is well known that a mobilehome has virtually no value once it is removed from a park. Regardless of age, mobilehomes derive almost all of their value from the "site" where they are located. When a home is located on a landscaped site, with deck, awnings and porches attached, within a community which includes all of the customary common area improvements such as a clubhouse, a pool, roadways and exterior fences, that home derives a certain value from its location, and might be worth \$50-100,000.00. But move that same home out onto the street and advertise it for sale, and you would probably have to pay someone to haul it away. Unless a mobilehome can be sold "in place", on its rented space, it might be worth \$0. This is why we seldom see homes moved from their location at the time of resale. And it is why the ability to sell a mobilehome "in place" is of vital importance to mobilehome owners.

Park owners might have legitimate reasons for requiring that a mobilehome be moved from the park when it is sold. There could be significant code violations that make the home a hazard to the others within the community. Or its condition might be so deplorable that it is beyond repair, and would negatively affect the equity value of the park and the other homes within the community. Few would argue that in those circumstances, the home should be allowed to remain in the park. Unfortunately, some park owners have another agenda. They wish to frustrate or even block entirely the ability of a homeowner to sell, so that one of two things will happen: (1) the selling homeowner will become so frustrated that they

will agree to sell the home to the park for a few thousand dollars, thereby allowing the park to gain control of the space and either re-sell or rent out the home; or (2) the selling homeowner will not be able to fight the park, and will simply abandon the home, which allows the park to impose a warehouseman's lien, foreclose upon the lien and gain control of the home for the same purposes. Whenever a home is abandoned or given over to the park owner, the space is also "decontrolled" in most local jurisdictions which have a rent control ordinance, thus allowing the park owner to raise the space rent to what it deems to be a "market" rent. This is also a prime motivator for some parks to prevent "in place" mobilehome resales.

The California legislature has recognized the need to protect homeowners from unfair park owner resale practices. Civil Code section 798.73, which sets forth the conditions upon which a mobilehome can be removed upon resale, is fast becoming a key component of the Mobilehome Residency Law. According to the statute, there is no automatic right of the park owner to require that a home be removed. Rather, the park owner must bear the burden of showing either that (a) a mobilehome of certain age does not comply with health and safety codes following an inspection by the appropriate enforcement agency, or (b) that regardless of its age the home is "in a significantly rundown condition or in disrepair", as determined by its general condition and acceptability to occupants. Residents would hope that a park owner would follow this law in good faith. But of course this is not always the case with some park owners.

I am currently involved in litigation which involves this very issue. An elderly couple needed to move from their home so that they could move closer to their children. But when they attempted

to sell, the park owner refused to even provide a residency application to the proposed buyers, and informed the listing agent that the home could not be resold within the park. When pressed to give a reason for the refusal, the park simply stated that the home was “too old”, and was inherently unsafe because it had been manufactured prior to a certain date. The park did not rely upon an inspection to come to this conclusion, and refused to change its position even after the residents own inspections revealed that the home was not in bad condition. Only after a lawsuit was filed did the park owner come up with the argument that it believed the electrical system was too old and unsafe to allow the home to be resold, since any home manufactured prior to 1973 is presumptively “unsafe”. There was no advance notice of this argument which would have allowed the resident to quickly obtain an electrical inspection so as to prove the fitness of the home. ***Nor was the park’s position proven by any electrical expert.*** These poor residents continue to pay rent for a home that they cannot sell.

During the 2007 legislative session, only one significant amendment was made to the Mobilehome Residency Law. Civil Code section 798.73 was amended to beef up protection for residents, and make it harder for a park to require removal of a mobilehome upon resale. New subsection (e) to 798.73 now provides as follows:

(e) The management shall not require a mobilehome to be removed from the park, pursuant to this section, unless the management has provided to the homeowner notice particularly specifying the condition that permits the removal of the mobilehome.

This new language was added by AB 446 (Soto) for the purpose of requiring a park owner to state its position “up front”, so that the selling resident can address or contest any argument about the home’s condition. Presumably this notice will need to be given by the park owner any time it is requested and most likely at the start of the listing process. No longer can a park owner simply re-

fuse to allow an “in place” resale without providing a reason in writing. And if that reason turns out to be bogus, the park would either have to withdraw its position, or risk that it will be sued for a willful violation of Civil Code 798.73. This would allow the selling homeowner to recover damages for any lost sale, as well as attorney’s fees (798.85) and a penalty of up to \$2,000.00 for each willful violation (798.86).

It is important that residents understand and enforce their Civil Code rights. No one else is going to do it for you, and you cannot routinely count upon a District Attorney or a City attorney to protect you. If any CMRAA member believes that a park owner is unlawfully interfering with your ability to sell your home, you should contact CMRAA at once. We are here to protect you and your investment to the best of our ability.

Editors Note: Mr. Stanton refers to litigation on behalf of an elderly couple. In fact, CoMO-CAL published an article on this same couple in the NOVEMBER 2007 THE VOICE (Page 12-13).

Many mobilehome owners feel there are no problems in their parks. However, we advise them to be aware. When you go to sell your mobilehome, you may face many challenges. The park may ask you to move your home, the park may require “upgrades” to remain in the park, the park may not approve your buyers, etc.

Mr. Stanton’s article is a MUST READ. It provides important information to anyone thinking about selling their home.

CoMO-CAL has published a three page article—The Seller’s Guide by Clay Harrison. We will publish this again next month. It, too, provides sellers important information.

We thank CMRAA and Mr. Stanton for the above article. This is an example of one way our groups are working together.

AB—1309 WE OPPOSE IT

We understand AB-1309 will be taken directly to the assembly Floor and it may be hard to defeat there. The next step is a hearing in the Senate Judiciary Committee.

If there was a time to act, it is now. Call or fax your local assembly member, do it today.

AB-1309 is about vacancy decontrol – any rent control protections at time of sale would be lost. CoMO-CAL has written about this many times in THE VOICE. The consequences would be devastating. Here in Los Angeles, we have a 10% cap on rents when title is transferred. AB-1309 would eliminate all caps.

This is the language of the bill:

798.46. (a) Notwithstanding any contrary provision of law, if a tenancy is voluntarily terminated by the resident or terminated pursuant to Article 6

(commencing with Section 798.55), the management may set the initial rent for a mobilehome space when there is a change in ownership of the mobilehome on that space, subject to the following:

(1) If the initial rental rate is controlled by an ordinance or charter provision in effect on January 1, 2008, the management may set the initial rental rate in an amount not to exceed the greater of the following:

(A) Twenty percent in excess of the rental rate in effect immediately preceding the tenancy.

(B) Seventy percent of the prevailing market rent for comparable units, as defined in an appraisal conducted in accordance with nationally recognized professional appraisal standards.

(2) On or after January 1, 2011, or if paragraph (1) does not apply, the management may set the initial rental rate at market rates.

Advocate could face jail and fine for distributing literature (Montana)

Community leader Tammy Hoth has been charged with and arrested for Criminal Trespass to Property for informing manufactured housing residents of their rights. If convicted at the trial, she potentially faces a fine of \$500 and six months in jail. Additionally, this endangers the abilities of Montanan residents to get together to learn about their rights.

Tammy has been working with her neighbors in Red Lodge, Montana to purchase her own park and to form the state's first manufactured housing cooperative. Additionally, Tammy has been volunteering her time to help other manufactured home park residents become aware of their rights. She has led workshops to educate over 175 residents of

manufactured home parks.

She currently is being targeted by park owners and the City for simply passing out information – an act clearly protected by her First Amendment rights. The unfortunate message from the City is clear – *if you live in a manufactured home park, it is a crime to contact your neighbors.*

If Tammy is convicted at trial, there's much more at stake than Tammy's good name. This could enable park owners to prevent anyone – from grandma to trick-or-treaters to political candidates – from entering a manufactured home community.

2008 Legislative Update

On January 16th GSMOL appeared in the Assembly Housing Committee to support passage of AB 1111 by Assemblymember Mark DeSaulnier which will help to preserve 55 and older parks in California . The bill was amended in committee with the support of GSMOL and will now amend.

As amended the bill will add a provision to State law which states that: "a local public agency with authority over the jurisdiction where the park is located may, by ordinance, prohibit the management from amending an existing park rule or regulation that limits residency or tenancy to individuals 55 years of age and older."

The amended version of the bill was supported by the City of Hemet , The League of Cities, GSMOL, and other local governments. There had been some opposition to that provision which would give a vote of mobilehome owners in the park the right to veto a change by park management. Rather than make the vote nonbinding and a futile exercise, that paragraph of the bill has been removed, and in its place, local governments such as cities and counties will now have the authority to adopt ordinances prohibiting the owners of 55 and older mobilehome parks from changing that age rule for the protection of seniors living in retirement age parks. The bill now advances to the Assembly Floor. Continue urging your own Assemblymember to vote yes on AB 1111 by Assemblymember Mark DeSaulnier.

GSMOL Stops AB 285 by Assemblymember Bonnie Garcia.

Park owner sponsored AB 285 by Assemblymember Bonnie Garcia would have weakened local rent control protections for mobilehome owners. GSMOL president Tim Sheahan and GSMOL legislative advocate Maurice Priest ap-

peared in committee to oppose the bill and with remaining concerns of GSMOL, the bill was killed in committee. It is still possible for park owners to introduce a new bill this session which would attempt to weaken local rent control so we will be on the lookout for any further efforts which would weaken rent control protections.

GSMOL Opposes AB 1309 by Charles Calderon to be Heard on the Assembly Floor.

GSMOL has circulated Floor Alerts to all Assemblymembers urging them to vote no on AB 1309 by Assemblymember Charles Calderon. This park owner sponsored bill would permit rents to be increased in rent control jurisdictions at time of re-sale of a home by a minimum of 20% and up to 70% above existing rents depending upon an appraisal showing the higher rent to be market rate. This would be a tremendous blow to affordable housing and to mobilehome owners and we are urging all Assemblymembers to vote no on the bill.

SB 900 Will Continue Efforts to Protect Mobile-home Owners From Condo Conversion.

GSMOL sponsored SB 900 by Senator Ellen Corbett is the remaining vehicle which can address the condo conversion problem in mobilehome parks. With a veto of AB 1542 by Noreen Evans, GSMOL efforts continue on SB 900. The bill has not yet been set for a hearing but will be heard in the Assembly Housing Committee in February or March. It is important that you write to your own Assemblymember urging them to vote yes on SB 900. For further updates on pending legislation after normal business hours call the toll free GSMOL legislative hotline at 1-800-888-1727.

Let's make it simple**The Threats:**

- The Jarvis Initiative
- AB1309
- Out of control managers
- Interference of Sales
- Sham Condo Conversions
- Illegal Evictions

The Solutions:

- Get Educated
- Be informed
- Be active
- Form a HOA in your park
- Network with other mobilehome owners
- Belong to a statewide advocacy group
- Get others "on board."

The threats are real.

Park owners do not want rent control and they have been working hard to eliminate it - Proposition 90, the Jarvis Initiative, AB1309, etc.

Many of us experience out of control managers. One real threat is when we go to sell. In fact we get more calls about this issue than any other.

So What Can You Do?

Give us a call. Trust that we can and will help. It may require an attorney, but what is the alternative? Walking away from your home?

What did FDR say? "The only thing we have to fear is fear itself." Do your homework. Know you can call us. We will help non-members also. But also know that we are not 911. Your best defense is being prepared. Don't wait until you can't sell your home or you get an eviction notice. It is probably too late then. And the only way we will win this "war" is to unite! Also let's work on enforcement! This is critical.

Some Round CoMO-CAL Numbers

Checks Received: 3000
 Total Dues and Donations: \$50,000
 Newsletters Printed: 45,000
 THE WHISPER distributed: 10,000
 Trips to the Post Office: 1000
 Hours to write and publish THE VOICE: 900
 Parks with CoMO-CAL members: 400
 Parks w/o CoMO-CAL members: 4,422

Other Statistics

Total spaces in California: 700,000
 Total number of parks: 4,822
 Total residents in mobilehomes: 1,500,000
 % of mobilehome owners in state: 6%
 % on rent control: 25%
 % of mobilehome owners in groups: 1.3%
 % park owners belonging to WMA: 35%
 Chance to win if not united: **ZERO**

Form a CoMO-CAL Chapter

It's simple. And EVERY park should have a pro-
resident organization, whether it be a HOA,
GSMOL Chapter or CoMO-CAL Chapter. All it
requires is a small group of residents willing to
spend a little time. Form a board - a president,
vice president, and secretary/treasurer. Have
monthly meetings. Distribute a one page newslet-
ter to others in your park. Get the word out - ask
residents what their issues are....

No advocacy group can help you with park issues
unless you are organized. We can and will help
you form a CoMO-CAL Chapter. It need not be
formalized as a corporation. We offer reduced
membership in CoMO-CAL to those who have a

group in their park—even a GSMOL chapter.
Members can join CoMO-CAL for just \$5/
member/year. But the Chapter must print the
VOICE and distribute it.

When you have a CoMO-CAL Chapter, we can
offer you more help. Perhaps by writing your
manager or owner. Perhaps by picketing or other
means.

We have members in over 400 parks. Just think if
each had an active group! That would be amazing.
We could really send a message to managers and
park owners.

THE BOTTOM LINE: We can't do it without
your participation. Be our eyes and ears. Form a
chapter. Empower yourselves. We will help!

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

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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!

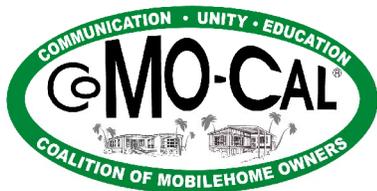


NEWSLETTER EDITOR

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

<http://comocal.org>

800-929-6061 / 818-886-6479



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

**Our purpose is education,
communication and to unite
mobilehome owners.**

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.

Ballot measure (Prop 98) would phase out rent control laws

By Patrick McGreevy

Los Angeles Times Staff Writer

Having toiled in machine shops during World War II and worked for decades in other manual jobs, 84-year-old Mary Kubancik felt entitled to live out her years in a pleasant mobile home park in Sylmar.

Instead, the frail Kubancik is preparing to move out after 19 years. Her \$919 monthly Social Security check won't cover her essentials and the \$702 that her mobile home space will cost when the latest double-digit increase takes effect in April.

"I worked since I was 14 years old, and this is all I have," she said, tears vying with anger in her eyes. "I had to sell. And this was supposed to be my golden years."

Six rows away, Elisena Thompson, 86, doesn't worry about making ends meet, thanks to rent control rules that have kept her space at \$385 a month. In a quirk of geography, the 186-unit Blue Star Mobile Home Park where both women live is partly in the city of Los Angeles, which has a rent control law, and partly in an unincorporated area, which has none.

Across town is Robert Kubota, 66, a pharmacist and chief executive of a family firm that operated a mobile home park in Chula Vista for 44 years. He blames rent control laws for six years of financial losses on the park. A Bankruptcy Court judge agreed that the business was not sustainable and approved a plan that led to the closure of Jade Bay Mobile Lodge last year.

"With rent control, you couldn't make any money," Kubota said. "The social problem of helping the poor should not be thrown on one industry."

In the spring, voters will decide whose interests prevail. More than 100 owners and operators of apartment buildings and mobile home parks spent nearly \$2 million to put an initiative on the June 3 ballot to phase out California's rent

control laws. About 1.2 million people statewide are covered by such laws.

Los Angeles, which has 626,600 rent-controlled residential units, could be affected more than any other city if the measure passes.

Big financial backers of the California Property Owners and Farmland Protection Act include the Howard Jarvis Taxpayers Assn., which gave \$100,000 to the effort and lent the campaign \$200,000; the Western Manufactured Housing Communities Issues PAC, which contributed \$150,000; and the Apartment Owners Assn. Political Action Committee, which put in \$100,000.

Among the donations is \$50,000 from Equity Lifestyle Properties Inc., which owns 27 mobile home parks in California, and many more in other states. Equity Lifestyle's chairman is Sam Zell, chairman of Tribune Co., which owns the Los Angeles Times.

Proponents tout the measure as one that would limit government's use of eminent domain, preventing the taking of private property for private development. Although that is the first provision of the measure, it goes on to phase out rent control. Opponents have dubbed the measure the "Hidden Agenda Scheme," in part because rent control is not mentioned in the ballot title.

"Homeowners want true eminent domain protections but will not be duped into enacting harmful and deceptive provisions that have nothing to do with eminent domain, said Ken Willis, president of the League of California Homeowners.

His group and others last week qualified a separate initiative for the same June 3 ballot that would simply restrict eminent domain.

Meanwhile, another backer of the rent control measure is Sierra Corporate Management,

which gave \$35,000 to the campaign. It operates Blue Star, where the ballot measure is being watched with special interest. Passage of the measure would dash the hope of tenants there who want the city of Los Angeles to annex the part of the mobile home park that is outside the city boundary, extending rent control to all residents.

Thompson, sitting in her roomy, lime-green coach, said her elderly friends on the wrong side of the city-county boundary can no longer afford to live there.

"It breaks your heart," she said.

The measure says rent control laws enacted before Jan. 1, 2007, would remain in effect for tenants who were living in the controlled units as their principal residence. When the tenant leaves, rent control would be removed from that unit.

Los Angeles has rent control on all apartments built before 1995, and on mobile home parks whose operating permits were issued before Feb. 10, 1986.

Some 110 California cities and counties have adopted laws controlling rent for mobile home parks. Those cover about 230,400 people in about 153,145 mobile homes, according to industry officials. An additional 1 million people live in rent-controlled apartments in the state.

Generally, the laws allow landlords to raise rents by a limited amount -- in many jurisdictions by the amount of the consumer price index. Whenever a unit is vacated, the landlord can reset the rent at market level. But while the unit is occupied, rent increases are subject to controls.

"That sets a perverse incentive for landlords to charge the highest rent when an apartment is vacated," said Jon Coupal, president of the Howard Jarvis Taxpayers Assn.

Coupal said the long-term effect of rent control laws is to reduce the amount of affordable housing because developers won't invest in it.

Kubota, for his part, says rent control helped ruin Jade Bay Mobile Lodge. He says financial problems developed at the 75-unit park after Chula Vista adopted a rent control law in 1986, and there's been an operating loss in each of the last five years. The site is now fenced, and the mobile homes have been removed.

"The income never matched the expenses," Kubota said. He couldn't afford to make improvements, and "the whole park deteriorated."

Some tenant activists say that Chula Vista's rent control law allows landlords to petition for increases so that they can make a "fair return" on their properties. To do so, they must open their financial books to the city.

Tim Sheahan, president of the Golden State Manufactured-Housing Owners League, said Kubota's firm did not take advantage of the appeal because it wanted to shut the park down so it could be redeveloped with condos. Kubota declined to discuss the current status of the park, but city officials said an application had been submitted for a zone change that would allow apartments or condominiums on the site.

Tenant-rights advocates say that if rent control is phased out, many poor and elderly people will have no place to live.

"It would literally take the roofs off most tenants' heads who live in rent control jurisdictions," said Larry Gross, executive director of the Coalition for Economic Survival, a tenants' rights group in Los Angeles.

"Los Angeles would be hit the worst," Gross said. "Landlords would resort to any action, legal or illegal, to get those tenants out."

The removal of rent control also would make selling mobile homes more difficult because buyers could face years of unregulated rent increases for the land their mobile homes oc-

Late Breaking News: AB 1111 PASSES ASSEMBLY FLOOR

AB 1111 by Assemblymember Mark DeSaulnier, passed the Assembly Floor by a vote of 44 to 28, and now advances to the Senate. As amended, AB 1111 provides that A local public agency with authority over the jurisdiction where the park is located may, by ordinance, prohibit the management from amending an existing park rule or regulation that limits residency or tenancy to individuals 55 years of age and older.

AYES

Arambula, Bass, Beall, Berg, Brownley, Cabalero, Charles, Calderon, Carter, Cook, Coto, Davis, De La Torre, De Leon DeSaulnier,

Dymally, Eng, Evans, Feuer, Fuentes, Garcia, Hancock, Hernandez, Huffman, Jones, Karnette, Krekorian, Laird, Leno, Levine, Lieber, Lieu, Ma, Mendoza Mullin, Nava, Parra, Portantino, Ruskin, Saldana, Solorio, Swanson, Torrico, Wolk, Nunez

NOES

Adams, Aghazarian, Anderson, Berryhill, Blakeslee, DeVore, Duvall, Emmerson, Fuller, Gaines, Garrick, Houston, Huff, Jeffries, Keene, La Malfa, Maze, Nakanishi, Niello, Plescia Sharon, Runner, Silva, Smyth, Spitzer, Strickland, Tran, Villines, Walters Benoit, Galgiani, Hayashi, Horton, Price, Salas, Soto, Vancancy

AB-1309 IS DEAD

We understand the author of AB-1309 pulled the bill on January 29th due to lack of support. This is a victory for all mobilehome owners across the state.

copy, Sheahan said. "It would be devastating," he said.

Kubancik said that with the increase scheduled for April on her Blue Star lot, her rent will have risen about 65% in three years. Thompson, whose lot is rent-controlled, said her rent had gone up no more than 4% a year.

Representatives of Blue Star's operators did not return calls for comment.

Sheila Day of the Western Manufactured Hous-

ing Community Assn., which represents many mobile home park owners, voiced sympathy for Kubancik but said her situation did not justify taking money from the owner of the park to subsidize her housing.

"Why doesn't the city or county of Los Angeles help her by providing rent subsidies?" Day asked. "It's incumbent on government to help these people without putting it on the back of private investors."

Measures Have Been Assigned Ballot Numbers
NO on Proposition 98 (Wipes Out Rent Control)
YES on Proposition 99 (Provides Real Homeowner Protection)

**These Measures will be on the June 3, 2008
 Statewide Primary Election Ballot.**

Initiative Constitutional Amendment

Proposition 98

1248. **Government Acquisition, Regulation of Private Property. Constitutional Amendment.**

Proponents: Doug Mosebar, Jon Coupal and Jim Nielsen (916) 444-9950

Bars state and local governments from condemning or damaging private property for private uses. **Prohibits rent control and similar measures.** Prohibits deference to government in property rights cases. Defines "just compensation." Requires an award of attorneys fees and costs if a property owner obtains a judgment for more than the amount offered by the government. Requires government to offer to original owner of condemned property the right to repurchase property at condemned price when property is put to substantially different use than was publicly stated. Summary of estimate by Legislative Analyst and Director of Finance of fiscal impact on state and local government: Increased costs to many governments due to the measure's restrictions. The fiscal effect on most governments probably would not be significant. (Initiative 07-0015.) ([Full Text](#))

Initiative Constitutional Amendment

Proposition 99

1251. **Eminent Domain. Acquisition of Owner-Occupied Residence. Constitutional Amendment.**

Proponents: Christopher K. McKenzie, Susan Smartt and Kenneth Willis c/o Steve Lucas (415) 389-6800

Bars state and local governments from using eminent domain to acquire an owner-occupied residence, as defined, for conveyance to a private person or business entity. Creates exceptions for public work or improvement, public health and safety protection, and crime prevention. Summary of estimate by Legislative Analyst and Director of Finance of fiscal impact on state and local government: The measure would likely not have a significant fiscal impact on state or local governments. (Initiative 07-0018.) ([Full Text](#))

**JOIN THE GROWING COALITION OF ORGANIZATIONS AND LABOR
 UNIONS OPPOSING THE ANTI-RENT CONTROL MEASURE AND SUP-
 PORTING**

REAL EMINENT DOMAIN REFORM -- Go To:

www.NoLandlordScheme.com

to

<http://eminentdomainreform.com/>

and Sign Up Today!

WE ARE THE PEOPLE by Bob Hites

It is me again. Being a country boy and growing up in the Midwest on a Iowa farm I learned early the value of working hard. Going into the military I learned the value of team work and working together as a unit and not as one foot soldier trying to fight the whole world. It was a lesson well learned. When I retired at the early age of 40 I went into the private sector and had business men with degrees in business management and PhD degrees in Public Administration and most even had teaching credentials. I was sent off to various seminars to learn how to handle the public and not in a military way. It is a much different type of management but you are still dealing with people. So now I live in a manufactured home, not a trailer, but a home that does not sit on a foundation but looks as though it does. It is comfortable and it has all the amenities of a home.

I have become a home owner. I have become an advocate for mobile home owners. My home is paid for, but I pay a space rent for the ground that my home sits on. I have become involved with all sorts of issues from other manufactured home owners. I volunteered for the job as I felt that it had to be done and there were too many park managers/owners miss-treating Americans and I was taught in the military that you just don't miss-treat the American public without due process of law. We all have rights. We all have a common goal of life, liberty and the pursuit of happiness.

i see where there are homeowner association in all sorts of counties and cities and they are doing a very good job of creating a security blanket around their particular area.

That is great. To protect your own area that you live in.

Well folks you need to expand your horizons and look to others that are not as fortunate to have

your leadership. We must unite ALL manufactured home owners. We MUST stand as a unit, a Army, a Corp, a Regiment, a Ships Company to help each other instill the pride and prosperity of all homeowners. To allow park managers and park owners to create havoc in our lives is not an acceptable way of life. For those that have their own small organization you need to give your members an opportunity to expand their knowledge and to gather vital information that will help secure their way of life.

Without involvement from our leaders and without the support from ALL manufactured home owners we will loose the fight for equality. Please join these state wide organizations such as GSMOL, COMOCAL, CMRAA these agencies are here to help and have created so much data and have secured numerous laws that now need enforcement and not by civil code but by penal codes. We the people, with a voice of over million people have that power to create such a statue and put an end to this criminality that roams are parks and preys on those that have limited resources. Stand and fight for your rights. Either that or try to live and surely die on the vine. Please help one another it is the only way to accomplish this goal. I welcome your comments and/or suggestions.

SEMPER FI - ALWAYS FAITHFUL

BOB HITES

Disabled woman's rent soars

[By Nancy Pasternack/Appeal-Democrat](#)



Nick Adams/Appeal-Democrat

Marty Struve, a representative for California Mobilehome Resource and Action Association, left, and Lucille "Lu" Benzel, a resident of Nichols Point Mobile Home Park in Wheatland, chat about the rent increase at Nichols.



Nick Adams/Appeal-Democrat

Marty Struve, 68, runs a Butte County advocacy group for low-income mobile home owners.

January 23, 2008 - 07:34 AM

Since 1967, Lucille "Lu" Benzel has stayed put through at least seven landlords, a bout with health-threatening levels of sewage contamination and the shutting down of most of her mobile home park's amenities.

But if her current landlord follows through on a promise to double rents at Nichols Point Mobile Home Park, Benzel, 71, says she will be forced to leave, with no place else to go.

Either that, she said, "or I'll have to give up eating and taking medications, to be blunt about it."

Benzel, a cancer survivor and diabetic, pays \$250 a month to keep her 1970 home on a lot at the park, which has nine occupied units.

In April, according to notices distributed recently to the park's residents, rent at Nichols Point - just south of Wheatland off Highway 65 - will in-

crease to \$558. In addition, residents will have to pay separately for water, sewer, and garbage pickup; fees for those services will cost an additional \$58.

The sum will consume nearly 70 percent of Benzel's income.

But she said that in spite of having to use a manually operated wheelchair, she's not one to take things sitting down.

She made some phone calls and found an advocate.

Marty Struve, 68, a representative for California Mobilehome Resource and Action Association, runs a Butte County advocacy group for low-income mobile home owners.

Struve said she has established contact with the State Department of Housing and Community Development, which inspects mobile home parks, to

determine whether residents of Nichols Point have any legal recourse.

They are being forced out unfairly, and perhaps, illegally, she said.

"Where are these people going to go?" Struve said. "It's bad enough when you're talking about younger working people, but we're talking about senior citizens on fixed, limited incomes."

When reached at his home in Lincoln, Paul Noel, who bought the park in December, said he did not wish to comment, except to say the park's residents have not seen a rent hike in 12 years.

Benzel said she did expect a rent increase with new ownership.

"But to double the rent and then add those fees - that just doesn't seem fair, and I just flat can't afford it."

Taking her "mobile" home elsewhere is not an option, she said.

"Mine is so old, it can't be moved," she said. "That's the catch."

She remembers a time when the park was well cared for and had nearly 30 single-wide trailers housing mostly senior citizens.

"They were like grandparents to my children," Benzel said. "They were the cookie-baking, let's-talk-to-the-kids type."

Yuba County Environmental Health Director Tej Mann remembers Nichols Point from the 1990s when, under one of its many previous owners, an overloaded septic system caused raw sewage spills in the park.

A lawsuit forced the park's then-owner to decrease the number of homes on the property and clean up the mess.

"They still need to get sewer and water upgrades)," Mann said. "They can't expand until they can do that."

Contact Appeal-Democrat reporter Nancy Paster-nack at 749-4712 or npaster-nack@appealdemocrat.com

THIS COULD BE YOUR ARTICLE
TELL US WHAT'S HAPPENING
IN YOUR PARK OR LOCAL AREA
AND WE WILL PUBLISH IT
NEXT MONTH

By ANNE LINDBERG, Times Staff Writer
Published October 7, 2007

Nothing defines the American dream like owning your own home. But in the past few years, thousands of mobile home owners across the state have lost their homes as developers devoured the parks where they lived. Those homeowners found out a hard truth -- owning your home is not enough, you also need to own the land beneath it.

That truth has slapped many Pinellas County residents in the face as one mobile home park after another has fallen to developers. Seminole's Bay Pines and the Golden Lantern in unincorporated Pinellas County on the edge of Pinellas Park are prime examples.

But there doesn't have to be a sad ending to this story. More and more mobile home owners across the state -- despite their often advanced years and fixed incomes -- are finding ways to buy their own parks and stay in their homes.

In the Bay Pines and Golden Lantern cases, the folks who owned their mobile homes wanted a chance to buy the park. But they had no such right under state law, which says that owner-occupiers have to be given first chance to buy their park if the sale was solicited by the park owner. If the offer to buy is unsolicited, state law says the landowner does not have to give the mobile home owners a chance to buy the park.

The offers for the Golden Lantern and Bay Pines were unsolicited. So was the offer on the Harbor Lights Mobile Home Park, just down the street from the Bay Pines park.

But the situation is playing out a little differently for the Harbor Lights owner-occupiers. The father of the park's buyer, John Loder, persuaded his son to give the mobile home owners a chance to buy the

park.

Loder's price: \$24.5-million.

The 270 or so mobile home owners in the park will probably have until the first or second week in December to decide whether they can take advantage of the offer, said Marty Pozgay of Florida Community Services Group in Treasure Island. Florida Community Services offers consulting services to mobile home owners who want to purchase their parks. Pozgay helps them find financing and walks them through the process.

The trend of mobile home owners buying their parks began in the late 1980s and early 1990s as a way to deal with escalating rents. Now there are at least 600 parks across the state that are resident-owned, according to the company's Web site.

The idea of a bunch of retirees, some of whom are in their 80s or older and many of whom are on fixed incomes, going millions of dollars into debt might seem to be a hard sell to lenders, especially in today's collapsing real estate market.

But Pozgay said that's not the case. Lenders, he said, are very willing to consider financing these deals. "The lenders look at this as a very good mortgage for them. There's never been a co-op in the state of Florida that has failed," Pozgay said.

He added, "The lenders that we do deal with are typically local lenders, banks that you are familiar with, and most of these folks do have extremely good credit. They usually are very qualified buyers."

Wachovia Bank is one lender that provides financing for park purchases by residents as well as by developers, said Kathy Harrison, a bank spokeswoman. And Wachovia is eager to consider financ-

ing such deals for homeowners.

"Actually, my senior level bankers tell me most banks are very active in this kind of banking ... there are very competitive rates out there," Harrison said.

Many times, the owners are retirees and the fact that they live in the park gives them a stake in making sure the mortgage is paid, she said. In deciding whether to finance such a deal, Harrison said the bank looks at many factors, including the condition of the park and how many homeowners participate in the park ownership. Wachovia, she said, likes to see at least half the homeowners on board.

And the current financial climate has little effect on these deals, she said. "Those loans are available, and they can be very competitive," Harrison said.

Here's one way it can work.

The homeowners form a not-for-profit cooperative, or corporation, which actually buys the park. The bank would lend about 75 percent of the purchase price to the co-op. The bank would hold a "master mortgage" on the property.

The homeowners who also want to be park owners would become co-op members by buying shares. Each share essentially gives the holder possession of one of the lots. The share can be sold or given away or willed to the owner's heirs, just like a regular deed to a house. The cost of the share would be determined by the actual amount of the 25 percent that was not financed under the master mortgage, and by the number of people who bought in. The more owners who want a share, the lower the cost.

The shareholders never pay rent again, but would pay a maintenance fee to the co-op. The fee goes to maintain the park and pay off the master mortgage.

The shareholder might have enough money to buy the share outright or might have to find a lender to help him make the purchase. If the shareholder defaults, the lender gets the share, which can be sold to someone else.

Mobile home owners or other park residents who do not want to become park owners can stay in the park as renters. The rent would go to the co-op and also would be used to pay off the mortgage or maintain and improve the park.

Pozgay said he's talking to lenders now.

If all goes well, he plans to meet with Harbor Lights residents at the end of this month to explain the costs and procedures of park ownership.

When he goes to the park, he'll have lenders with him who are willing to talk to individual homeowners about financing shares.

They won't even have to leave the park, he said.

Mike Rizzo, head of the Harbor Lights Homeowners Association, who, with his board, has spearheaded the drive to park ownership, declined to comment except to say, "I hope we are successful."

Fast facts: Here's the deal

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How mobile home owners can purchase the land under their parks:

- **Get a mortgage:** Mobile home owners who wish to buy the park where they live form a not-for-profit cooperative. A bank, or other lender, provides a "master mortgage" that covers approximately 75 percent of the price the co-op agrees to pay for the land. The lender holds the mortgage on the land.
- **Sell shares:** The other 25 percent of the purchase price is raised by selling shares to mobile home owners who wish to join the cooperative. The cost of the share is determined by the total amount needed and the number of homeowners who join the cooperative. The share can be bought, sold or handed down to the holder's heirs. Homeowners who do not have enough money to pay for the shares can borrow from a bank or other lender. In case of default, the lender gets the share, which can then be sold to someone else.
- **Rent helps, too:** Mobile home owners who do not wish to join the cooperative can remain in the park. Their rent will go to the cooperative to be used for paying back the mortgage and maintenance on the park.

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THE VOICE FEBRUARY 2008

E-MAIL VERSION

THAT'S ALL FOLKS

TILL NEXT MONTH

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