



COALITION OF MOBILEHOME OWNERS

CoMO-LAC®

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JULY 2005

LOSING GROUND IN THE HOUSING MARKET

INSIDE THIS ISSUE

It may be hard to believe, but in the red-hot housing market of the Bay Area, there are some homeowners who may still lose money when they sell their homes. Thousands of mobile home owners are feeling the squeeze from a corporation that owns the land beneath their homes. Four years ago, retired law Professor Herb Rossman got the shock of his life. "It was our yearly letter telling us about the increase," Rossman says. "I got to the end of the letter and I like, did a double-take. They said the market rate on our space here would be 5000 dollars a month. "Professor Rossman and his wife Anita are homeowners in Santa Cruz. But their house is a mobile home, so they only own the structure, and not the land it sits on. They were asked to pay \$5,000 a month for a 70-foot long patch of dirt. It was more than five times what they had been paying. What's worse, the rate hike would make it extraordinarily difficult to sell the place.

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The landlord for their plot is a company chaired by billionaire Sam Zell, 24th on Forbes Magazine's most recent list of the world's wealthiest people. Zell's known as the nation's biggest landlord. His company holds interest in Bay Area landmarks like the San Francisco Ferry Building, San Jose's Skyport Center, Walnut Creek's Treat Towers, and Concord's Corporate Center. His company is also the largest owner of mobile home parks in the country. The company wants to cash in on the rising cost of Bay Area real estate, so they are raising Bay Area rents by up to 68 percent. In area's where there is rent control Zell's company Manufactured Home Communities, or MHC sues the system. George Kevocevic defended Santa Cruz against MHC for two years, and the city's legal bills soared.

EXECUTIVE BOARD

Eventually, Santa Cruz had to weigh the interest of just a few hundred people against the enormous costs of fighting further. "You got to enter that into the equation, is this a disproportionate expenditure of funds," says Kevocevic. Santa Cruz agreed to a settlement that will keep MHC from charging that \$5,000 rent until the Roosmans sell their home. But MHC is still looking for big profits in other places, using its resources to wage legal war on cities often hampered by budget trouble. Now homeowners in another Bay Area community are counting on their city to stand between them and MHC.

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Tineke Colenbrander bought her mobile home in San Rafael's Contempo Marin Neighborhood. It was supposed to be her nest egg. But MHC has sued San Rafael, and if they're able to break the city's rent control rules, rates could double. Tineke and many of her neighbors will be priced out. But with skyrocketing rents to pay who would want to buy the homes? We tried to ask Sam Zell if his company was taking equity that belonged to homeowners, but he cancelled our interview. When we caught up with him at a conference in Beverly Hills, (Please see Losing Ground on Page 7)

A FEW WORDS FROM YOUR BOARD OF DIRECTORS

We are about to reach 500 members strong with members in over 60 parks. **Congratulations** to all those hard working members who have helped make this a reality—Herb, Cliff, Tony, Jose, Richard, Floyd, Billie and many others.

Our recruitment and Q&A meeting in East Lancaster was quite a success. We now understand the need to have the Antelope Valley divided into “East” and “West.” Ralph Weber, long time Regional Manager for LA County GSMOL, continues as CoMO-LAC District Manager for Antelope Valley West and CoMO-LAC Vice President. Ben Renshaw of Hacienda, Ray Chavira and Tony Walker of Sherwood and Billie Thomas of Boulders in Palmdale will lead the “Antelope Valley East” group. We want to personally welcome Ben, Ray, Tony and “Billie” to the CoMO-LAC team. We need your help and know you will serve residents in your area well.

Now the matter of **membership, our #1 priority.**

This month we are sending every member a “promotional” newsletter. It is our hope that you will make copies of it and pass it out in your park or give it to your friends in other parks. You are our best hope to gain new members. Your Board is dedicated to increase membership—our goal is 1000 by years end. Soon we will represent more mobilehome owners in Los Angeles County than any other organization. We need your participation to make this happen. Remember this is your group—for the members, by the members. Don’t expect miracles from CoMO-LAC unless you are willing to give some of your time.

We continue to need volunteers—if you can bake a cake or cookies—we want you. If you can stuff an envelope, we want you. If you can deliver flyers in your park (when out for your daily walk) - we need you. If you have other skills, let us know. We are in this together. Knowing that you are helping yourself while helping others can be very rewarding. When have we had such a chance to work together?

KNOW YOUR MOBILEHOME RESIDENCY LAW

As we get around to different areas we are surprised that so few mobilehome residents know about the Mobilehome Residency Law. Actually your park must give you a copy of the new law by February of each year. Many parks are not doing this and it is a civil code violation. WMA (Park Owner Association) parks give a version of the MRL using small type—so if you want a version which is much easier to read, you can get it off the SCMOA website in both English and Spanish.

Park managers sometimes try to assert a non-existing right to enter onto your property or even into your homes for various reasons.

Be aware of this ruse, and be familiar with the appropriate MRL Section, 798.26, as revised in 2005. “... the ownership or management of a park have

NO RIGHT OF ENTRY to a mobilehome without the **PRIOR WRITTEN CONSENT OF THE RESIDENT**. The consent may be revoked in writing by the resident at any time. ...”.

It goes on to say that management may enter onto your property without written permission only for maintenance of utilities, trees and driveways, and for maintenance of the park premises in accordance with park rules and regulations when the resident fails to maintain the premises. This can only be done at a reasonable time, and must not interfere with the resident’s “quiet enjoyment” of his mobilehome.

The exception to these restrictions is in the event of a legitimate emergency or when the resident has abandoned his or her mobilehome.

SENATOR DUNN HEARING ON MANAGEMENT PROBLEMS

CONTINUED FROM THE JUNE NEWSLETTER

STAFF SUMMARY AND CONCLUSIONS

Approximately 20 witnesses testified, almost all of whom were mobilehome park residents or former residents. Representatives of the park industry did not attend due to a western states park owners' convention held at the same time in Reno, Nevada, of which the committee was not aware at the time the October 19th hearing was scheduled

The committee heard numerous complaints about management problems in various parks, from specific cases to general accusations. A couple witnesses testified that they did not have specific problems in their parks but "knew" of problems in neighboring parks from friends. A few, alluding to a 1982 San Diego hearing of this committee addressing management problems, were critical of the fact that nothing had been done in the 22 years since the first hearing. The chair requested that, in addition to a litany of complaints, speakers focus on constructive suggestions to remedy those complaints. Additional testimony and information may also be found in the Appendix in the form of letters or statements to the committee by residents, resident organizations or park associations forwarded to the committee since the hearing or prior to this printing.

COMPLAINTS

Generally speaking, testimony at the hearing included allegations that managers unreasonably interfered with residents' resale of their homes, managers made arbitrary rule changes or made up rules as they went along, managers enforced park rules unevenly, managers did not attend to maintenance problems in the park, such as sewage leaks or back-up or electrical and lighting problems, managers retaliated against enforcement agencies, managers violated or were ignorant of various provisions of the Mobilehome Residency Law (MRL) relating to resident rights, or that managers generally harassed, intimidated, bullied or yelled at residents in some parks. A few complained that they had no site manager in their park at all and that no one responded or responded only after considerable delay, in the event of a park problem or emergency. Some of the testimony also digressed into other issues.

PROPOSED RECOMMENDATIONS

The most frequently mentioned recommendation was that state set up a process for licensing-or at least certification-of park managers that included an education and testing component, arguing that this kind of process is necessary to raise the overall level of quality of managers over time. Both the Department of Real Estate (DRE) and Housing and Community Development (HCD) were mentioned as possible licensing agencies. Due to the problem of the state cost of a licensing program, some suggested a phased-in-manager certification program would be a less expensive alternative. HCD would establish basic educational standards for certification and testing with homeowner and industry input by a certain future date.

Managers would have an additional year or more after the standards were adopted to become certified through a private educational process, such as that offered by park association training programs. Parks would thereafter, at the time of the renewal of their permit to operate (PTO) have to provide HCD lists of their managers and vouch-safe their certification as a condition of renewal of the PTO.

Other recommendations by witnesses included:

Creation of local mediation boards to resolve manager-resident problems

Creation of penalties or greater responsibility—presumably strict liability—for parks for the misdeeds of their park managers

A state requirement for bonding of park managers

A state requirement for criminal background checks for managers

Creation of a state task force to explore dealing with management problems

Please see **PROPOSED RECOMMENDATIONS** on Page 4

PROPOSED RECOMMENDATIONS (Continued from page 3)

A state requirement that parks have on-site managers especially for emergencies

Establishment of model park rules and regulations, presumably in the MRL

The commitment of more state resources to the enforcement of existing mobilehome laws, or local and state prosecutorial enforcement of the MRL

Establishment of some kind of standard of care in the management of parks, particularly with regard to seniors or children

Additional opportunities for homeowners to buy their parks, presumably the right of first refusal or more state loan funding.

More oversight of unreasonable parking and towing practices in parks

A prohibition on “incentives” for parks from buying evicted residents’ homes for a dime on the dollar so the park can resell them, or replace them with new homes, for a park profit—presumably a change in the warehouseman’s lien process;

A state requirement for playgrounds for children in “open” or family parks.

The above is simply a list of the major recommendations made at the hearing, though not an exhaustive one. It is unclear how some of these suggestions would work or how—in a few cases—they relate to the focus of the hearing. At past hearings, park owner representatives have characterized resident complaints as anecdotal or isolated incidents, and with regard to management issues point out that ongoing association training programs and seminars raise the standard of the industry and help to resolve such problems. Given the fact homeowners have a vested interest in their homes in most parks and many of them are a “vulnerable” population (seniors), even if not all the complaints are accurate or simply anecdotal, the call for licensing is understandable.

The committee has taken some heat for not addressing this issue 22 years ago. But the costs of licensing and the bureaucracy required to implement it fly in the face of the direction of state government more today than even in 1982—that is—greater efficiency, fewer costs and less bureaucracy. Moreover, the costs of licensing would have to be weighed against the problems which licensing is supposed to address, at least if they are the kinds of “problems” and “abuses” on which testimony was heard at this hearing. Would licensing really solve these cases or would abusive managers simply be licensed? Granted, potential repercussions for managers might be greater in terms of suspension or permanent loss of a license, but the burden of proof or appeal to the licensing bureaucracy would still be the homeowner’s burden, much as any homeowner case against management in court today. The question is whether there are more effective alternatives.

Certification will have inherent costs for the state as well, depending on how it would be set up. If there was a minimum state oversight, it may be a more realistic long-range goal than licensing if the industry can be persuaded that certification will benefit the park industry. There may be other suggestions that can be addressed as well, such as requiring criminal background checks, a manager standard of care, or possibly manager bonding. Revisiting the issue of on-site managers, who can be available in emergencies, also has merit, as current law in this regard is both confusing and convoluted.

The chair has already agreed to implement one of the recommendations of this hearing—the establishment of a task force of approximately 10 homeowner, industry and other representatives to discuss management “issues” and certification and other suggestions. The task force met for the first time in January (2005) and will continue to meet periodically throughout the year.

(From Senate Publication Number 1306-S—available from Senate Publications, 1020 N Street, Room B-53, Sacramento, Ca. 95814 (916) 327-2155)

AB 1469 (Negrete-Mcleod) Park Manager Licensing - Assembly Housing & Community Development - *This is a 2 year bill.* WE ASK OUR MEMBERS TO SUPPORT THIS IMPORTANT BILL.

Antelope Valley Mobile Home Owners Needed To Attend Rent Arbitration

Sherwood MHP in Lancaster was recently sold to a new owner located in Alabama, but overall management will be under the control of a northern California corporation. Without notice of the sale to Sherwood residents, the new owners are petitioning the Lancaster Arbitration Board for a rent increase over and above the annual rent increase determined by the Consumer Price Index. A cursory reading of the petition, approximately 200 pages, indicates that the rent increase is "to cover the cost of increased taxes."

The Arbitration has been set for **Tuesday, July 19, 2005 at 6:00PM—City Council Chambers, Lancaster City Hall, 44933 North Fern Avenue.** For further information about the Sherwood MHP hearing all AV mobile home owners are asked to call Ray Chavira at 661-946-8109 or Tony Walker at 661-946-1158.

At a special meeting with a few Sherwood residents, Ralph Weber and Ray Chavira, CoMO-LAC Antelope Valley Representatives, and George Root, former Lancaster City Councilman, have agreed that this arbitration meeting is important to all mobile home owners in the Antelope Valley and that every MH owner who can should attend the hearing. While attending this Arbitration is vitally important to Sherwood MHP residents, it would be a valuable experience for other MHP residents to learn how the Rent Arbitration works. The Rent Arbitration Board, which hears the petitions for the City of Lancaster only, consists of 5 members including one Park Owner and one MHP Resident and three neutral parties, all appointed by the Lancaster City Council. The City of Palmdale has its own rent control ordinance, while the rest of Antelope Valley in Los Angeles County have no rent control or rent arbitration; however, there are early indications that there is a movement to bring some type of rent control to these outlying LA County municipalities.

MEMBERSHIP—OUR #1 PRIORITY. HOW IS YOUR PARK DOING?

<p>PARKS WITH 10-20 MEMBERS</p> <p>CHATSWORTH MOBILEHOME PARK</p> <p>HACIENDA</p> <p>INDIAN HILLS</p> <p>QUARTZ HILL</p>	<p>PARKS WITH 20-30 MEMBERS</p> <p>CHATSWORTH IMPERIAL</p> <p>LEISURE LAKE</p> <p>RIVERIA</p> <p>SHERWOOD</p> <p>SYLMAR MOBILE MANOR</p>	<p>PARKS 30-40 MEMBERS</p> <p>NORTHRIDGE</p> <p>PARKS 40-50+ MEMBERS</p> <p>CANOGA MOBILE ESTATES</p> <p>OAKRIDGE MHP</p>
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This month we are having a membership drive and want to involve you. When you bring members to CoMO-LAC not only do you help yourself, but you help your friends and neighbors. We encourage you to distribute our one page complimentary newsletter in your park and/or neighbor parks. The park manager/owner can not say anything when you distribute because this right is guaranteed by our Mobilehome Residency Law. If your park does not have a tube or other receptacle for distribution, you may leave a newsletter on the porch, but make sure it doesn't become garbage in the street.

**CONGRATULATIONS TO HERB AND OTHERS IN OAKRIDGE MOBILEHOME PARK, SYLMAR
OAKRIDGE HAS OVER 50 MEMBERS TODAY—KEEP UP THE GOOD WORK!**

QUESTIONS AND ANSWERS

1. “Can management force us to follow NEW RULES before they are even written or we’ve signed them?”
Answer: No. There is a legal process to make new rules and regulations valid. It is detailed in the MRL 798.25 and 798.25.5. Rules and regulations made unilaterally by management are **VOID RULES—this means they can not either verbally or in writing (park newsletters, etc) introduce new rules.** We suggest when management has a meeting to introduce new rules that you DO NOT sign them, but rather put in writing to the owner and manager those new rules you object to.
2. Why have we not been told who our assistant manager is and who works for the park?
Answer: We believe management has a responsibility to communicate such information to all residents in a timely manner. Perhaps the park owner should be informed of management’s non-communication.
3. “Why does management not follow the park Rules and Regulations?”
Answer: Management may claim all park rules and regulations do not apply when they are conducting “park business” (see MRL 798.23(b). Unfortunately the MRL does have “loop holes.” That’s one reason why we need a strong organization so that we can do something about this inequity—we feel management and other park employees should be governed by the same rules and regulations as any other resident.
4. “Who can we talk to about questionable practices by management?”
Answer: CoMO-LAC is always ready to offer you help. Please note the Ombudsman’s office in Sacramento does not get involved in complaints regarding the Mobile Home Residency Law, so don’t waste your stamp writing them for help. Your best bet is a CoMO-LAC representative or the CoMO-LAC Board of Directors.
5. “About the clubhouse cleaning deposit: Shouldn’t management at least give a receipt to prove what residents were charged for (when management keeps part of their deposit)?”
Answer: Refer to park rules and regulations 6F Recreational Facilities and Common Areas: There will be no charge for the use of the clubhouse. However,...a security and clean-up deposit may be required. CoMO-LAC believes if management now begins to ask for a deposit, they should do so equally and fairly. If a deposit is required of some and not others, this is not equal and fair. A resident should demand in writing a receipt for the deposit and an explanation if any deposit is kept by management. We would suggest writing the park owner if this is not done.
6. “I didn’t get a copy of the Mobilehome Residency Law when I moved into the park. Where can I get it?”
Answer: Ask Management for a copy first. If they do not have any copies check with your CoMO-LAC representative. It is important that you have a copy! The park should have given every resident a copy of the 2005 MRL with the rent notice February 2005.
7. “I paid my rent on the 5th of the month, yet it was late and I had to pay \$50.00. Is this the law?”
Answer: No! You have a 5 day grace period in which to pay it without a late fee. So if your rent is due on the 1st of the month, it is late if not paid on or before the 6th. Also late fees must be reasonable. A \$50.00 late fee is very unreasonable. A late fee should reflect actual costs the park incurs when your rent payment is late. Nothing more. You need to write management and let them know they are not following the law and you should get any late fee immediately returned to you.

LOS ANGELES CITY

LOGO CONTEST

CoMO-LAC held a meeting on June 16th to discuss the issue of the Mobile Home Park Task Force (MHPTF). It was decided the Rent Stabilization Ordinance needs to be changed as follows:

1. Mobilehome owner representatives need to be identified as such, with current contact information such as mailing address, phone number, and email address.
2. CoMO-LAC should be listed as an organization that helps mobilehome owners in the City of LA.
3. CoMO-LAC should be the liaison organization between the LA Housing Department and mobilehome owners in the City of LA. We do not want to see the park owners representative, David Evans continue as LA Housing ombudsman.
4. We have a priority to get members in those 60 parks that are under the RSO of the city of LA. We will be asking for active residents in these parks to serve on the MHPTF.
5. Herb Jensen, Oakridge in Sylmar has volunteered to be on the Task Force for his park.
6. Richard Ramirez, Chatsworth Imperial, has volunteered to be on the Task Force also.

We need a distinctive LOGO for our organization. Design a LOGO. It will be used for all CoMO-LAC materials, including letter head, newsletter, envelope, etc. It should help represent our organization—mobilehome owners fighting for their rights. Send us a photo, clip-art, original art work, or suggestion. Please send entries by July 23, 2005. **If you are selected, you will have a write-up in the Newsletter and receive a one-year extension to your membership.** Thanks for your help!

HANDYMAN RECOMMENDATIONS

We received one recommendation to date, from Joan Ratliff in Santiago Mobile Estates in Sylmar. Her handyman recommendation is: George Mesa, Cell 818-419-5877, fax 818-988-0318. In business since 1995, trained as "U.S. Best Handyman." (CoMO-LAC is not responsible if you use)

WMA PARKS

Help us identify WMA Parks (Western Manufactured Communities Association—a park owners association). We believe the WMA advises these parks regarding active residents and organizations. This information will help us.

(LOSING GROUND from Page 1) he warned us he would leave if we brought up the issue. Zell's lawyer tells us the equity is attached to the land, and therefore belongs to the company.

San Rafael hired Attorney Michael Von Leowenfeldt to defend its rent control. He says the city believes the value of that equity should be shared. "The landlord gets a fair return on their investment. And that's, frankly, I think all they should get in terms of fairness," Von Leowenfeldt says. "And the homeowner gets a fair chance to sell their home for more than they bought it for, just like anybody else who owns a home. "That's a wrenching balance for Tineke and other tenants who now find themselves torn between the two strongest forces in America – Owning a piece of it, and maximizing its wealth.

"They acted very imperiously, very high-handedly. Basically they told us, you know, this is our place and as far as you having any equity, you don't have any equity. All the equity here belongs to us," says Herb Rossman. If you're wondering why homeowners don't just move their houses when rents go up, modern mobile homes really aren't very "mobile" once they're set in place. In the meantime, tenants got some help last month when the U.S. Supreme Court upheld the right of local governments to set rent controls for places like mobile home parks.

THE ABOVE NARRATIVE IS FROM A CBS CHANEL 5 BROADCAST DATED JUNE 10, 2005

http://cbs5.com/30minutesbayarea/local_story_162010247.html (click on the "[Manuel Ramos reports](#)" to the right of the story headline after the website pops up to view the video)

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LINKS

servingmobilehomeowners.com

(Clay Harrison's Website)

scmoa.org

(Sonoma Co. M/H Owners Assoc.)

cityofla.org/lahd

(LA Housing Department)

cesinaction.org

(Coalition for Economic Survival)

seniors.org

(Congress of CA Seniors)

MESSAGE BOARD

<http://groups.yahoo.com/group/comolac/>

COALITION OF MOBILEHOME OWNERS®

- LOS ANGELES COUNTY

Membership/Renewal Application

Name: _____ Date: _____

Park Name: _____ Space # _____

Address: _____

City, State, Zip: _____

E-Mail Address: _____ Phone No: _____

Signature: _____

Dues are \$15.00/Year.

Make checks out to CoMO-LAC®

**Mail to: CoMO-LAC, P.O. Box 4821, Chatsworth,
California. 91313-4821**

JULY

JULY 11TH: 7:00PM. Oakridge MHP. CoMO-LAC meeting. 15455 Glenoaks Blvd., Sylmar. CoMO-LAC "Chapter" meeting.

JULY 16th: San Fernando Valley CoMO-LAC Meeting. Chatsworth Metrolink Train Station. 11:00am. Chamber of Commerce Meeting Room, 10038 Old Depot Plaza Rd, Chatsworth (West of Canoga Ave, South of Devonshire Street) - All members welcome.

JULY 19, 2005: Sherwood Mobilehome Park Hearing @ 6:00PM at City Hall in Lancaster. Call Ray Chavira at 661-946-8109 or Tony Walker at 661-946-1158 for info and see page 5 for details.

JULY 23, 2005. Board of Directors Meeting. Chatsworth Metrolink Train Station. 11:00am. Chamber of Commerce Meeting Room, 10038 Old Depot Plaza Rd, Chatsworth (West of Canoga Ave, South of Devonshire Street)

Look for us in your area in coming months:

BE AN ACTIVE MEMBER

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