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MH Life

*The Voice of
Mobilehome Owners
Network*

FEBRUARY 2019

VOLUME 7 NUMBER 2



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MH Life Magazine

Serving California's Mobile & Manufactured Housing Communities

Published By Mobilehome Magazine

P.O. Box 3774, Chatsworth, CA 91313

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To God Be The Glory

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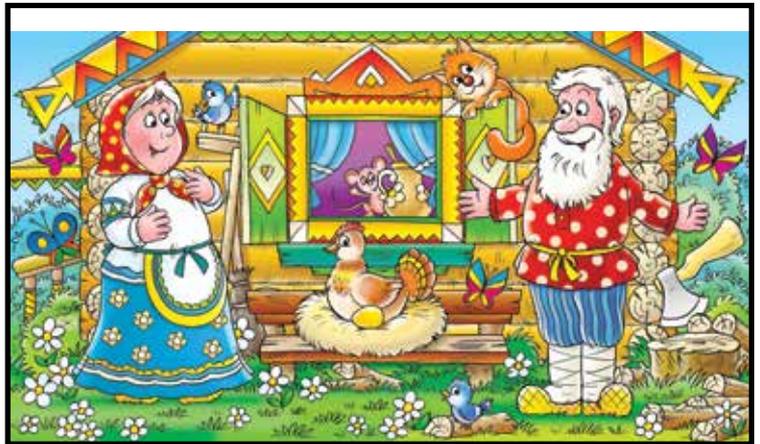
A Mouse Story

The following was published in 2007 in THE VOICE. It is from Bob Lupo, then the GSMOL 571 President, Huntington Shorecliffs MHP, Huntington Beach <http://gsmol571.com/>

A mouse looked through the crack in the wall to see the farmer and his wife open a package. "What food might this contain?" The mouse wondered - he was devastated to discover it was a mousetrap. Retreating to the farmyard, the mouse proclaimed the warning. "There is a mousetrap in the house! There is a mousetrap in the house!"

The chicken clucked and scratched, raised her head and said, "Mr. Mouse, I can tell this is a grave concern to you but it is of no consequence to me. I cannot be bothered by it." The mouse turned to the pig and told him, "There is a mousetrap in the house! There is a mousetrap in the house!" The pig sympathized, but said, "I am so very sorry, Mr. Mouse, but there is nothing I can do about it but pray. Be assured you are in my prayers." The mouse turned to the cow and said, "There is a mousetrap in the house! There is a mousetrap in the house!" The cow said, "Wow, Mr. Mouse. I'm sorry for you, but it's no skin off my nose."

So, the mouse returned to the house, head down and dejected, to face the farmer's mousetrap-- alone. That very night a sound was heard throughout the house -- like the sound of a mousetrap catching its prey. The farmer's wife rushed to see what was caught. In the darkness, she did not see it was a venomous snake whose tail the trap had caught. The snake bit



the farmer's wife. The farmer rushed her to the hospital and she returned home with a fever. Everyone knows you treat a fever with fresh chicken soup, so the farmer took his hatchet to the farmyard for the soup's main ingredient. But his wife's sickness continued, so friends and neighbors came to sit with her around the clock. To feed them, the farmer butchered the pig.

The farmer's wife did not get well; she died. So many people came for her funeral, the farmer had the cow slaughtered to provide enough meat for all of them. The mouse looked upon it all from his crack in the wall with great sadness.

So, the next time you hear someone is facing a problem and think it doesn't concern you, remember -- when one of us is threatened, we are all at risk. We are all involved in this journey called life. We must keep an eye out for one another and make an extra effort to encourage one another.

It Takes A Village

by Frank Wodley, Publisher, Mobilehome Magazine

I've been an advocate helping mobile/manufactured home owners going on sixteen years. I formed and ran a statewide group called The Coalition of Mobilehome Owners - California (COMO-CAL) from 2005 through the end of 2016. And I began Mobilehome Magazine in September 2011.

One thing I've learned is advocacy takes a village. Advocacy doesn't just happen. It takes volunteers who are dedicated to helping their friends and neighbors. For example, Mobile/Manufactured Home Life Magazine. There are many moving parts to get it to your door. And unlike the other four magazines I publish (Sacramento, Vallejo/Napa, Yucaipa and North San Diego County), there is no regional group in the San Gabriel Valley. You need one! I can help. But someone reading this must step up and volunteer. Someone that knows volunteering can be very rewarding. I can even give you some start up money.

- Content for this magazine comes from the other four magazines. Also I use article in my archive since most never get out dated.
- I assemble the content using a program called InDesign. Then I convert the InDesign document to a pdf and email it to my printer in Tucson, Arizona. Turn around time is approximately one week.
- Recently, magazines have been delivered to Linda Kuciera of Maple Ridge Mobilehomes. The delivery point is Upland. Linda and her agents have been responsible to get magazines to you. *I thank Linda and her staff for their assistance.*
- **Note: Linda will not be able to continue distribution. The only way you are guaranteed a magazine is to step up and volunteer to help distribute. Simply call me (Frank) at 818-886-6479 or email me at fawodley@yahoo.com.**

It takes perhaps thirty people to get 3,000 Mobile/Manufactured Home Life Magazine published, printed and delivered door to door. And then there is the cost. UPS delivery from Tucson to Upland costs \$150/month. After all, 3,000 magazines weight 300 pounds and are shipped in boxes of 400 each (45#). Expenses to print and deliver the magazines mount up fast, especially at a cost of almost \$.45 per copy. You do the math.

So who pays for the magazine? Actually, I have offered a regional magazine to any advocacy group in the state of California at no cost. And I love providing the magazine and my time. I just wish more groups would take advantage (San Jose, North County, Hemet, Riverside, ...). Today, I'm publishing five different magazines. Unfortunately, the advertising does not cover the cost of printing and delivery. As a result, I have considerable out of pocket expenses, i.e. the ad revenue does not cover the expenses.

So where do you come in? Advocacy, in this case the Mobile/Manufactured Home Life Magazine, is only sustainable with your active involvement. If you feel it has value, then please support it; otherwise, you may lose it. There are several ways:

- Email or call me. Let me know your thoughts on the magazine. Do you like it? How would you change it? I really appreciate feedback. After all, my goal is to serve you!
- In my opinion, every mobilehome owner in the greater San Gabriel Valley area can use a local Regional Group. Personally, I'd like to see these groups start charging \$25 and be "full service" organizations and take a leadership role with other regional groups across the state.
- Consider sending Mobilehome Magazine a small donation. Even \$5/year would be a big help and you could take pride that you were supporting your Mobile/Manufactured Home Life Magazine. Making a donation is easy, just make a check out to Mobilehome Magazine and mail it to Mobilehome Magazine, P.O. Box 3774, Chatsworth, CA 91313.
- Help secure advertising. Everyone wins. As soon as the Mobile/Manufactured Home Life Magazine is profitable, I'll share profits with your new regional group. I'm sure they could use the money to better assist you.

WHEN CAN PARK MANAGEMENT ENTER MY SPACE?

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

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

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

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

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

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



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

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

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

Article by Attorney Jon S. Heim. Mr. Heim is no longer available to assist mobilehome owners.

Transferring Title of a Mobilehome From a Seller to a Buyer

Many mobilehome owners living in mobilehome parks in California do not have clear title to their homes. It may be a good idea to check on your status if you are not sure. When it comes time to sell your mobilehome or you should give it to an heir, the lack of a clear title will complicate matters.

HOW TO CHECK ON THE TITLE

It is easy to find out whether you hold clear title to your mobilehome.

If you have a tan-colored 8½ x 11 paper from HCD called the "Certificate of Title" and it is in your name, then you have the title to your home.

If you do not have in your possession the Certificate of Title, then you can call one of the HCD's Registration and Title offices in California to find out your status, whether you have clear title. Be prepared to provide them your name, the location of your mobilehome, and other information. They can look it up in a few minutes on their computers and tell you the status.

REGISTERED OWNER VERSUS LEGAL OWNER

When you check on your status as titleholder, you should be aware that there is a difference between the legal owner and the registered owner. In most cases this will be the same person.

The registered owner and the legal owner may be different for a variety of reasons, but a common one is that one person bought the home for another to live in it. This can occur when say a parent buys a home for a son or daughter, or a son or daughter buys the home for a parent. When the buyer, working with the seller, transferred title to the buyer, the buyer specified the occupant (to be) as the registered owner but themselves as the legal owner. The registered owner then will appear on the HCD paperwork as the owner and will be sent the annual registration notice (or tax notice) and to the park manager will be the owner. The legal owner, however, owns the asset. The advantage of this arrangement is that the person living in the home is not viewed as one subletting the home, allowing the buyer and the occupant to get around the state laws against subletting a mobilehome (MRL 798.23.5)

To have clear title, you need to be both the registered and the legal owner.

HOW TO TRANSFER THE TITLE OF A MOBILEHOME

The following is the typical process for a seller to transfer the title of a mobilehome to the buyer. This assumes the

seller has clear title.

- o (Need) Title. Fill out the back of this.

—The Certificate of Title is tan in color, is an 8½ x 12 sheet of paper, and is from the Department of Housing and Community Development (HCD) of California.

—If the title is lost or simply a duplicate title is needed, use Form 480.4 to get a new copy – there will be a fee to get a duplicate.

- o (Need) Form 476.6g, the multi-purpose transfer form. This must be filled out. It asks such things as "is the water heater strapped down with earthquake straps?" and "does the smoke detector work?"

- o (Need) Form 476.4, declaring the Sales Price. Bring this form but do not fill it out. HCD will fill it out. They put down the lesser of the sale price of the home and the NADA price of the home. The National Automobile Dealers Association Appraisal Guide has prices for mobilehomes (just like the Blue Book for automobiles). For older mobilehomes, the NADA price is usually significantly less than the selling price.

Then one of these two items are needed, either the Registration Card or a Tax Clearance Certificate. To tell which are needed, get the alpha-number off the decal on the outside of the mobilehome. Does the decal alpha-number starts with the letter 'L'? If YES, then the seller needs to obtain a Tax Clearance Certificate from HCD to transfer title to someone else. It shows that all the taxes have been paid on the home. If the decal alpha-number starts with an 'A', then a the seller must provide a copy of the Registration Card to show that registration has been paid.

- o (Conditionally Needed) Registration Card. This is not really a card, it is the 8½ x 11 sheet of paper the mobilehome owner gets from HCD as proof they have paid their registration fees.

- o (Conditionally needed) Tax Clearance Certificate. This is only needed for some mobilehomes and manufactured homes. One can tell if it is needed by the decal on the home.

The most efficient way to transfer title, is for the buyer and the seller to get copies of all the appropriate documents, fill them out with pencil answering all questions (on their own, or together) and then take the papers to an HCD office (that handles Registration and Titles). The HCD officials can record the documents and ensure all papers are complete and filled out correctly.

SOURCE OF THE ABOVE:

Scott Hoaby talked with representatives of HCD on

WHO TAKES CARE OF TREES? by Jon Stanley Heim

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

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

One common legal issue in mobilehome residency concerns trees. Who is supposed to take care of trees, and when? The MRL addresses this issue directly. California Civil Code section 798.37.5, subdivision (a), which is part of the MRL, provides that, "[w]ith respect to trees on rental spaces in a mobilehome park, park management shall be solely responsible for the trimming, pruning, or removal of any tree, and the costs thereof, upon written notice by a homeowner or a determination by park management that the tree poses a specific hazard or health and safety violation." If the homeowner and management disagree whether a tree poses such a hazard or violation, either party may request an inspection of the site and a resolution of the issue by Department of Housing and Community Development ("DHCD") or a local agency that enforces mobilehome laws. Under California Civil Code section 798.37.5, subdivision (b), also part of the MRL, park

management is responsible too for "the trimming, pruning, or removal of any tree [in a common area of the park], and the costs thereof[,]" whether or not the common area tree poses a hazard or health and safety violation. Management must also repair "root damage to driveways and foundation systems..." (Cal. Civ. Code, sec. 798.37.5, subd. (c).) Mobilehome residents are forbidden from planting trees in the park "without first obtaining written permission from the management." (Cal. Code Civ. Proc., sec. 798.37.5, subd. (d). All current rules and regulations of mobilehome parks must comply with the foregoing statutes (Cal. Code Civ. Proc., sec. 798.37.5, subd. (g)), so they cannot be waived or diluted by any rental agreement or park rule.

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

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

Editor's Note: This article was first published in THE VOICE March/April 2009. It was written by attorney Jon Stanley Heim. Although Mr. Heim is no longer available; his advice remains timely.

multiple occasions in 2015 to get a clear understanding of what needs to take place to properly transfer the title. The above pieces of information are what HCD has told him. The people listed below are the people Scott has talked with at one time or another.

HCD Contacts for Titles and Registration

- o Riverside (951) 782-4431
- o Santa Ana (714) 558-4974

- o Sacramento (916) 255-2532
- o San Luis Obispo (805) 549-3373

Go to www.hcd.ca.gov. In the search box, type "Forms" and hit enter. On the ensuing page, click on the link "HCD Forms," probably the top entry. The page that comes up are all the forms that HCD has.(or try <http://www.hcd.ca.gov/forms.html>)

Manufactured Homeowner Bill of Rights*

Manufactured-home owners and their families are entitled to enjoy the same constitutional freedoms as all other Americans. Sources: WMA: Western Manufactured Housing Communities Association. NMHOA: National Manufactured Home Owners Association. MRL: Mobilehome Residency Law.



1. Homeowners shall be free to speak, including, but not limited to, the right to distribute informational & educational fliers about the rights of manufactured home owners. (NMHOA & MRL 798.51(a)3). The NO SOLICITATION rule does not apply to park residents or advocacy publications distributed by residents.

2. Homeowners shall be free to assemble (including, but not limited to, the right to organize a home owners' association, the right to peaceably assemble, and the right to hold association meetings at the community's clubhouse to discuss issues of importance to manufactured home owners (NMHOA & MRL 798.51(a)1-2 & 798.15(i)5)

3. Homeowners can expect recognition of their rights to privacy, respect, courtesy and dignity. The goal of management is the contentment, security and peace of mind of residents. (WMA). Managers will treat homeowners with respect and courtesy and in a professional manner. (WMA). This means no shouting, yelling or fighting with residents.

4. Managers will observe residents' rights to privacy (WMA), i.e. they will not come on residents' property, without the appropriate notification, and then only to maintain the driveway, trim trees or read meters. (MRL Sections 798.26 / 798.15(i)7)

5. Management pledges residents shall be free of worry of arbitrary or unlawful termination of tenancy. (WMA). Managers may not threaten residents for any reason, e.g. 'if you don't like it here, then move.' Managers must follow the MRL process when evicting a resident, i.e. there are only 7 legal reasons a resident may be evicted. MRL 798.55-56 & 798.15(i)3.

6. Parks shall establish, in writing, rules and regulations that are reasonable and make them available to all residents. (WMA)/ MRL 798.56(d). Managers will provide residents written documentation, should issues arise, and shall not 'make up new rules or regulations' on the fly. Homeowners are entitled to equal protection under the law, including, but not limited to, the right to the peaceful enjoyment of one's home and the uniform and consistent enforcement of rules and regulations. (NMHOA) MRL 798.25.5

7. Managers shall not threaten retaliation or retaliate against a resident for any reason, including the formation of a Home Owners Association by residents or the filing of a complaint against management. (NMHOA). Representatives of advocate organizations shall have the right to file complaints on behalf of a park resident, if so delegated, by the resident.

8. Homeowners have the right to sue, in small claims court, a manager or park owner who willfully violates any provision of the Mobilehome Residency Law. MRL Section 798.85-86.

*Compiled from the WMA Code of Ethics, the NMHOA Bill of Rights and the California Mobilehome Residency Law by Mobilehome Magazine, P.O. Box 3774, Chatsworth CA 91313. 800-929-6061/818-886-6479.



Letter to Park Managers

As per the Western Manufactured Housing Communities Association (WMA), the park owner's group, park managers are responsible 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. We applaud those managers who take their job seriously, manage by the WMA Code of Ethics and treat their residents with respect and courtesy.

Residents are provided protections through the Mobilehome Residency Law (MRL). And the National Mobile Home Owners Association (NHMOA) publishes a Bill of Rights for residents of mobilehome parks. However, those managers who abuse know full well little or nothing can be done to stop their abuse, simply because there is no viable enforcement of the MRL.

Many park managers do a terrific job, yet there are park managers that continue to abuse those they are supposed to serve. The abuse takes many forms: yelling/shouting at residents, unequal enforcement of rules and regulations, retaliation, unlawful evictions, making up new rules and regulations without following the proper procedure, intimidating and harassing residents, sending out threatening notices, not allowing the distribution of information from advocates or between residents, not allowing residents to organize or meet, etc. The list goes on and on.

Mobilehome Magazine has compiled a list of reasonable homeowner's rights, basic rights no one should

question. Many have been posted on Western Manufactured Housing Communities website (www.wma.org) for years. Surely the WMA will gladly support our efforts to help stop manager abuse.

Mobilehome Magazine has always promoted good relations between park managers and mobilehome owners. Abuse by park managers is not only illegal and reprehensible, but it gives those managers who act in a responsible and professional manner, a black eye. We would like to start exposing these 'bad apples.' Isn't it time we all worked together, to eliminate manager abuse?

This is what we ask:

- Please carefully read this letter and the accompanying Manufactured-Home Owner Bill of Rights
- If you, as the park manager, agree to abide by all provisions of the Bill of Rights, we ask you to approach your park owner for his/her permission to post the Bill of Rights on your park bulletin board, for all to see.
- Mobilehome Magazine would like to congratulate those who post the Bill of Rights, without change. Your residents will be very happy and excited.

If you or your park owner don't agree with all provisions:

- Let us know which provisions, if any, are acceptable
 - We will work with you to reach some agreement.
- At least that's a step in the right direction.

Thank you for your time and assistance in this very important matter.

Mobilehome Owners Receive National Attention



The plight of mobilehome owners in America is indeed, a common one – tenants versus park owners. It is a continual battle in California, as we all know.

The December 17, 2018, issue of TIME Magazine, published an article written by Emma Whitford, “Mobile-home residents unite to take on landlords” on page 5 “The Brief Nation”. It was supported by the Economic Hardship Reporting Project, a journalism non-profit based in Washington, D.C.

The article stated that “22 million is the approximate number of Americans living in mobile homes with a median annual income of less than \$30,000.” Sound all too familiar or too close to home? Mobilehome ownership is “the largest sector of non-subsidized affordable housing in the country” and “have always been among America’s most vulnerable homeowners.”

The article focused on a manufactured home community in Akron, NY. The park’s new corporate owner issued notices of a rent increase in excess of 40% and those who were unable to pay the new rent amount were subject to eviction. The homeowners invoked a state law which prohibited park owners from increasing rent more than once a year and were thus able to get a temporary reprieve from the rent hike – they had received a \$10 increase shortly before the 40% increase notice was delivered. The current space rent is less than \$300 per month but the residents anticipate that it will be over \$500 per month to meet the “market rate” in 2021.

A resident association which includes mobilehome owners and apartment renters in Akron, is planning to undertake the country’s first rent strike by collecting rents and placing the monies in an escrow account to use in the anticipated court battle. The major issue is skyrocketing, unaffordable rents.

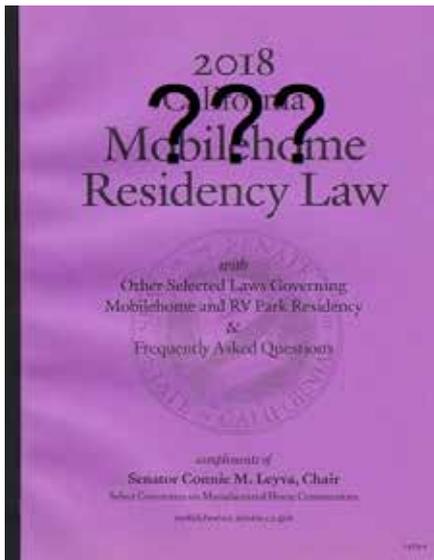
The article significantly noted the uptick in mobilehome park purchases by well funded corporations and private investment groups. “This year, Blackstone Group, the world’s largest private equity firm, bought a portfolio of 14 mobilehome parks in California and Arizona.”

And so the struggle continues...

Problems with the MRL

Part 1

by Tony Danieli



In past issues of Capital Region Mobilehome Magazine, we have pointed out how the MRL works for you. In our next series of articles we will discuss ways to improve the MRL.

Much of the MRL was written many years ago. In recent years, we have seen a marked increase in the purchase of mobile home parks by investment groups. Many of these groups have taken advantage of loopholes in the MRL. These loopholes need to be closed and the MRL upgraded to reflect today's problems.

One of my pet peeves is the recurrent use of "reasonable" in the MRL. Maybe at one time there were "reasonable" owners. However, many of today's park owners are not reasonable. Some could even be described as predatory. The term "reasonable" needs to be permanently removed from the MRL and replaced with hard and fast rules.

This will be not be an easy task since the loophole term "reasonable" is used 71 times in the MRL.

798.24 POSTING OF COMMON AREA FACILITY HOURS

"Each common area facility shall be open or available to residents at all **reasonable hours** and the hours of the common area facility shall be posted at the facility."

The investment group that owns my park keeps the clubhouse open on weekends. Yet in another one of their parks the clubhouse is closed on weekends. Keeping the clubhouse closed on weekends is not reasonable. The term "reasonable hours" should be replaced with a specific time, say 9 am to 9 pm on weekends.

The MRL is littered with terms like "reasonable fees", "reasonable service charges", "reasonable incidental service charges". In my park an elderly lady failed her inspection because of a small patch of weeds on her property. Management sent the park maintenance man over with a weeder whacker. He removed the weeds in 2 minutes. The park charged her \$50. By my calculations, they charged her \$1,500 an hour. Does that seem "reasonable" to anyone other than a greedy owner. She should have been charged at the rate the park pays their employee or maybe a flat fee of \$10.

Here is the loophole that that predatory park owners love:

"For example, a park owner must utilize an unlawful detainer procedure in a court to evict a homeowner for non-payment of rent or **failure to abide by reasonable park rules.**"

My park's rules are over 20 pages long. I would even consider many of them reasonable. The park owners consider all of them reasonable. Is it reasonable to evict someone from their home for failure to abide by a park rule? Here are some park rules that I could be evicted for: parking in the street in front of my house for more than 20 minutes, not picking up after my dog in the dog park, have more than 2 pets, having more than 2 cars in your driveway even if they fit, etc. Predatory park owners have stolen the homes of many park residents using this loophole.



Manufactured Home Energy-Efficient Retrofit Measures

- Install energy-efficient windows and doors
- Add insulation to the belly
- Make general repairs (caulking, ducts, etc.)
- Add insulation to your walls
- Install insulated skirting
- Install a belly wrap
- Add insulation to your roof or install a roof cap.

To further improve your manufactured home's energy efficiency, consider:

- Caulking and weatherstripping windows and doors, especially if you can't replace them with more energy-efficient ones
- Air sealing any openings around plumbing fixtures and ducts
- Using energy-efficient lighting and appliances.
- Manufactured Home Renewable Energy Applications
- You can use renewable energy to provide electricity, heating, and cooling for your manufactured home. Renewable energy systems not only lower energy costs, but also reduce pollution from fossil fuels.

You might consider:

- Installing a geothermal heat pump (GHP), which can provide space heating and cooling. GHPs are most cost-effective to install at the same time as the manufactured home. The systems can't be moved, so GHPs only work for permanently sited manufactured homes.
- Investigating solar water heating. Although the lightweight construction of some manufactured homes limits roof support for heavy solar collectors, you can use lightweight roof-mounted air collectors for water heating or install the heavier liquid-type solar collectors on the ground. These

systems are best suited for manufactured homes that are seldom moved.

- Installing solar electric or photovoltaic (PV) systems, which are light enough to install on the roof of a manufactured home.

If you have a south facing wall, Mother Earth News has detailed instructions for how to build a solar collector that will use the heat from the sun to help heat your home.

<https://www.motherearthnews.com/diy/solar-energy-mobile-home-zmaz85sozgoe?pageid=3#PageContent3>



If there is room on the lot the mobile or manufactured home sits on, a ground mount solar system is a possibility. It will need to be set up in an area that faces south and is free of obstructions that will cause shadows during the day. There are also solar water heaters that can be set up outside on the ground to help reduce the cost of making domestic hot water.

Here's an idea. If enough owners are interested, a community solar installation could be constructed on land surrounding a mobile or manufactured home park and benefit all the residents. That would require getting enough people in the park to participate but if you can get over that hurdle, everyone who joins the group would get the benefit of solar power. That would be a far more efficient solution than everyone having their own ground mounted solar system.

Here's another alternative. SolPad will soon be selling individual portable solar panels that you can set up on the ground or on the deck. The panels include a built in battery storage unit and inverter. All you need to do is plug it in to a regular household electrical outlet. Two or more can be interconnected for more power generation.

PROTECTING MOBILEHOME INHERITANCE RIGHTS by Bruce Stanton

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

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

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

2. **INFORM YOUR HEIRS OF WHERE TO FIND INFORMATION AHEAD OF TIME.** Just as you would

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

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

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

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



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

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

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

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

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

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

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

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

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

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