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The RENT CONTROL QUESTION

The Union Tribune has taken a stand opposing rent control, both with articles and editorials and even the U-T ECONOMETER chipped in with a resounding 18 to zero opposition opinion. Not that I am surprised, after all, without real estate and auto advertising, the paper would probably fold within six months. They would find themselves in the same kind of fix most average citizens are in with a stagnate income growth and inflationist economy, highlighted by rising rents.

Do any of those 18 naysayers face the same kind of problems many renters are facing? Chances are, every single one owns their home, so renter problems are no concern of theirs.

Take my case for instance. My rental/housing costs in a mobile home park are consuming well over fifty percent of my retirement income. My social security income is super stagnate. I could not even come close to renting the average apartment with less than \$2,000.00 dollars a month income. New apartments in the \$1,700 to \$2,200 monthly range are being gobbled up by those earning \$50,000 to \$100,000 a year, and they are not the ones suffering and having to look for older, less attractive and barely affordable units.

You anti-poor people always bring up New York when you come out against rent controls. How about Santa Monica, right here in California? Raising rents an average of 8.4 percent in one year is nothing but greedy gouging by investors. Their operating costs may be up 2 or 3 percent, if that much. How about limiting increases to the increase granted to Social Security recipients? That would probably result in getting larger benefit increases so the investors could milk the system some more. The TV and print ads opposing Prop 10 are packed with whist might and will happen, when in fact the percentage of fulfilling these horrible things is more like 10 to 20 percent in reality. If opposition is legitimate then why resort to lies and deceit? I also wonder how many millions of dollars are flowing into pockets and campaigning against the removal of the Costa-Hawkins Rental Housing Act passed in 1995. This act is one of the major causes of skyrocketing rents and homelessness. The people/investors/real estate businesses are using their obscene profits to defeat Prop 10.

Now, before you think I am a socialist or communist, let me assure I have been a staunch conservative for over 70 years, and never voted for even one Democrat for President. I also at one time owned rental property and apartments, all of which carried fair and reasonable rents. Rent control can be a necessary evil that keeps people in decent housing situations. Open your minds and hearts a little. VOTE FOR PROP 10 and call for an end to this rape of those on the lower end of the economic scale. Article by Lloyd Rochambeau

YES ON PROPOSITION 10

THIS IS EXTREMELY IMPORTANT. Vote YES on 10 on November 6th.

It will take the chains off and allow cities to have more control to implement rent control.

WE NEED EVERYONE TO VOTE YES ON 10

What is Costa-Hawkins?

For over twenty years, the Costa-Hawkins Rental Housing Act has been a disaster for California renters. A special-interest statewide law backed by the real estate industry that passed in 1995, Costa-Hawkins ties the hands of cities when it comes to protecting tenants from landlords who charge runaway rents:

- **Cities can't pass vacancy control**; if a tenant leaves or is forced out of a rent-controlled unit, a landlord can raise the rent however much they want for the new tenant.
- **Cities can't extend rent control** to any condos, single-family homes, and any housing built after 1995.
- **Cities that passed rent control before 1995** cannot even cover construction from the date their ordinance passed (i.e. 1979) up to 1995.

Since the 2008 crisis, Wall Street has snapped up tens of thousands of single-family home rentals across the state and nationwide. Thanks to Costa-Hawkins, Wall Street landlords can hike rents by thousands of dollars overnight.

Since Costa-Hawkins passed in 1995, tenants have paid ever increasing rents and been forced from their communities or into homelessness due to high housing costs. Our communities are suffering while real-estate profiteers squeeze tenants for higher and higher rents.

Repealing Costa-Hawkins is common sense: it lets cities decide what's best for them. Every city can make their own choices whether they want rent control and what buildings should be covered. It's time for Sacramento and the real estate lobby to stop dictating which properties are exempt from rent control, allow cities to choose vacancy control, and allow existing rent ordinances to be updated.

With housing costs completely out of control in California, now is the time to repeal Costa-Hawkins.

Why is Sacramento protecting Costa-Hawkins?

Rent control is broadly popular with Californians, but real estate interests have the ears (and campaign dollars) of many legislators in Sacramento. In 2008, at the height of the biggest economic collapse since the Great Depression, Tenants Together formed around the fight against Proposition 98, where the landlord lobby tried (and failed) to abolish all rent control in California. Despite Costa-Hawkins being on the books for over a decade at that point, the real estate lobby wasn't satisfied.

In 2017, Assemblymember Richard Bloom (D-Santa Monica) introduced **Assembly Bill 1506** to repeal Costa-Hawkins. The landlord lobby, major donors in California politics, worked furiously to stop the bill from moving to the floor by pressuring elected officials to vote AB 1506 down. As hundreds of tenants from all over California looked on from the Capitol halls, the repeal died by just one vote in the Assembly Housing Committee.

Today, some of the same Wall Street landlords who snapped up foreclosed homes after 2008 are spending heavily to prevent Costa-Hawkins repeal from succeeding at the November 2018 ballot.

Tenants are fighting to make their voices heard, but we will only succeed when we organize together.

FACT VS. FICTION

Repealing Costa-Hawkins will not stop new construction.

Rent control does not stop new construction. A recent Haas Institute Report found that "the six cities that had rent control in the Bay Area actually produced more housing units per capita than cities without rent control."

Landlords will do just fine if Costa-Hawkins is repealed.

Rent control laws are required by the courts to allow landlords a fair rate of return.

Rent control is a proven way to stop rent gouging and displacement.

Over a dozen cities in California have these protections.

Rent control works, and more cities are adopting it to address skyrocketing rents. In 2016 Mountain View, Richmond, and Santa Rosa passed new rent control measures.

From: <http://www.tenants-together.org/campaigns/repeal-costa-hawkins-rental-housing-act>

From Frank Wodley, VALLEJO Magazine Editor

I've been an advocate since 2004 when I started the Coalition of Mobilehome Owners - California. I've seen it all. Vote YES ON 10, it is important. Let the cities decide what's best for their residents. Our park owners and landlords make plenty of profit. Remember parks are labeled 'cash cows.'

I live in Chatsworth and have been under rent control for the 20 years I've lived here in a mobilehome. Park owners make out just fine. There have been so many years when the CPI has been less than 3%, yet the park owners get 3% or more each and every year! Don't believe the NO ON 10 ads. This is no different from the days of propositions 90, 98, and 99 when the fat cats wanted to eliminate rent control by hiding behind eminent domain. Don't fall for their lies. **VOTE YES ON 10.**



Inheritance - What You Need To Know

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 decontrol 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 he or she 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 online to download a copy of the complete MRL for free at: www.sen.ca.gov/mobilehome. Any resident can write to the Senate Publications Office in Sacramento to purchase a copy for \$7.00. 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 prevent 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 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”. Continued on page 8

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 the golden state manufactured homeowner league (GSMOL).

**We thank Mr. Stanton
for his contributions**

Mobilehome Residency Law

The Mobilehome Residency Law (often referred to as the MRL) are the California "Laws Governing Mobilehome and RV Park Residency."

Last month we told you that the MRL gives you the right to meet with management.

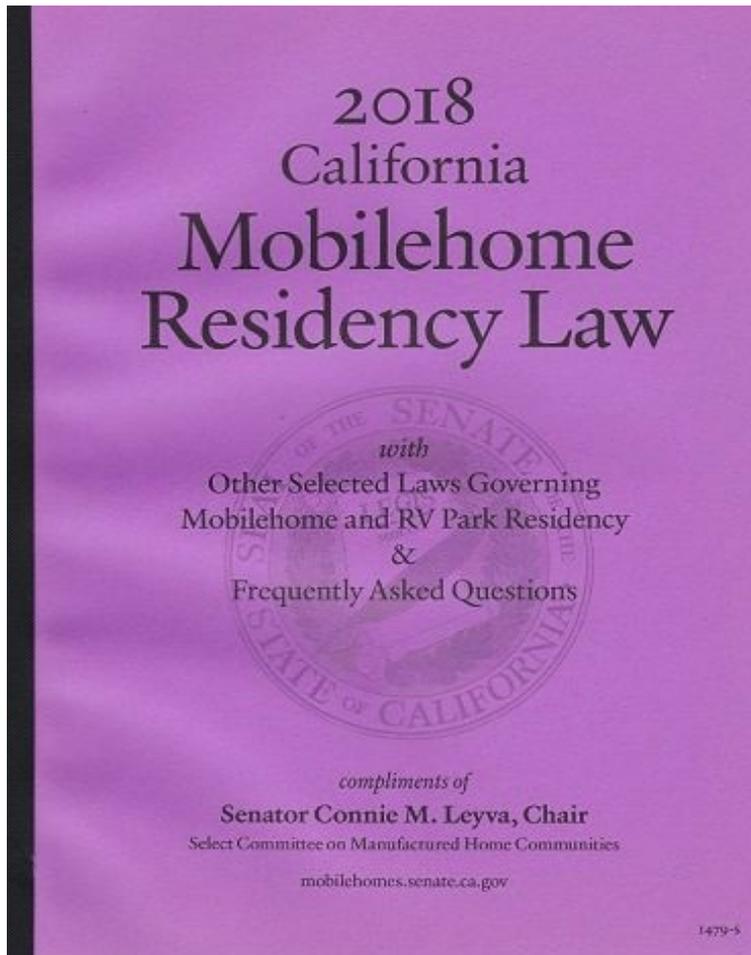
However, there is no government agency to enforce the MRL. This is why we MUST support each other.

If you don't have an MRL you can purchase one by mail for \$6.75 that includes tax and S&H call (916 651-1538).

OR

You can attend a SAC conclave and get a **FREE** copy. Every mobilehome owner should have an MRL. These are your RIGHTS.

Manager abuse is one of the biggest complaints in MHPs. The MRL doesn't address the problem very well. However, it does briefly address the problem of retaliation by managers.



EXAMPLE OF HOW THE MRL WORKS FOR YOU by Tony Danieli

798.36 ENFORCEMENT OF PARK RULES

(4) "In any proceeding under this section, management shall bear the burden of proof that enforcement was undertaken in a nondiscriminatory, nonselective fashion."

The MRL also addresses the problem of selective, often retaliatory enforcement of rules in the FAQs section.

"#29 Can the park manager force rules on some residents and not on others? No. The MRL provides that the park rules and regulations have to be "reasonable." (Civil Code §798.56(d)) "Reasonable" often may be subject to court interpretation, but normally rules have to have some rational basis in fact under the circumstances, as well as apply evenly to everyone residing in the park. Park owners and their employees are required to abide by park rules to the same extent as residents have to, except rules regarding age limits or acts of the park owner or park employee undertaken to fulfill park maintenance, management or operational responsibilities (making noise by pounding nails, use of trucks for maintenance purposes, etc.). (Civil Code Sec. 798.23)

Recap:

- **Park rules shall be applied evenly to everyone residing in the park."**

PARK MANAGER: FRIEND OR FOE?



Many of us homeowners have an answer to that question. My guess is that any poll of homeowners would have negative opinions for somewhere between 40 to 70 percent of their managers. Have those managers really earned such a low opinion, or have they merely been so graded because of their boss, the Park owner? We have to be honest and recognize that the manager is the “pickle in the middle”, charged with keeping the owner happy (and their job intact), yet trying to deal with homeowners, service providers, mobile home salespeople, and all too often aging and deteriorating mobile home parks. It’s not an easy job, often underpaid, and almost always filled by untrained or inexperienced people.

There’s an old joke: “What’s the difference between a Park Manager and God?” The answer is “God does not think he is a Park Manager”. While humorous, it is a little harsh. But it is also very true in some cases.

I have lived in three mobile home parks over the last 28 years. My first experience was with Rancho Carlsbad in Carlsbad, a park that experienced as much turmoil (especially over exploding space rents) as any

I have known about. One of the owners lived in the park and the manager was a young lady named Kathy Griffith. Kathy began her employment as park manager in 1977. A large park with 504 spaces and about 700 to 800 residents. If you followed the 80/20 rule (80 % happy and 20% unhappy), Kathy would have had about 150 complaining residents to deal with. Kathy’s tenure of 18 years under a Park Owner ended when a group of residents managed to effect a purchase of the park in 1995, and now under resident ownership Kathy now has another 18 years as the community manager. You cannot possibly be a bad manager and have that kind of longevity.

What makes a good manager? Qualities such as compassion, civil, polite, fair, responsive, and a fair amount of intelligence. I would also argue that a manger should be able to read and understand and adhere to the Mobile Home Residency Law and Title 25. A bad manger would be one lacking the above qualities, and who lies, deceives and bullies people. There are some managers who take bribes and give favorable treatment to some mobile home salespeople. This should never happen, and fortunately it is the exception rather than the rule. There is no doubt that Park Managers have a difficult job. Being in the middle requires guts to challenge Park Owners when they become too oppressive with homeowners and intentionally ignore or violate the MRL and Title 25.

Their job, no matter whether they are deemed good or bad as a manger is made easier when the homeowners are apathetic or fearful of “rocking the boat” and making the manager or owner unhappy. I have lived in two other parks for a total of about 9 years. I would give both of those mangers a 7 on a scale of 1 to 10. I have to admit that both were constricted by their Park Owners.

As I said before, managers are concerned about holding on to their jobs. Park Owners are concerned about their profits. I would never claim that Park Owners are not entitled to a decent profit margin. The truth of the matter is that mobile home parks are by and large, quite profitable. Most parks can be operated for about \$200.00 per month per space, and that includes funding for reserves. The proof of this is found in the HOA fees of land/

resident owned parks. They range from \$125.00 to \$250.00 per space, with most being under \$200.00. Unlike apartment buildings, occupancy rates are about 99 percent in mobile home parks, thereby losing no income due to vacancies or turnover.

I come from a career in retirement community administration, and as such, I was licensed by the State as a Nursing Home Administrator and as a Residential Care Facility Administrator. In both case I had to know and follow tons of laws and regulations to hold those jobs. At one point I also worked in Property Management for Condo and common interest associations. While I was not licensed by the State, I still attained the CPM (Certified Property Manager) designation from the Institute of Real Estate Management.

Now I am not proposing such stringent type of qualifications for Park Managers, it would be a good idea to have some type of training and preparation for persons holding these positions. Perhaps someday, someone will come along and get something passed like the Davis-Stirling Act, but, so long as mobile home owners are considered less than other home owners, and Park Owners have control over our legislators we will have a difficult time to effect any meaningful change that will ensure protection of our civil rights and property rights.

Lloyd Rochambeau, San Marcos. President, Lakeview Mobile Estates HOA

YOUR MAGAZINE BENEFITS YOU

a. I appreciate the efforts of all the regional leaders that provide content and get the magazines distributed. Both take hours of work. There simply wouldn't be a magazine without their huge contribution.

b. That being said, I believe all of us (regional leaders, the publisher and our readers) would like to see the magazine be successful, more successful than it already is. After all, it does benefit homeowners, and it is a model for areas that don't have any such magazine. And I believe our readers like it.

c. Advertising is difficult because there are several other for-profit magazines, ones that are well established, delivering into parks. These get the majority of advertising and the businesses that advertise are reluctant to advertise in a 'new' magazine, especially if the advertising is already working for them.

d. This magazine is **YOUR MAGAZINE**. You and your community benefit when it becomes successful. And only with your support will it be. Remember: 1. I'll give anyone a 20% commission for an ad. and 2. When the magazine becomes profitable, I'll share profits. This is not an idle promise. Other magazines are making as much as \$10,000 per month. Don't you want part of it? It will help pay for legal fees, etc? That benefits **YOU**.

e. Some magazines provide a park owner, or a manager, or a resident blank pages to use. One such magazine is printed by Mobile Home Park Board in Atascadero. You may get a similar magazine. Recently, a subscriber to our magazine asked if I'd provide a free magazine for them because his park owner doesn't allow pro-homeowner info - like they are working to get rent control. My answer. YES! I'd like to see **YOUR MAGAZINES** reaching every homeowner in California! Isn't that a goal worth pursuing?

f. I can provide such services (pages for park residents to use), for sure in black and white at least to start.

g. Perhaps we can tell businesses advertising in the other magazines that **YOUR MAGAZINE** is the only magazine endorsed by homeowners. Tell them it will someday provide funds to help you and your community. Perhaps you can ask them to support **YOUR** community.

I think this only makes sense. Let's not be complacent. Let's not be happy with the status quo. There is so much more we can do that will benefit **YOU** and it doesn't take a lot of effort or time.

I'm ready to do my share. Will you support my effort to make the **YOUR MAGAZINE** the only one seen by the Community of homeowners? And also, let's get other areas involved, like Atascadero. We can all benefit. It is a win-win-win for all of us.

THANK YOU!

The Road to Rent Stabilization

By: Helen Clare Fredericks

Today, the new 'mobilehomes' are frequently prefabricated/manufactured homes, and unlike the earlier 'trailers' that sat on wheels, these homes are anything but mobile. Plus, park ownership is shifting from 'Mom & Pop' type ownership to big conglomerates, with multiple investors; where the focus is on the return on investment. This has created a type of monopoly for the park owners, due to the fact that it is not cost effective to move our homes.

We have seen rents increasing yearly, and at higher rates each year, often in excess of the CPI. Since there is no regulation on how much or how often rents can be raised, we are seeing more and more homeowners facing 'economic eviction'. This is especially true in Senior parks, where the majority of residents are on fixed incomes.

HUD states if you pay more than **30%** of your pre-tax income on rent/utilities, then you are **moderately burdened**. Pay more than **50%** of your pre-tax income, and you are **severely burdened**. Sacramento County has the highest number of low-income/seniors in the severely burdened range (**68.2%**) than anywhere in California. This is why rent stabilization is needed, as a form of consumer protection which prevents unjustified or excessive rent increases.

But how do you get a rent stabilization ordinance in your city or county? What are the steps? There are two ways to get a rent ordinance passed:

1. A statute passed by elected officials, i.e. City Council or Board of Supervisors
2. An initiative measure placed on the ballot and passed by local citizens voting the measure into law.

Either way, politics plays a key role. It takes hard work and organization to get rent ordinances in place. Whether it is local officials or local voters, all need to be convinced that the ordinance is needed.

Option 1: *Passage by Local Legislature:*

Education:

1. City Council members need to understand that our homes are permanent buildings, no longer 'trailers' that can be easily moved. This can be accomplished by:
 - Inviting your representative(s) to a park HOA meeting to discuss rent increases, how they affect the residents and share the realities of mobilehome lifestyle
 - Or host small intimate meetings in someone's home, with a representative and few residents in attendance to share their stories.

- Create a presentation to present during the Public Comment portion of a City Council meeting. Request the subject of rent stabilization be added to the agenda at a future meeting.
- Write letters to your local City Council/Board of Supervisors before confronting them in person. Keep it professional and respectful. Use statistics when possible.

Deliberation:

Once the City Council/Board of Supervisors recognize the issue and it has been placed on the table, they must be convinced that the passage of rent control is necessary. They will have several hearings and often a study of rents is commissioned.

These following steps should be included in the study:

1. Homeowners should be interviewed about their rent history
2. Conduct a rent survey that includes:
 - Homeowner incomes
 - Homeowner investment in their homes
 - The lack of available affordable housing
 - The effects of high rents upon the resale values of mobilehomes
 - Hire an economist or consultant who is qualified and objective in analyzing the survey results.
3. Review surveys conducted by park residents, documenting these same points
4. Discuss legal issues of rent stabilization with homeowners' legal representative.

Enactment:

Once the City Council/Board of Supervisors begins to draft an ordinance, it is critical that homeowners give assistance. GSMOL has an excellent **MOBILEHOME RENT STABILIZATION ORDINANCE HANDBOOK** that is a wealth of information on how homeowners can work with their representatives.

Homeowners should attend public hearings, in great numbers, to convey the serious need for rent stabilization ordinance. They can organize a presentation that introduces testimony from a cross-section of the mobilehome population and how the increased rents are affecting them. Live testimonials give a **human face** on the issue of climbing rents. This is extremely important to press upon council members, they need to see who is suffering, and how they are suffering from continuing rent increases.

Park owners, their lawyers and/or lobbyists will attend these public hearings opposing any kind of price fixing, stating there is no need for rent control. Homeowners need to be respectful, showing courtesy, while the owners present their opposition. Homeowners should not "boo" or make faces; rude behavior could negatively influence the Council members. Better to

be prepared and defeat the owners objections with facts and the law. Homeowners usually have both on their side.

For the ordinance to be enacted, there may be several readings and revisions before a final vote is taken. Once the ordinance is passed, it usually takes effect 30 days following the vote.

If the proposal fails, identify the reason it failed and begin the process again.

Option 2: Passage by Ballot Initiative

When local officials will not consider a rent ordinance, or if they do not have the votes, homeowners may want to take matters into their own hands, getting a initiative on an upcoming ballot. This is a long, involved and difficult process, but can be successful.

By residents drafting the ordinance, they can specify that rent increase levels are reasonable, such as 66% of CPI. They can add vacancy control measures, and can state that the ordinance can only be eliminated or amended by a two-thirds majority of the electorate.

Requirements to get an initiative on the ballot:

1. A Campaign committee must be formed and a financial fund established to cover the campaign.
2. Retaining an expert or political consultant to guide the committee through the process.
 1. Consultant can assist with the reporting of campaign expenditures to the California Fair Political Practices Commission.
3. Proposed text must then be submitted to the City Attorney or County Counsel for review.
 1. They will prepared what is referred to as a "Title & Summary" of the proposed ordinance.
4. Title and Summary is then published in a local newspaper, with a statement of intent.
 1. Typically approved by the city or County.
5. A Petition form is created.
6. The Petition is circulated in large numbers to procure the 10% of registered voters, plus an additional 2% to cover any duplicate or invalid signatures.
 1. This takes a large group of volunteers to collect the signature.
7. Submit the petition forms to the City or County, who sends them to the Registrar of Voters for verification.
8. Once signatures are verified, it is placed on the ballot.
9. Then the political campaign to convince voters to pass the initiative.
 1. Prepare arguments in favor are prepared.
 2. Pamphlets/flyers are printed and mailed.

This process takes organization, timing and money to be successful.

****I want to thank GSMOL for the *MOBILEHOME RENT STABILIZATION ORDINANCE HANDBOOK*. Prepared by: Bruce Stanton, Esq., Corporate Counsel. The information and knowledge contained in this handbook was invaluable in writing this article.**

Estate Planning

First of all, congratulations for starting to read this! Estate planning is a topic most people don't like to contemplate. Surveys show that between 50% and 60% of Americans don't have a will, or any kind of estate plan. It's not pleasant to think about the undeniable fact that sooner or later, all of us will die. But for many of us getting along in years, there's this nagging – and appropriate – feeling... “I ought to do something about making an estate plan...”

What is an “Estate Plan?” It's more than just creating a will or a living trust stating who gets your property after you die. An estate plan should also include:

Taking steps so that after your death, your heirs avoid going through probate court proceedings;

Making a plan for your own care, if someday you can't make decisions on your own;

Taking steps to avoid estate taxes (if you are married and own large amounts of property);

If you have young children, making arrangements for their care in the event of your death.

You can achieve these things through a “testamentary document” such as a will or a living trust.

If you die without creating a will or trust, the State will decide what happens to your property according to “intestate succession” laws. These are set formulas that divide your property among your closest living relatives. Other possible heirs, such as friends or charities are completely excluded. The State's formulas may not match your wishes about how your property is distributed upon your death.

WILLS AND LIVING TRUSTS – WHAT'S THE DIFFERENCE?

Wills and living trusts both have the same purpose. They let you leave your property to specific individuals. However, there is one big difference between a will and a living trust. Assets put in a living trust don't have to go through probate court after your death. This is because when you create your living trust, you transfer ownership of the designated property to yourself as a “trustee.” During your life, you still control all the property in your living trust. You can do with it whatever you like. After your death, the person you name to be your “successor trustee”

distributes the property according to your wishes. Your specific wishes are written in the living trust document.

Why is it worthwhile to avoid probate court proceedings? There are two reasons: time and money. It can take a year or more to go through probate. It takes time to file the deceased person's will with the probate court, gather their assets, pay the estate's debts and taxes, and finally distribute what is left. As probate proceedings go on, fees for attorneys, accountants, appraisers and the probate court eat into the amount that will be inherited. Compare this with the distribution of assets under a living trust, which can be accomplished without court proceedings, with less expense, and usually within in a few weeks.

WHAT DO I NEED – A WILL OR A LIVING TRUST?

Many people actually have both. They use a living trust to avoid probate. They also have a “back-up” will to cover property they don't get around to transferring to the trust, and for types of property that are best not put into a living trust (e.g., your car).

Some “small” estates left only by a will can avoid probate. California has an out of court affidavit procedure for transfer of property, and a separate “simplified” probate process as well. However, these procedures apply only to estates with less than \$100,000 in assets. While some items don't count towards the \$100,000 limit (e.g., property that goes to a surviving spouse, payable-on-death bank accounts, vehicles), many people are surprised to discover their assets exceed \$100,000.

For example, many MH park residents have equity in their mobilehomes of \$100,000 or more. If your combined assets exceed \$100,000, and you have only a will, simplified property transfer procedures won't be available. After your death, your estate would be required to go through probate court.

For many mobilehome owners in California, the best “cornerstone” of an estate plan is a living trust. To avoid the probate process, and for simplicity and speed of administration, the living trust is an excellent estate planning tool.

David Loop is an attorney and homeowners' association board member at resident-owned Aptos Knoll Park, near Santa Cruz. You can ask him questions by sending an e-mail to deloop1@sbcglobal.net, or calling 831-688-1293

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