

North County Mobilehome

# Digest

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**JANUARY 2019**

VOLUME 2 NUMBER 1



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## Los Angeles Jury Hits Mobile Home Park Owners with \$34 Million Punitive Damages Verdict

LOS ANGELES Nov. 27, 2018– A Los Angeles jury awarded \$34 million today in punitive damages to 30 residents of a Long Beach mobile home park that was once a trash dump site for the city of Long Beach. Today’s verdict is in addition to a \$5.5 million judgment the jury leveled last week against the owners of Friendly Village. The jurors found the defendants liable for negligence, unfair business practices, retaliatory eviction and financial elder abuse.

“After five and a half years, our clients are finally receiving some justice for living in a mobile home park that these owners didn’t fix or repair. They didn’t do anything for these people even though they were under order of the state to do the right thing and they wouldn’t do it,” said lead trial attorney Brian Kabateck with Kabateck LLP.

The park is built on land that is constantly shifting, causing sewage backups, electrical problems and structural damage to the mobile homes on the property. The residents sued the property owners for failing to fix their dilapidated community and want to be relocated to safer and better-maintained housing.

68-year-old resident Mildred Bejarano says she plans to use the money to move out. “Whatever I’m awarded

I would like to buy a condo if I can afford one and live a decent life in a healthy place. I’m going to get sick if I keep staying there,” said Bejarano. “There are sewer backups which are terrible, no repair of the roads. It’s dangerous. It’s a health hazard, it’s squalor.”

The trial, which began in mid-September, involved a mobile home park managed and operated by companies owned by Michael Scott and Lee Kort. Over the past two months, plaintiffs have testified about how instead of fixing the ongoing problems, the park owners ignored their complaints and continued to hike up the rent. The plaintiffs contended the park owners raked in \$7.5 million dollars from the residents of Friendly Village over the past four years, but spent nothing to make necessary repairs and maintenance. This, while the mobile home park owners claimed it was going to try to repair the park eventually, yet declared bankruptcy during trial.

120 more cases are scheduled for trial next year. “Today we believe justice was done,” Kabateck said.

The plaintiffs’ legal team included Brian S. Kabateck, Shant Karnikian and Natalie Pang with the Los Angeles law firm Kabateck LLP and Gary Fields with the Long Beach firm, FieldsLaw

# OMHA NEWSLETTER, January, 2019

Oceanside Manufactured Homeowners Alliance, Inc. [www.omha4oside.com](http://www.omha4oside.com)

## PRESIDENT'S MESSAGE by *Bob Markley*

The OMHA Board of Directors wishes all Oceanside residents a happy, healthy, and prosperous NEW YEAR.

**Sherrie Goldby**, who has been serving as OMHA Ombudsman, has decided to not run for re-election. Thank you, Sherrie, for your service to OMHA and Oceanside mobile home owners. She is replaced by Dwight Johnson. Welcome, Dwight. You can contact Dwight via e-mail at [deetleye@yahoo.com](mailto:deetleye@yahoo.com). Contacting by e-mail helps by keeping a written record of inquiries. If you don't have e-mail, ask a friend who does, to help you. Dwight would like to see in such an e-mail message:

1. A description of the problem or situation
2. What you have already done yourself to try to solve the problem
3. Why you think your efforts did not work
4. What you suggest be done in the future

**Bonnie Wright** has decided to retire from the OMHA Park Representative position at Rancho Calevero. Thank you for your service to OMHA and the residents of Rancho Calevero, Bonnie. She is replaced by Kevin Moyer. Welcome, Kevin.

**NEED LEGAL HELP?** MHPHOA may have information that is helpful to you. MHPHOA is Mobile Home Park Home Owners Allegiance. MHPHOA is a group of current and previous mobile home owners who live in, or have lived in, a mobile home park owned by a Kort & Scott Financial Group (KSFG) company and managed by Sierra Corporate Management (SCM) or by another named DBA (Doing Business As) KFSG company. This pair owns and manages 38 mobile home parks in California and seven parks in other states. There have been 12 known lawsuits in California against Kort & Scott in recent years, and residents of parks they own are so organized that they now have a website that lists 148 law firms and 133 attorneys (not just paralegals or legal assistants) all over the state who work with mobile home residents in their legal problems with mobile home park owners. The residents are working continuously to add to both lists, and you can see both lists at this website: <https://mhphoa.com/legal/help>. Even if you do not live in a park owned by KFSG, you can use their lists to locate a law firm or attorney in your area.

**Unless you joined OMHA** in the last four months of 2018 and received membership for 2019 as part of your 2018 membership, your OMHA membership EXPIRED on Dec. 31, 2018. TIME TO RENEW! See membership application at the bottom of page 2.

### **More Q&A about AB3066:**

Q. What efforts to resolve issues with park management, or put them on notice, will be required before a homeowner can file a complaint with HCD under AB3066?

A. None are legally required before a complaint is submitted, although homeowners are always encouraged to try to work out issues before engaging assistance. Once a complaint is submitted and selected by HCD for enforcement, a notice will be sent by HCD informing both the complaining homeowner and the park owner/management that they have 25 days to try to informally resolve the complaint before referring to a local law office.

Q. Does AB3066 have an expiration date?

A. Yes. It will sunset on January 1, 2024, at which time the Legislature and HCD will assess its effectiveness. GSMOL, the sponsor of the bill, says they intend to be actively involved in that assessment and shall make recommendations for future action that will continue to protect homeowners and residents.

Q. If I do not want HCD to handle my complaint, will I be able to get an attorney and take action on my own?

A. Yes. You can retain your own attorney and are not required to use the new MRL complaint process.

## IMPORTANT MEETINGS—MARK YOUR CALENDAR!

**CITY COUNCIL:** Wed., Jan. 23, Wed., Feb. 6, and Wed., Feb. 27, City Council Chambers  
**OMHA COMBINED GENERAL MEMBERSHIP and BOARD OF DIRECTORS MEETINGS:** Jan. 25, at 1 p.m. in Mission View West's clubhouse, 141 Douglas Drive, Oceanside 92058 and Feb. 22 at 1 p.m. in Laguna Vista's clubhouse, 276 N. El Camino Real, Oceanside 92058.  
**ACTION:** Sunday, Feb. 10, at 2 p.m. in Rancho San Luis Rey's clubhouse #2, 200 N. El Camino Real, Oceanside 92058.  
**FREE** Home Improvement Fair, Saturday, Feb. 16, 10 a.m. to 1 p.m., in Rancho San Luis Rey Clubhouse #2. FREE refreshments, cash door prize drawings for \$25, \$50, and \$75, and your choice of a bowl of homemade chili or a chili dog starting at 11 a.m. Everything is **FREE** and everyone is **INVITED**.

### OMHA BOARD of DIRECTORS

President	Bob Markley	(760) 435-1126	Secretary	Vikki Schaffner	(406) 459-0953
Vice President	Thom Taylor	(760) 721-2429	Ombudsman	Dwight Johnson	deetleye@yahoo.com
Treasurer	Barry Horton	(760) 757-2337	Director-at-Large	Donna Cooper	(760) 453-7054

### OMHA PARK REPRESENTATIVES

PARK	Name	Contact	PARK	Name	Contact
Cavalier	Ken Rollins	unlisted	Mission View Manor	Donna Morel	unlisted
El Camino 76	Frank Crowley	(760) 685-2380	Mission View West	Donna Cooper	(760) 453-7054
La Salina	Vacant		Rancho Calevero	Kevin Moyer	(760) 419-8217
Laguna Vista	Thom Taylor	(760) 721-2429	Rancho San Luis Rey	Debra Johnson	(714) 651-8224
MiraMar	Dwight Johnson	deetleye@yahoo.com	Terrace Gardens	Larry Schrack	(760) 453-7297
			TRICO	Debbie Mastro	(760) 529-5322

"For years, OMHA, an ardent supporter of our Oceanside Mobile Home Rent Control Ordinance, has worked diligently and effectively in educating mobile home owners regarding their rights and responsibilities. I highly recommend that every Oceanside mobile home owner join!" *Esther Sanchez, Oceanside City Councilwoman since 2000*



**OMHA Oceanside Manufactured Homeowners Alliance, Inc.**  
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Park Name \_\_\_\_\_ Spc.# \_\_\_\_\_

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NEWSLETTER EDITOR: Dr. Ginger Marable, 760-439-1786, drginger@cox.net



San Marcos Mobilehome Residents Association  
P.O. Box 2285 San Marcos, CA 92079-1015

### SMMRA MEMBERSHIP APPLICATION

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Address: \_\_\_\_\_ Park name: \_\_\_\_\_ Space # \_\_\_\_\_

Phone: \_\_\_\_\_ Email Address: \_\_\_\_\_

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Resident Representative

Political Action Committee

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\*\*\*\*\* SMMRA \*\*\*\*\*

### NOMINATION FORMS FOR SMMRA BOARD OFFICERS

Tell us how to contact those nominated.....

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MAIL TO ....SMMRA  
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# Proposition 10: California's proposal to strengthen rent control defeated at the polls

**It's a blow to tenant activists in Los Angeles, and a win for landlords**

Proposition 10 has failed at the ballot box, leaving the state's limits on rent control intact.

Supporters conceded Tuesday night. With almost 96 percent of state precincts reporting, the measure is trailing by a wide margin of 38 to 62 percent.

Even in Los Angeles County, where LA and other cities have rent control laws on the books, only 47 percent of voters supported the measure.

Proposition 10 would have repealed a California law that limits how cities enact rent control. Its defeat is a blow to tenant activists in Los Angeles, and a win for landlords.

"The stunning margin of victory shows California voters clearly understood the negative impacts Prop. 10 would have on the availability of affordable and middle-class housing in our state," said Tom Bannon, CEO of the California Apartment Association.

Had the law, the Costa Hawkins Rental Housing Act, been repealed, cities with rent control, including Los Angeles and San Francisco, could have opted to expand rent control. One of the provisions of Costa Hawkins? A rule that ensures LA can't apply rent control to single-family homes and to buildings constructed after 1978.

Supporters of the measure argued that loosening these restrictions would protect more tenants from steep rent increases and unfair evictions.

They're now calling on governor-elect Gavin Newsom and local leaders to "take immediate action to address sky-high rents by enacting a moratorium on rent increases until state legislation is passed to repeal Costa Hawkins," according to a statement from supporters.

Amy Schur, campaign director for the Alliance of Californians for Community Empowerment, which advocated for the measure's passage, says the repeal of Costa Hawkins still "has to happen."

Tenant advocates will work now to try to enact rent control policies in more cities. Once enough cities enact laws, the state government will have to act, she says.

"There is no policy other than rent control that can stem the tide of displacement," says Schur. "If elected officials care about displacement, they will get on board."

But opponents claimed that strengthening rent control would actually worsen the housing crisis by discouraging the construction of new housing that California and Los Angeles sorely needs.

The opposition campaign was largely funded by some of the nation's largest real estate investors.

Blackstone, a real estate giant and private equity firm, funneled \$6.2 million into the \$75.9 million campaign to defeat Proposition 10. But mom-and-pop landlords also warned that their livelihoods were at stake if the measure passed.

At an election party in Los Angeles, supporters of Proposition 10 took the measure's defeat in stride, eating tacos and dancing to live music in between discussions about LA's woeful shortage of affordable housing.

This story will be updated. Source:

<https://la.curbed.com/2018/11/6/18070782/proposition-10-california-results-defeat>



## Licensing of Park Managers

By Lloyd Rochambeau

While enforcement is the number one priority for providing some balance in the affairs of mobile home park dwellers, this issue would be an important step forward.

It is absurd that individuals and companies can be given the responsibility to manage park residents lives and to inflict upon them life crushing consequences without one hour of training.

I, personally have undergone training and testing and licensing for several positions during my working life. Briefly recapping: one of the first was being licensed as a Nursing Home Administrator in the 1970's. Had to study and pass a test of 150 questions on Federal and State Laws, with a minimum score of 70. Later I sought and earned the CPM (Certified Property Manager) designation from the Institute of Real Estate Management (IREM). This required traveling to 3 cities for 4 days at a time for training, I have also held a Real Estate persons license and later went into selling mobile homes as an agent. The agent license from HCD involved 12 hours of class instruction followed by a written test. These licenses are required to be openly posted in the dealership, and renewed every two years. I also went through the California Residential

Care Facility Administrator licensing program.

I pass all this on to you so I can show you I have no qualms about making realistic projections for a training and a licensure program for Mobile Home Park Managers.

- There could be enough money in this program to also finance an enforcement program.
- There should be a minimum educational requirement of High school or even an associate degree.
- Licensure should be mandatory. No park should operate more than 30 days without a licensed manager. There could be exceptions for parks with 50 or less spaces.
- The cost of Licensure should be \$500.00, with renewal every two years costing \$250.00. With nearly 4,000 park managers to be licensed, the States costs would be covered.
- Training should entail no less than eight hours, preferably twelve. Renewal training with at least six hours. Training could be done at Community Colleges.
- Testing should be a minimum of 50 questions, preferably 60 or more. Passing rate of 70 %

correct required.

- Proof of Licensure (the License) required to be publicly posted in the office for public viewing.

These are bare bones recommendations and need to be flushed out into a full training and licensure program. There also should be a minimum manager coverage of office hours, with no less than 4 days a week and 24 hours minimum per week.

Licensure is nothing new in the State government, there are many professions and disciplines already under licensure.

An essential component of any licensing program is the ability to enforce the law. While the Park Manager should be subject to penalties for violations, it is also important that the Park Owner be liable for violations by the Manager.

There are a variety of ways to impose penalties and fines for violations of the MRL and the Mobile Home Act (Title 25).

- a) Require a deposit of \$25,000.00 by the Park Owner, from which penalties could be assessed for willful violations by the Manger or the Park Owner.

The Licensing Board would adjudicate claims of violations and rebuttals submitted by both parties.

- b) The Licensing Board could employ agents to visit the Park and hold a hearing on written complaints, and after hearing the Resident complaint and Owners rebuttal, make a determination and submit recommendation to the Licensing Board. The Board would make the final decision and assess any applicable penalty.

- c) Penalties and fines would be established and forfeiture of the Manager's License, and even revocation of the Park's permit to operate under the offending Park Owner.

These are but a few suggestions of how enforcement could be made a part of the program. There are also a variety of ways to finance a Training and Licensure Program to ensure that the State has no additional budgetary requirements.

There are some who will always oppose anything that will makes living in a mobile home park fair, safe and under protections necessary to ensure the same freedoms enjoyed by other citizens, even those here illegally.

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## My Experience

by Frank Wodley, Publisher The Digest

I moved into a mobile home in 1998, and immediately was confronted with an abusive manager. In fact, that's the reason why I became an advocate.

In 2004, my park owner tried to evict me because I led a homeowners group in my park and was very active. Fortunately, I survived and today my park has had a good manager the last eight years.

I've always been against training as the solution to abusive management. Not to knock training, but training alone won't solve the problem. Senator Connie Leyva held a Senate Select Committee Hearing on Manager Training and Certification in 2016. Everyone was on board with her idea to train and certify managers, everyone except COMO-CAL (The Coalition of Mobilehome Owners - California - a state wide group I

started in 2005). Our argument was holding managers accountable only bypasses the real issue.

I agree with Lloyd that Park Owners should be liable. But I believe they are solely responsible for abusive managers. My friend and mentor, Donna Matthews testified in a Senate Hearing: *The California Supreme Court ruled that property owners are responsible for the activities in their park. But another law (on training) that we can't enforce will not help.*

Anything short of holding park owners feet to the fire on the issue of abusive managers is misdirected. And advocates that tell you otherwise are only protecting park owners. It is time to do the right thing to protect homeowners from such conduct. Chime in. How would you solve the problem of abusive managers?

# North County Mobilehome Digest

## Bringing Businesses & Residents Together

Mobilehome Magazine is publishing a full color, 16 page magazine for the greater North San Diego Area: Oceanside and San Marcos. Remember, we are not the magazine out of Sunnyvale. The North County Mobilehome Digest reaches 3,000 homes. Call Frank at 818-886-6479 to get your order in or request a list of parks served.

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Cost/Copy (cents)	1.5 cents	3 cents	5 cents	8 cents	13 cents

Based on 3,000 copies. 2" Front Page Banner: \$250. Inside Covers as available + 20%

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Readers Name: \_\_\_\_\_ Readers phone number (optional): \_\_\_\_\_

# *North County Mobilehome Digest* *Published by Mobilehome Magazine*

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Front Cover Photo: Supplied by Beverly Purcell

Frank A. Wodley, Editor/Publisher. *To God Be The Glory*

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**MobilehomeMagazine is not responsible for content contained in advertising**

## **Conrad Sloan - Our New Sales & Marketing Director for Mobilehome Magazine**

Mobilehome magazine is excited to welcome Conrad K. Sloan as our new Sales/Marketing Director. Conrad was a licensed General Contractor and Real Estate Broker for over 30 years. He assisted a prominent custom home builder and a kitchen & bath remodeler for 10 years, in sales and marketing promotion.

In addition, he was a sales representative for a home improvement magazine. For several years Conrad has taught Construction Management for Adult Education at five Community Colleges in Northern California.

Conrad and I have chatted many times over the last year and finally Conrad felt the time was right to jump in the fray and help get advertising for the magazine.

One of Conrad's first projects will be to attend the Home and Landscape Expo on January 25-27 in Sacramento. He plans to chat with some of the 1,000 exhibitors and offer them a way to reach the mobilehome owner community in Sacramento via the Magazine.

**Good Luck, Conrad. And Welcome!**

Conrad may be reached at (916) 745-4068 /  
[csloan.10@comcast.net](mailto:csloan.10@comcast.net)

## **Flier for Businesses**

We are publishing the flier to help generate advertising for the Magazine. You are one of over 40,000 readers of our Regional Magazines across the state. Each regional magazine reaches about 9,000 readers. You use local businesses every day, so why not let them know about the Magazine?

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If a business comes to us with the flier, we will give them an immediate 10% discount on advertising plus we will send you a commission for the new ad. Everyone wins!

Remember too, Mobilehome Magazine will share profits as soon as the magazine becomes profitable. This could be a significant amount, so let's all work to build advertising revenue.

Today, we are also offering a 50% to homeowners with a side business who want to advertise. A business card sized ad is now just \$50/issue. That's about \$1 to reach 180 readers!

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October 18, 2018

**INFORMATION BULLETIN 2018-03 (MP, SOP, MH, RT)**

**TO:** Mobilehome and Special Occupancy Parks  
Interested Parties (MP, SOP, MH, RT)  
Local Enforcement Agencies  
Division Staff

**FROM:**  Richard Weinert, Deputy Director  
Division of Codes and Standards

**SUBJECT:** Mobilehome Residency Law Protection Act  
Assembly Bill (AB) 3066 (Chapter 774, Statutes of 2018)

This Information Bulletin provides detail regarding the Mobilehome Residency Law Protection Act (Act) established by [AB 3066 \(Chapter 774, Statutes of 2018\)](#). The Act creates the Mobilehome Residency Law Protection Program (MRLPP), which establishes a link between mobilehome/manufactured home (MH) owners and legal representation that may assist with Mobilehome Residency Law (MRL) disputes. Copies of the California MRL can be located on the Senate Select Committee on Manufactured Home Communities website at <https://mobilehomes.senate.ca.gov>.

Beginning July 1, 2020, any homeowner who has a tenancy in a Mobilehome Park (MP) under a rental agreement may submit a complaint for an alleged violation of the MRL to the Department of Housing and Community Development (Department)<sup>1</sup>. The Department will provide assistance to help resolve and coordinate resolution of such complaints.

Upon receiving a complaint from a homeowner, the Department will send a letter confirming receipt and provide reference to the MRL sections that may pertain to the complaint. The letter will also communicate whether the complaint will be referred to another, more appropriate, enforcement agency should the Department not have jurisdiction.

<sup>1</sup> The Department is prohibited from arbitrating, mediating, negotiating, or providing legal advice in connection with MP rent disputes, lease or rental agreements, or disputes arising from rental or lease agreements.

During the course of the complaint investigation, the Department may request a copy of the homeowner's lease, park rules, or any other relevant written documents applicable to the complaint from MP management. MP management is required to provide the requested information within 15 business days of the postmarked date or electronic transmission, or be subjected to a citation of \$250 for each failure to comply. The Department, using good faith efforts, determines which complaint(s) it receives are the most severe, deleterious, economically or materially impactful allegations for referral to either an appropriate enforcement agency or a contract legal services provider.

Once a complaint has been selected for evaluation by a contract legal service provider, the Department shall notice both the complaining party and the MP owner and management. The notice will advise each party to negotiate in good faith to resolve the matter within 25 days. After the 25-day period, the Department will inquire if the dispute has been resolved. If either party responds to the Department that the matter is not resolved, the Department will conduct further evaluation and may refer the complaint to a nonprofit legal services provider (provider).

The provider will evaluate complaints, disputes, or matters arising from the provisions of the MRL. The provider will have the sole authority to determine which referred complaints will be addressed or pursued. It will not charge any fees to a homeowner for services performed in connection with the complaint referred by the Department.

Beginning January 1, 2019, and each subsequent year thereafter, each MP will be assessed a fee of ten dollars (\$10) per permitted lot (MRLPP fee) by the Department. Local Enforcement Agencies must collect the MRLPP fees from their respective Mobilehome Park owners/operators and forward them to the Department. This fee is due at the same time as the MP annual permit to operate fee.

The MP owner or management company, within 90 days from payment of the permit to operate, may pass on all or a portion of the MRLPP fee to individual homeowners within the MP. The fee may be collected in part or in whole at the time rent is due; however, management is not allowed to pass on the fee in the form of a rent increase. Additionally, the MRLPP fee must appear as a separate line item on the bill and include a clear written description of the purpose of the charge and the Department's contact information. Providing a copy of or link<sup>2</sup> to this information bulletin with each resident billing notices will meet the written description and contact information requirements<sup>3</sup>.

The MRLPP is a limited-term program beginning July 1, 2020, and ending January 1, 2024, unless extended by the Legislature.

Questions or comments regarding the MRLPP should be directed to Division staff at (800) 952-8356 or [MRLcomplaint@hcd.ca.gov](mailto:MRLcomplaint@hcd.ca.gov).

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<sup>2</sup> [www.hcd.ca.gov/information-bulletins.shtml](http://www.hcd.ca.gov/information-bulletins.shtml)  
<sup>3</sup> See Health and Safety Code Section 18804(c)

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| <input type="checkbox"/> Fire         | <input type="checkbox"/> Replacement Cost MobileHome |  |
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| <input type="checkbox"/> Liability    | <input type="checkbox"/> Falling Objects             |  |
| <input type="checkbox"/> Tornado      | <input type="checkbox"/> Lightning                   | <input type="checkbox"/> Theft         |
| <input type="checkbox"/> Smoke Damage | <input type="checkbox"/> Water Damage                | <input type="checkbox"/> Workers'Comp. |
| <input type="checkbox"/> Explosion    | <input type="checkbox"/> Medical Payments            | <input type="checkbox"/> Vandalism     |

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