

# *THE VOICE*

COALITION OF MOBILEHOME OWNERS

JULY 2006 VOLUME 2 ISSUE 7

## **UPDATE: THE PROTECT OUR HOMES ACT**

Frank Wodley, CoMO-CAL President

The "Protect Our Homes Act (POHA)" is gaining support across the state and will probably be on the November 7, 2006 ballot. Just read the Protect Our Homes Coalition (POHC) news release on page 3. They submitted over one million signatures on May 15, 2006 and 800,000 verified voter signatures are required to qualify for the ballot. This means that the POHC have over 200,000 extra signatures; so even if 200,000 signatures are not verified, the initiative will qualify.

They write of "powerful forces aligned against us who are expected to run a well-financed campaign." However, don't believe everything you read - what mobilehome advocacy group in Californian has even meager funds to mount a campaign? Let's face it, advocacy groups have a total membership of less than 10% of all mobilehome owners across the state.

In comparison, the POH Coalition has gathered much financial support. To date the POH Coalition has received \$2,310,000 and still has cash reserves of \$840,359.

Milt Burdick, zone C V.P. for GSMOL, reports that "The only way for RF0146(POHA) to outlaw rent control is if a park owner challenges the (existing) ordinance in a court of law and the court agrees with park owner that the ordinance violates the intent of RF0146. One other way is if City or County officials vote to rescind the ordinance, because of the fear of a legal battle." GSMOL's President Tim Sheahan also writes: "If the initiative becomes law, the abuse of those homeowners (without rent control today) is likely to escalate considering it has historically been largely due to the "threat" of adoption of rent protections that has motivated most park owners to not "push the envelope" of fairness too far, lest local government would likely intervene."

About 65% of all mobile home owners in the state of California DO NOT have a rent control ordinance protecting them today. If what Tim Sheahan writes is correct, then those homeowners without rent control (approximately 400,000 spaces) are exposed even more to the whims of their landlords. I feel all mobile-home owners should actively work to defeat the POHA.

In an earlier VOICE, we reported the POHA could have devastating consequences - park owners could easily raise rents \$200.00 or more across the state, costing you and I billions of dollars, both in additional rent and loss of equity.

CoMO-CAL will do as much as possible to alert mobilehome owners across the state, but we require your support of donations and time. Please help us help you and your friends and neighbors.

### IN THIS ISSUE / YOUR SUPPORT NEEDED

First off, this issue of THE VOICE deals primarily with two important issues: the potential loss of rent control in our state, and management abuse of residents. We intend to keep you up-to-date on the POHA through the November 7, 2006 election.

You can read about rent control related events—one in Sacramento, the other in San Diego. We have written about lawsuits in Goleta and Oxnard in earlier issues. This is certainly a state-wide occurrence.

“Management abuse” is the subject of several former articles. From abusive managers, to managers breaking the Civil Code, we continue to expose this serious issue. Perhaps we have identified a way to combat these abuses—by holding the WMA to its own Code of Ethics (see page 11). Read the article on Page 8 .

We are very concerned about people telling residents about the need to upgrade their mobile home upon sale. Please see Page 13.

Last month we sent out almost 2000 complimentary June newsletters to mobilehome owners across the state. And we have added members in an additional 50 parks, primarily in Southern California, because of our earlier 3000 “Alert Flyer” campaign. Residents around the state are getting to know CoMO-CAL. We’ve even had a call from Las Vegas, Nevada from a mobilehome owner.

All campaigns are “above and beyond” the scope of our responsibility to our membership. In fact, you fund all this extra work and we are very grateful to have your membership dues to carry out this work. We must continue our efforts to get the word out about the POHA, we have no other option.

Please continue to support our efforts by sending donations. Remember each \$1.00 allows us to reach three mobilehome owners. Our goal between now and November is to raise \$5000 used solely to contact others around the state. Please help!! If each member would donate just \$5.00 we would reach our goal. We must work to defeat POHA.

We also need volunteers to call mobilehome owners in parks across the state. We have lists of names and phone numbers, we need your help to alert others about this serious threat. Please help us; we can’t do it without you!

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CoMO-CAL, Inc. is a non-profit organization committed to protecting the rights of mobilehome owners in the state of California. All persons living in a mobilehome are eligible for membership on an equal basis, except management, owners and employees of owners.

THE VOICE is published monthly by the Coalition of Mobilehome Owners—Los Angeles County for the use of its members.

THE VOICE welcomes articles of interest to mobilehome owners.

**PROTECT OUR HOMES COALITION SUBMITS ALMOST  
1 MILLION SIGNATURES FOR INITIATIVE**

May 15, 2006 FOR IMMEDIATE RELEASE CONTACT: Kevin Spillane 916-834-0979

Sacramento – Assemblywoman Mimi Walters (R-Laguna Niguel), Honorary Chair of the Protect Our Homes Coalition, announced that approximately 1 million signatures from California voters have been gathered to qualify the statewide initiative to reform eminent domain abuses and are being submitted today to county registrars across the state in time to place the measure on the November ballot.

“The Protect Our Homes Initiative will restore the rights of homeowners and small businesses that were gutted by the Supreme Court’s outrageous decision in the Kelo case. This initiative will protect the average family from having their property taken by government only to be turned over to another private entity that is more influential,” declared the Orange County legislator.

“It is time to end the faction between local governments and special interests that sacrifice the property rights of the average citizen in order to line the coffers of government and the pockets of the powerful. This initiative will return eminent domain to its original purpose – to be used for true public uses such as building roads, schools, firehouses and other infrastructure needs that serve the public and not the financial interests of the politicians and the powerful,” continued Assemblywoman Walters.

The Protect Our Homes Initiative is a bi-partisan effort composed of Democrats, Independents, Republicans and minor parties. This broad coalition has assembled because of the pervasive abuse of eminent domain that has victimized Californians of every economic, political, and social stripe. The Initiative already has over 5,000 California donors. Following the qualification of the Protect Our Homes Initiative, the committee will run an aggressive and fully-funded campaign.

“There will be powerful forces aligned against us. Local governments and certain special interests that now profit from the use of eminent domain are expected to run a well funded campaign. In fact, given the number of misleading arguments that I’ve personally heard about our initiative from those who profit from eminent domain, it would appear that the distortion campaign has already begun,” said Walters.

Citing as a major factor in the signature gathering effort, Assemblywoman Walters thanked Sen. Tom McClintock for his strong support of the Protect Our Homes Initiative and his generous work to help qualify the Initiative. Following the U.S. Supreme Court’s decision in *Kelo v. City of New London* last June, which allowed a local government to take a homeowner’s private property in order to increase tax revenue, a populist uprising has occurred against eminent domain abuse in California and across the nation.

The Protect Our Homes Initiative would require that eminent domain powers only be used for public-use projects. The initiative would also remove the economic incentive to abuse eminent domain laws by requiring the government either to occupy any property that is condemned or lease it only to private parties that are performing public-use projects.

Editor’s Note: REMEMBER, THESE ARE THE PEOPLE WHO WANT TO TAKE AWAY YOUR RENT CONTROL, THE MOBILEHOME RESIDENCY LAW.... THEY ARE NOT OUR FRIENDS!

### CHULA VISTA PETITION (SAN DIEGO)

The following is a modified copy of a petition that was formulated as a template for submission to the county. The issues were solved in Chula Vista and we did not pursue the issue any further. Petition requesting that the appropriate authority, such as the San Diego County Board of Supervisors, schedule a meeting with representatives of the various mobile home parks, (especially the Senior Mobile Home Parks) in San Diego County to formulate a Rent Control Law for the Protection of residents against the predatory actions of most Park Owners, against Park Tenants.

The actions of far too many Park Owners, gouging the Tenants' space rental fees to such astronomical levels has caused many tenants to choose between eating, buying necessary prescriptions, or "paying the rent! **There is no choice, they must pay the rent!**

However, when the choices of Tenants are reduced or eliminated, some of them are forced by economic necessity to eat less, to the point of eating the cheapest canned food available, including cat food, to survive, then that choice becomes **intolerable!** If something isn't done very soon, there will be many hundreds, possibly thousands of homeless people living on the streets, due to being **forced** out of their homes. **If you think it's bad now, just wait. It will get worse!**

The general public, including some government officials do not realize that there is a "**captive mentality**" among Park Owners. They have the "attitude", Hey, if you can't pay the rent,----**Move the hell out!** That is much easier said than done!

Problem #1 Where can you move to? There have been no new mobile home parks built in this area since the 1960's. None will be built in the foreseeable future! There is not enough profit in it!

Problem #2 The cost. Most people can't afford to move their mobile home! The costs to dismantle and move the unit or if it's a double or triple wide and reassemble it at another location can cost from \$5,000 to \$15,000 and up, if you can find another location! Where might that be???

This is a statewide problem. Politicians of all levels, City, County and State, must take immediate action to formulate and pass legislation in the form of state wide rent controls to protect Mobile Home Park Tenants, most of whom OWN THEIR MOBILE HOMES----THEY PAY RENT ONLY FOR THE TINY SPACE THAT THEIR UNIT SITS ON! In addition., they pay for their own gas, lights, water, sewage charges, cable, maintaining their space, planting flowers and shrubs and keeping their units clean and painted.

Park Owners maintenance costs have averaged \$59 to \$70 per month in the Chula Vista area yet they are crying "poor mouth." With maintenance costs as indicated above, collected rents of \$360 to \$600 per month plus annual CPI increases are a very respectable return on your money! The fact is that many if not most are making 68 to 70% profit on their original investments.

That is not peanuts! In addition, they are receiving substantial markups on their utility and cable TV fees. A TV cable company in one Chula Vista Park for example, charges about \$44 per month for TV cable service, while exactly the same level of service going into a condo complex costs about \$19 per month. This is in addition to the space rent fees, a very nice markup.

All this income to the park owners doesn't even address the profit on a New mobile home that is sold to new tenants in a park. The average cost to the park owners of a new double wide mobile home including transportation, setup and skirting is about \$47,000 to \$51,000 and that is then sold (see Page 5 CHULA VISTA PETITION)

**LETTER TO THE EDITOR—JUNE 1, 2006**

## Truth about Eminent Domain

Eminent Domain has been around since the days of the Magna Carta. Cities could not exist without the tools to expand, clean up slums, or build new freeways without the powers of Eminent Domain.

True, and sometimes unfortunately, common sense leaves and greed takes over the minds of some city fathers. The private-top public theory goes out the window when there is a buck to be made and property is sold to a developer (private-to-private) for his own interest.

Then there is the natural instinct of “I don’t want government to tell me what to do with my property.” It is not like government is stealing your property, you do get the “fair market” value in return.

A new initiative that is gathering signatures, known as the “Protect Our Homes Act” or SA2005RF0146, is a poorly written and misleading example of GREED in its highest form.

There is language within it that attacks every Rent Stabilization Ordinance in the State of California by stating “there shall be no ordinance, rule, or otherwise any language that results in a “taking of private property.”

A **TAKING** is MONEY, \$\$\$/RENT in the eyes of a Mobilehome Park Owner for example, the land that he only rents to the Resident Home Owner, a home that he (park owner) has no vested interest in, only the dirt the home sits upon. A good example of greed is seen in the CBS expose of Mr. Sam Zell, billionaire, who recently attacked the City of Santa Cruz ordinance as a “taking” and raised the rents on his beach front mobilehome park from \$500 to \$5,000 a month.

Manufactured/Mobilehomes are owned mostly by the elderly, retired, those living on fixed incomes, and low income families. Where and when will greed end? Never.

Bob Fleak, Assistant GSMOL Manager, Rohnert Park

(CHULA VISTA PETITION, continued from Page 4)

for up to \$139,000 and much more depending on location. However, Seniors on Social Security, received a whopping 1.4% “raise” in their checks in 2003. In that same approximate time frame, the park owners received 5.7%

No tenant in any mobile home park is against a park owner getting a good return, but the GREED FACTOR MUST BE CONTROLLED! Some of the seniors have a small pension, in addition to social security. But with interest rates at all time lows, and with skyrocketing HMO rates, HMO premiums, prescriptions and space rents, seniors continue to fall behind.

**It is therefore our fervent request that, with strong new legislation, our Seniors in mobile home parks will cease being “victimized” by greedy park owners**

© Steve Molski CoMO-CAL member, San Diego (April 5, 2006)

### Mobile Home Rent Control Weighed

By Lakiesha McGhee -- Sacramento Bee Staff Writer Published Thursday, May 11, 2006

The Citrus Heights City Council tonight will consider drafting a regulation new to Sacramento County - rent control. The city's Community Development Department is seeking a yes or no vote on whether it should prepare a rent control ordinance for mobile home parks that lease space. The action follows public outcry over a \$175 rent hike set for Lakeview Village Mobile Home Park, which was sold last year by the area's Catholic Diocese to a private firm. The rate hike would affect about 1,000 seniors who say they are on fixed incomes and have few affordable housing options. Residents of various mobile home parks have responded with petitions to stop a pattern of future rate hikes.

"Philosophically, I'm opposed to rent control," Citrus Heights Mayor Jeannie Bruins said in a telephone interview. "But I will use it if necessary." Sacramento County spokesman Craig Moyle said a rent control ordinance has never been proposed for mobile home parks or any other rental property in the county.

Mobile home park sales and increasing rents became an issue for Citrus Heights about 15 months ago. It began with an increase of about \$75 in the monthly rent at Mobile Americana Mobile Home Park in Citrus Heights, recently renamed Creekside Mobile Home Park. Residents complained to the council they couldn't afford the rent hike as seniors on a limited budget.

Then came the sale of Lakeview Village last year. The Sacramento Catholic Diocese sold the park for more than \$45 million to investors led by Abraham Keh and Bessire and Casenhiser Inc., a mobile home park management firm.

The new owners proposed a \$175 rental increase to take effect in November. Earlier this year, they proposed five- and 10-year leases that included the \$175 monthly increase in addition to a yearly increase of 4 percent or higher starting in 2007, according to a copy of the proposed lease obtained by The Bee. This occurred as rent control discussions were taking place. The annual increase would be based on the Consumer Price Index, with no maximum that can be charged, the lease shows.

Residents claim they paid annual increases of 2 percent to 3 percent to the Catholic Diocese and that local services such as garbage and sewer were included in the rent. The transactions resulted in recommendations by a task force commissioned to study the issues. The recommendations include:

- \* Park owners who voluntarily offer long-term leases, which are in concurrence with city guidelines, shall not be subject to any rent control ordinance. Those that do not comply shall be subject to a rent control ordinance.
- \* A regular forum for mobile home residents and park owners to monitor any disputes and convene meetings to discuss issues and resolve problems.
- \* Limits on rent increases when a mobile home is sold.
- \* New mobile home residents should be allowed to assume pre-existing long-term leases.

A 15-member task force, including park residents and owners, was formed to identify methods to stabilize mobile home rents and to improve communication between residents and park owners.

After several months of deliberations, the task force said it (continued on Page 7 MOBILE HOME)

**KATHY MATTES—A TRIBUTE TO MY FRIEND & CoMO-CAL SECRETARY**

Kathy Mattes, our official CoMO-CAL Secretary, is “retiring” effective July 1, 2006. Kathy has been my “right hand person” for almost two years now, and her contribution has been invaluable. She has been my rock, my sounding board, she was always available to chat about an issue, our direction as an organization, a personal problem or whatever. She has kept me on an “even keel,” and always had the minutes of meetings ready for review at our board meetings. I already miss her! I will not be the same and CoMO-CAL will not be the same.

The residents of Las Encinas know Kathy very well. She spear headed our efforts to assist David Shackle and his friends and neighbors with the “barranca” issue. And there was a successful outcome!

Kathy has volunteered as a GSMOL chapter president, publisher of the “Gazette” and has served on the HOA board of directors for her park . Kathy will now be able to devote more time to her home life. She has plans to remodel her mobile home in Sandpiper Mobile Home Park in Carpinteria and will continue traveling with her husband, Lyle, to interesting destinations.

Please help me wish Kathy all the best. She would love to hear from you. Her mailing address is: Kathy Mattes, Space #32, 3950 Via Real, Carpinteria, Ca. 93013, email address is: km-the2nd@verizon.net, and phone number 805-684-0246.

**CONGRATULATIONS VILLA DEL SOL, HEMET**

Led by Jim Dean, space #164, the residents of Villa Del Sol in Hemet have made a terrific start towards a CoMo-CAL chapter. They already have over 70 CoMO-CAL members. Jim distributed fliers in his park of 200 spaces and about 100 residents attended, just for their first meeting. One issue has been new Rules and Regulations.

CoMO-CAL suggests other parks follow the example of Villa del Sol. You can start a chapter with 10 CoMO-CAL members— three or four being board members. For further information about forming a CoMO-CAL chapter call 1-800-929-6061 (CoMO-CAL) or Jim Dean at 951-658-2418. Or email CoMO-CAL at comocal@yahoo.com.

(MOBILE HOME, continued from Page 6)

could not agree on the details, such as the amount of annual increases or issues involving long-term leases.

James Lynch, Citrus Heights community enhancement manager, said if the council supports moving forward with rent control, staff will develop policy options to be considered later.

Councilwoman Jayna Karpinski-Costa said the weight of a rent control ordinance will depend on its terms."I'm not going to support a watered-down ordinance," Karpinski-Costa said. "If we can't help Lakeview then maybe we can help the Lakeviews of the future." Bruins said the council's action could be a monumental step for Sacramento County. "This is precedent setting and other communities are watching," Bruins said. Rent Control Is Needed NOW for Mobile Home Owners.

### MANAGEMENT ABUSE CONTINUES

Over the last year or so, we have been writing about “management abuse.” In fact one of our first articles was about Senator Dunn’s hearing of October 2004. Just ask yourself, “Are residents in your park subject to discrimination, harassment, intimidation, retaliation, or other abuses by management? Are there issues such as interference of sales, removal of older mobile homes, closure of common areas, etc.” Unfortunately many would say “Yes!” And this has been going on for years. In fact Senator Dunn held a similar hearing on “management abuse” over 13 years ago. So why hasn’t any organization taken a stand against such abuse? Why hasn’t someone finally said: “It’s time we did something about this serious issue.”

In fact the Action Coalition for Manufactured-Home Owners (ACMO) group has been working hard to make sure managers are educated. The “education” bill has not fared well in Sacramento. Often, however, it is what managers know rather than what they don’t know that allows them to continue this abuse. More than likely they are counseled regarding just how far they can push the envelope.

And it’s about time we all started holding management accountable for their actions.” Why hasn’t anyone “drawn a line in the sand?”

Perhaps a partial solution to this serious problem is a “code of ethics for management.” Why not write a Code of Ethics, publish and display it in common areas of parks for all to see? A Code that will protect our investments and ensure OUR RIGHTS to privacy, respect, courtesy and dignity. We should not have to worry about arbitrary or unlawful termination of tenancy and park rules and regulations should be reasonable and enforced in an equitable and forthright manner.

Should CoMO-CAL write such a Code, or some other advocacy group? We desperately need some guidelines to stop management abuses! Let’s take the time to put down on paper what protections we want to protect us from abuses! And then hold management accountable!

So what do you think, does this sound like something we should do? And should we really hold management accountable? We think your answers should be a YES, YES, YES!!!!!!!!!!!!

There may be a better approach to this problem. What if managers wrote the Code of Ethics instead of an advocacy group? That should guarantee they follow it to the letter, right? After all they wrote it! Well look no farther than Page 11 of this issue—the Code of Ethics of the Western Manufactured Housing Communities Association (WMA).

(We have written about the WMA in several newsletters. WMA is the “park owners” group that lobbies in Sacramento, opposing many proposed laws that would protect us. We understand about 37% of park owners belong, which means about 1700 parks total. What does this mean? It means that the WMA is a very strong group. They are most likely behind many efforts across the state of California - the fight to eliminate rent control, the removal of “active” mobile home owners from parks, efforts to curtail our first amendment right to distribute literature of interest to mobilehome (continued on Page 9 ABUSES)

(ABUSES, continued from Page 8) owners without management approval, interference of sales, etc. So what do you think? The WMA Code of Ethics is available for all to read, please take the time to read it carefully. Highlights of their Code of Ethics are:

- Residents can expect recognition of their rights to privacy, respect, courtesy and dignity.
- A goal of management is to serve the needs of the community.
- Management will provide for responsible relationships between resident and resident.
- Management pledges to be available to residents, to be receptive to their constructive suggestions and to provide factual information.
- Management pledges to enforce rules and regulations in an equitable and forthright manner.
- Management pledges that residents shall be free of worry of arbitrary or unlawful termination of tenancy.
- Management pledges full support of the laws.

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Surely the WMA and their managers have an obligation to live up to each point they make! Below are some issues that exist in many parks today. Are they upholding their own Code? You be the judge.

- The manager is abusive and threatening. The manager often uses the “E” word - I’ll evict you...
- The manager goes around spying, making notes about us and our property. Sometimes they take photographs. They come on our property without our permission.
- The manager confronts residents and is argumentative.
- The manager does not manage. Reasonable rules and regulations are not enforced (such as yard maintenance). If there is enforcement, it is usually not equitable.
- The clubhouse is locked and residents only access is through the park process of “reservations” two weeks in advance.
- The clubhouse is locked, but there is a sign stating that it is available from 8am to 9pm.
- Complaints or suggestions are met with retaliation.
- Management won’t intervene in resident/resident issues. Even though rules and regulations are being violated.

**Help us with our list of abuses. Send us any manager abuses you observe in your own park.**

**We welcome your comments and suggestions.**

**PAIR WINS LAWSUITS OVER TREE UPKEEP—**  
**Mobile-home Park Owners Liable for Tree Damage, Judge Rules**

Article by ERIN MASSEY, Staff Writer, North County Times

VISTA, California

A Superior Court judge sided with two elderly women and ruled this week that mobilehome park owners must pay for any tree removal on the park property.

Judge Joe O. Littlejohn issued his decision on the case this week after an appeals hearing in early June. In a ruling released this week, he wrote that the mobile-home park lease makes tree maintenance the park owner's responsibility.

"Park owners will not be heard to deny liability because (they) failed to act within a reasonably timely and appropriate manner in accordance with the conditions and spirit of mobile park lease agreements," he wrote.

Littlejohn's decision upheld the original ruling awarding one park tenant, Dolores "Dee" Roberts, \$3000 plus \$50— in attorney's expenses. He awarded a second park tenant Irene Hundley, \$1500 plus \$20 for attorney costs.

The issue first arose a year ago when Hundley, 71, was taken to small claims court by Lake Bernardo Mobile Home Park's owner, Phil Hohnstein. Hohnstein asked her to pay a \$1550 bill for removing an ash tree planted on her lot before she arrived in 1983, she said.

Hundley said Friday that she is relieved with the ruling and wants to put the dispute behind her.

"I am just so very happy because there was no way I could get enough money to pay it" she said of the tree removal. Now, I just want to move and find peace and quiet. This has been a year of nothing but hell and tension and worries."

Hundley's case was heard jointly with a suit filed by Ponderosa Mobile Home Park against Roberts for \$750 to remove a palm tree on the land where Roberts' mobile home now sits. Roberts claims the tree caused more than \$4,000 damage to her residents requiring her to replace the supports beneath her mobilehome. "I am happy with the decision because somebody had to stand up for all of us mobile home park residents," Roberts said. "At least I showed them that they can stand up for their rights now."

Mayor Pro Tem June Rady, who attended the hearings and publicly supported the two women, applauded them on Friday.

"I want people to know how proud I am of Irene Hundley and Dee Roberts for having the courage to stand up to the intimidation and harassment that was clearly put upon them by the park owners," she said. "They were absolutely correct in standing for what was fair and right and reasonable."

Both elderly women told the judge in June that they couldn't pay the cost of removing the trees, saying they depend on subsidized housing assistance from the U.S. Department of Housing and Urban Development.

The park owners eventually dropped their claims against the women, (see Page 11, PAIR WINS LAWSUIT)

### WMA CODE OF ETHICS (from their Website)

The residents of mobilehome/manufactured housing communities, as homeowners, can expect recognition of their rights to privacy, respect, courtesy and dignity. The responsibility of management is to serve the needs of the community, and to provide safe and well-maintained common areas and community services. Mutual respect and concern are the governing principles of management-resident relations.

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

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

Contentment, security and peace of mind are the desires of residents and the goals of management. To this end, management pledges that residents shall be free of worry of arbitrary or unlawful termination of tenancy. Management further pledges to operate the community in a manner consistent with established business practices and procedures which assure long-term economic stability for residents and investors.

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

(PAIR WINS LAWSUIT, continued from Page 10)

who then filed cross-complaints for damages the trees caused to their mobile homes. The small claims court judge sided with the tenants on March 27.

The park owners, represented by Orange-based attorney Terry Dowdall, appealed the decision to Littlejohn. Dowdall did not return repeated phone calls this week.

At the appeal hearing, Dowdall told the judge that the tenants want to maintain their own yards and so should be responsible for any damage caused by the trees there.

The tenants attorney is Bernadette Probus, a housing attorney for Legal Aid Society of San Diego. Probus argued during the hearing that her clients were not given a choice in the landscaping around their mobile homes and should not be held responsible for the upkeep.

Steven Nelson, Escondido's deputy city attorney wrote in a brief to the court that the city considers trees to be capital improvement costs and therefore the landlord's responsibility.

YOUR RIGHTS AND RESPONSIBILITIES AS A MOBILEHOME  
OWNER UNDER THE  
CALIFORNIA MOBILEHOME RESIDENCY LAW

### **Leases and Space Rent**

Every homeowner must be offered a written rental agreement for a term of 12 months, unless the homeowner requests a shorter period. A term of more than 12 months cannot be required, but can be mutually agreed upon. Every rental agreement must specify the park's services and fees. The agreement must also attach a copy of the park rules, the written disclosure regarding park conditions, and a copy of the Mobilehome Residency Law, all of which are deemed to be part of the agreement. An updated version of the MRL must be provided annually. A rental agreement or lease for a period of years cannot be automatically renewed without the homeowner's consent.

If the park intends to increase the space rental amount upon renewal of the lease or rental agreement, or within the term of a lease, it must give 90 days advance written notice.

Every rental agreement must include management's duty to properly maintain the condition of the park. A homeowner who believes that this duty is being violated must give at least 30 days written notice of the deficiency to management before taking legal action.

A homeowner who lives alone is entitled to have one other person share the mobilehome, and may do so without paying any additional fee to management. Other guests are permitted to stay in the home without a fee, as long as they do not stay more than 20 consecutive days or 30 total days in a year. No fee can be charged for any immediate family members living in the home. A senior may have a live-in companion to provide health or supportive care pursuant to a doctor's written treatment plan.

A park may operate as a "senior" park only if certain federal law requirements are met. Otherwise, a park must be open to all families.

### **Utilities**

Park management is permitted to include utilities as part of the rent payment or to charge separately for utilities, such as electric, sewage and cable tv. If it bills separately, management is not permitted to add any profit to the actual charges it passes to the homeowners. If management institutes separate utility billing, the space rent must be decreased by the amount of the utility charge previously included in the rental amount. Failure to do so is treated as a rent increase.

The prevailing rate for the utilities must be posted if billed separately, and the bills must show the actual charges and meter readings. If a "third party" billing company used, its name and contact information must be listed on the utility billing.

Although some parks allow direct billing, homeowners do not have the right to insist on directly contracting with utility providers.

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**The above was taken from the Project Sentinel website at <http://www.housing.org/>.** This is a good resource for tenant/landlord information. Project Sentinel is a non-profit agency providing services to help people resolve housing problems. The agency assists home seekers as well as housing providers through counseling, complaint investigation, mediation, conciliation and education. The services are funded by cities and counties in the greater Bay Area and Central Valley. All services are free and confidential.

Additional issues such as park rules, park facilities, eviction, purchase and transfer, park closure, and enforcement of legal rights will be presented in the August THE VOICE - watch for it.

**DON'T BE A VICTIM / DON'T ALLOW YOURSELF TO BE SCAMMED**

From the President: It saddens me to hear what mobile home owners are being told - all in the interest of personal greed. A member called one evening asking about copper wiring - someone was telling her before she sold she would have to replace all aluminum wiring with copper. Please, please read on. Don't allow yourself to be scammed. Unscrupulous people are taking advantage of those who are weak and defenseless in our parks. Let's all get the word out and help protect our friends and neighbors.

- Many people try to make money off you. CoMO-CAL is NOT one of them.
- You are a member of CoMO-CAL. Let us protect you. You can trust us!!! We have NOTHING to gain by telling you anything but the truth.
- Do not trust what those people say. They may not be telling you the truth because they can make money by lying to you. CoMO-CAL is your friend - CoMo-CAL is your family. Consult with us before you believe anything a handyman, contractor, manager, or owner tells you. If we don't have an answer, we can consult with our attorneys.
- When you sell your home, you DO NOT have to bring it up to "code." (The HCD will do an inspection for \$66 - the inspection involves only exterior items - like steps, porches, railings, extension chords....anything that is a HEALTH AND SAFETY item may have to be repaired—they give you 30 days. Neither HCD or the park can inspect inside your home.
- When you sell your home, you DO NOT have to replace all aluminum wiring with copper wiring.
- When you sell your home, you DO NOT have to install all copper plumbing.
- When you sell your home, the park CAN NOT require new siding, a new roof, a new porch, etc. just because their Rules and Regulations require this for incoming homes. These rules do not apply to homes already in the park.
- Educate yourself. Be aware. Question, question. Do not believe all you read or hear.
- Park managers (usually) are not your friends. Many make additional money by telling you to use only a certain Real Estate Agent or handyman. Many make money when they convince you that you must move your older home. Many make money by harassing and intimidating you so you eventually leave the park. That's what many owners want!
- We talk of protecting your investment and your way of life. We can help, but ultimately you are the one with the responsibility. We are here to answer your questions. Do not hesitate to call us. It helps all of us when you take care of yourself. Don't be a victim!

**WE ARE IN THIS TOGETHER. WE ARE ALL FAMILY. LET'S HELP EACH OTHER.**

### CoMO-CAL THIS and THAT

- **TAX EXEMPT STATUS:** We are happy to report that CoMO-CAL has been approved as a tax exempt non profit by the IRS. We are officially a 501(c)3 non profit. This process took over 9 months! This means that any donation you make to CoMO-CAL can be deducted from your income tax. We can receive grants. We believe this will open many doors for us and will contribute to our long term success. We ask for your support.
- **MAILING LABELS:** This month we have new membership software. Your membership expiration date is included on the mailing label. Please review your name, address and expiration date. If there are corrections or changes, please let Frank Wodley know. We have been working extremely hard to make this transition. We had to input much of your information by hand and mistakes do happen. We are sorry for any inconvenience.
- **RENEWAL NOTICES:** Those members that have or will expire before July 31, 2006 will be receiving a renewal notice this month. Please check all information for correctness. Forgive the format of the notice—it is fixed with the new software and can not be changed. Please make your check to CoMO-CAL and send it to our post office box in Chatsworth. We do appreciate your continued support of our Coalition and together we ARE MAKING A DIFFERENCE.
- **ADVERTISING:** We need help with advertising. It is a terrific way to raise some money. This month we will have no advertising, but our goal is to have at least 10 advertisers for each of the following local areas - the Antelope Valley, the San Fernando Valley, and the Santa Barbara area, respectively. This could generate \$5,000. annually. The funds will go into the General Fund.
- **BOARD POSITIONS:** We need volunteers for board positions—Secretary and Vice President - from members in the San Fernando Valley. Also Vice President from the Hemet/Riverside area, from the San Diego area, and from the Santa Barbara/Santa Maria area. Candidates should have email and be willing to be active. These positions are critical to our efforts to organize other areas.
- **ACTIVE CoMO-CAL MEMBERS:** We are working on a new idea, to network all active members in CoMO-CAL. We may be putting out a second newsletter just for active members—no newspaper articles or explanations of the law. It is our hope that this “group” will bring added energy and talent to our organization. We would like to use these members on committees (membership, issues/legal...). We will list all active members in a future THE VOICE so that members in your area will know who you are. Anyone wanting to be on a committee please email or call Frank. LET’S DO IT!
- **LET’S DEFEAT “THE PROTECT OUR HOMES ACT.”** If you have a phone and fixed charges in California, we need you. Please volunteer to call around the state to alert others of this serious threat. We will supply the names and phone numbers of residents in parks.
- **CENTRAL COAST MEETING:** On June 24th we had a meeting in Carpinteria for active members from the central coast. Our hope is to organize several different organizations and have some teamwork.. CoMO-CAL brings much to the table - the VOICE, our website, our willingness to work together... We will report on the meeting next issue.

### INFORMATIONAL FLIERS

We now have a growing list of “informational fliers” available to our members. **Please help us distribute them to your friends and neighbors.** We can’t do it without you. If you truly want to be part of our Coalition and make a difference, request one or more of these fliers and pass them out in your park. Requests should be based on problems in your park, i.e. if management is removing older mobile homes, then flyer #1 “Removal of Older Mobilehomes/Upgrade of the Park” would help your friends and neighbors understand what the law really says. We only ask for a donation as we have printing and mailing costs.

#### 1. Removal of Older Mobilehomes / Upgrade of the Park:

Read what Senator Dunn, Sal Poidomoni (HCD Riverside) and attorney Stuart Parker say about removal of older mobilehomes. **AGE IS NOT A CRITERIA.** Only Health and Safety issues are involved. Get an HCD inspection before you sell to protect yourself.

#### 2. Getting New Rules and Regulations:

Read what 798.74 says about new rules and regulations. Above all do not sign them. Most are written by the park attorneys who have never seen the park. Most are not used to protect us and make our lives any better. Most are used against us.

#### 3. Sellers Guide by Clay Harrison:

Read what Clay says about selling your mobile home. This is probably the time when park owners and managers break most laws. They are after your space and will make it difficult for you to sell..

#### 4. Complimentary Newsletter:

Read about the Anderson Initiative and learn about the Coalition. United we stand, divided we fall. Learn about our legal fund.

#### 5. Loss of Rent Control:

Read what Jim Holmes, Ventura attorney, has to say about the “Protect Our Homes Act.” He believes it could eliminate rent control statewide as well as the Mobilehome Residency Law, and other protections we have today.

#### 6. Code of Ethics:

Let’s hold our management to this Code of Ethics. If your manager is abusive, they need to be notified.

#### 7. Don’t be a Victim.

#### 8. Getting New Rules and Regulations.

#### 9. Trees and Driveways.

## NEW DISTRIBUTION SYSTEM—JULY /AUGUST TRIAL

If you live in any of the parks below, your AUGUST VOICE will be available by JULY 28th. **Just go to the contact person for your park and they will give you a** newsletter - in some cases they will hand deliver it to you. If you can not pick one up, please call the contact person and make other arrangements. Remember, this is a trial run. We hope to have any problems resolved within a short time. **All other members will get their VOICE by mail.**

The following parks will participate in a trial—the distribution of the **July VOICE**:

### **Antelope Valley:**

- Boulders II - Billie Thomas (Space #123, 661-943-3119)
- Hacienda - Barbara & Ben Renshaw (Space #137, 661-942-2905)
- Locust Grove - Ralph Weber (Space #38, 661-723-6997)
- Leisure Lake - Ralph Weber (Space #38, 661-723-6997)
- Quartz Hill—Floyd Gilbert (Space #36, 661-722-5799)
- Sherwood - Ralph Weber (Space #38, 661-723-6997)

### **San Fernando Valley:**

- Canoga MHP - Ruby Kline (Space #203, 818-341-1479) & Tony Sansone (Space #363, 818-718-0747)
- Chatsworth MHP—Frank Wodley (Space #31, 818-886-6479)
- Chatsworth Imperial-Richard Ramirez (Space #160, 818-718-6169)
- Kona Kai / Riviera—Laurel Fielding (Space #37, 818-709-8022)
- Oakridge—Herb Jensen (Space #524, 818-833-7022)
- Sylmar Mobile Manor—Gladys Jackson (Space #34, 818-362-0262), Cliff Kenny (Space #21, 818-362-9485)

### **Santa Barbara County**

- Rancho Santa Barbara / San Vicente—Tom Jordan (Space # 135, 805-964-9838)
- Sandpiper—Kathy Mattes (Space #32, 805-684-0246)
- Hemet—Jim Dean (Space #164, 951-658-2418)

This new program was introduced for the following reasons:

- Members get their newsletter in a timely manner and in good condition.
- We save most mailing costs.
- Staff no longer must fold, staple, label, and mail individual newsletters—resulting in considerable time savings - for these parks.
- We hope it promotes communication and unity within each park. The “park rep” will have a list of all members in his/her park. We will also ask them to be membership chairman.

### **NEWSLETTER BY EMAIL**

We have begun our program to email THE VOICE to those members with email that want to receive it early. We appreciate their participation in this program because it saves us time and money. Anyone wanting to receive the newsletter by email please send an email to “comocal@yahoo.com” and indicate your desire to get THE VOICE by email. Thank You!

## A WORD FROM THE PRESIDENT

### THE THREATS

The threats to our way of life are real. If you don't believe me, just take a look around. You experience threats on a daily basis. Rents are increasing, sometimes as much as 50%. Just look at Santa Cruz with their \$4000/month increase! New manufactured homes are coming into our parks in numbers. Parks are pressuring us to move our older mobile homes. Parks interfere when we sell our homes—they ask us to do unnecessary upgrades and/or won't approve our qualified buyers. Our friends and neighbors are taking the easy way out and moving out of our parks. Out of control managers and park employees are intimidating, harassing, threatening, and making money off us. They often say "If you don't like living here, just move!" In every issue of THE VOICE, we report on "battles" around the state - sometimes by a group of mobilehome owners, often by individuals.

### WHOSE WORKING FOR YOUR RIGHTS?

We've reported on the HCD, the MHPTF, and advocacy organizations that are "supposed" to be helping us. In reality HCD often favors the park owner. The MHPTF is a sham on every mobilehome owner in the City of Los Angeles, and I've heard similar (task force) groups around the state are not much better. And what advocacy group is really focusing on enforcement? What advocacy group openly exposes the questionable practices of park owners and managers? I believe only CoMO-CAL. The other groups write primarily about pending legislation and chapters they are forming. I'm not alone when I say we need enforcement of the laws we already have. If there had been enforcement these last 10-15 years, the park owners wouldn't be so bold today! Unfortunately, we are at least partly to blame for our situation today. Park owners have essentially gone unchallenged. They have nothing to lose and everything to gain by pushing "the envelope." And you and I are "the envelope."

### OUR ATTORNEYS

Some ask about attorneys. We regularly consult with attorneys and we have a growing list of attorneys that are available to help any mobilehome owner. Thanks to our members, we are finding new attorneys all the time - just ask us and we will refer you to an attorney with experience with mobile home issues. We will continue to publish their opinions in the VOICE. We ARE making progress. We have several members that have on-going lawsuits and we will be writing about these in future issues of the VOICE.

### BOTTOM LINE

So what is the bottom line? The threats to our way of life are indeed REAL. And those working hard to protect our rights are few. So what is the answer? All mobilehome owners should be involved. If you live in a park where abuses are real, YOU must be involved. You can't turn away. If you do, you become part of the problem rather than part of the solution. Let CoMO-CAL assist you. We are working hard on ways to fight each and every issue. Remember we've written about communication? Communication is key! Please write or call us. We can't help unless we know. What you DO helps all mobilehome owners!

### **I NEED YOUR SUPPORT**

Some might say asking for help is a sign of weakness. I believe ALL CoMO-CAL members have a right to know the facts. And one fact is that we need more volunteers and more donations if we are to be really effective. I've spent the last four years of my life working for mobilehome owner rights (many of my friends have worked much longer). I have a family, a wife and an 11 year old son Jason, who I must support. My family and I have sacrificed in many ways—in fact this last year and a half, I've worked full time, seven days a week, for CoMO-CAL and have not worked at all to support my family. Don't get me wrong, I wouldn't change a thing! And I'm proud of the progress we've made. Thanks for joining!

As you will read on Page 7, Kathy Mattes has been a terrific source of support for me. Kathy religiously does the minutes for board meetings, travels from Carpinteria to Chatsworth on a monthly basis and edits the VOICE. I confer with her almost daily. But Kathy is retiring and will no longer sit on the Board. She made a commitment to me and has been very responsible, and I am truly grateful for her contribution.

Unfortunately most other CoMO-CAL tasks fall into my domain. From the actual writing and printing of the VOICE, to the busy work of folding, stapling, and mailing—I do it all, with little help. (My friends in Canoga Mobile Home Park have graciously helped, on several occasions, to collate, staple, and fold the newsletter.) I answer the phone, chatting with members that have questions or need help. I talk to or email our attorneys. And I actively work to bring us new members—hold meetings, do fliers, send emails, etc. (Let me also say that without the help of Ralph Weber and the AV group, our members in the Antelope Valley wouldn't get the service they deserve.)

I can really appreciate the GSMOL office staff in Garden Grove. Keeping track of members is a daunting task. I've spent many long hours working with EXCEL, doing data entry, printing reports, keeping track of renewals, the bank account, etc. Today I'm trying a new software called Membership Director and I have less hair because of it! As of this printing, the software is up and running after two weeks of hard work.

Again, CoMO-CAL needs volunteers and donations to continue our work. I can't do it on my own, no matter how determined I am to make a difference. Without volunteers, CoMO-CAL will continue, no matter what, but it is severely limited. CoMO-CAL can truly be effective **only with your help**. Let's build on the foundation that has been laid. Two years ago I was advised it would take three years to get a group going. Today I believe that is indeed true. We have many fine, knowledgeable members around the state today. In fact we are actively working to set up a network to take advantage of those members.

### **WHEN YOU HELP YOURSELF, YOU HELP ME**

- Read THE VOICE. It is written to help educate you about your rights and to alert you to problems mobile home owners like you are having across the state.
- Be aware what's happening in your park. Is management doing a good job? Are they enforcing reasonable rules equally, or are they "out of control?"
- Communicate with us. We can't help you unless you first tell us what's going on.
- There is far too much politics between advocacy groups. Mobilehome owners have a common bond, we are ALL losing our rights. OUR way of life is being challenged. CoMO-CAL was formed to help all mobile home owners. In fact we have members from many different advocacy groups.

SAN FERNANDO ALL VALLEY MEETINGJuly 22, 2006. Saturday 10am. Chatsworth Metro-Link Train Station.BRING YOUR FRIENDS AND NEIGHBORS

(continued from Page 18 SUPPORT) Lay aside your disputes, your egos, and work together for the common good.

Our desire is to live a peaceful, painless life, but many park owners make our lives miserable. It is not our choice, but theirs. They give us no choice but to defend ourselves. Unfortunately, the saying “no pain, no gain” applies in this situation. Defending our way of life takes energy, effort and determination. It takes teamwork. It takes money. But what are the alternatives? Many of my friends and neighbors have moved. Many have taken pennies on the dollar just to get out. This is just what park owners want! These former owners are part of the problem, not part of the solution. Don’t you be part of the problem!

SECONDLY, VOLUNTEER

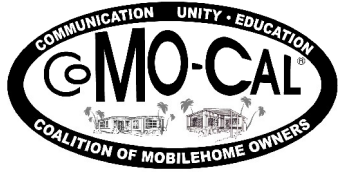
- Teamwork will be the KEY to the success of CoMO-CAL. That means each of us doing a small part. Four years ago I was not involved at all and I had no clue what was happening in my park. I knew there were problems, but I had no idea what to do. Today, each of us has an option. Each of us can make a difference. But we have to do it together.
- Most of you live in parks without many CoMO-CAL members. In fact, we have members in about 175 parks today. If you observe a certain issue, let us know and we can send you “informational fliers” that will help educate residents in your park. And it will give them the opportunity to join our family.
- You can be even more connected with us if you have email. It is a terrific way to communicate with us. Again, COMMUNICATION IS KEY! **EMAIL US.**
- I need help with THE VOICE, and general office work. If you live in the San Fernando Valley, you can help. There is something that you can do. Please don’t make me call you. Call me to volunteer some of your time. We also need **BOARD MEMBERS!!** You can live anywhere in California!
- **COMMITTEES:** Committees are so important to our success. One for membership, brainstorming strategy, and legal issues. Every member can be a “membership committee” of one. Tell your friends and neighbors about the Coalition. Everyone SHOULD be informed!

PLEASE DONATE

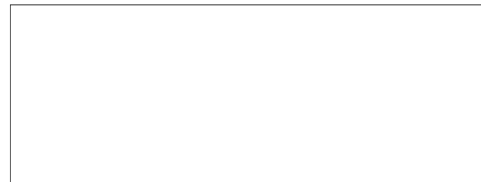
- Thank God for Charles, he has donated \$2,000! A few have donated \$100, thank you all! Please believe in what we are accomplishing and donate \$10 or \$20 or more to help cover the costs of mailing fliers. We have a good chance to defeat the “Protect Our Homes Act” if we get the word out. Remember, if it passes, we could lose many of our rights, much of the equity in our homes, and be faced with rent increases of \$200 or more! As I’ve written, give a little now or a lot later. It’s up to you! I pledge that every dollar will go to get the word out to defeat the initiative. **REMEMBER WE ARE NOW TAX EXEMPT. AND DON’T FORGET, DONATE \$10 TO THE NEW LEGAL FUND.**

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CoMO-CAL is a non-profit California Corporation dedicated to serving mobilehome owners in Southern California. Our purpose is to educate, communicate and unite.



## CoMO-CAL

(COALITION OF MOBILEHOME OWNERS-CALIFORNIA)

P.O. Box 4821, Chatsworth, Ca 91313-4821.

### MEMBERSHIP APPLICATION (Print Please)

NAME: \_\_\_\_\_ Date: \_\_\_\_\_

PARK NAME: \_\_\_\_\_ SPACE #: \_\_\_\_\_

MAILING ADDRESS: \_\_\_\_\_ CITY/ZIP \_\_\_\_\_

E-MAIL ADDRESS: \_\_\_\_\_

APPLICANTS PHONE NUMBER (\_\_\_\_\_) - \_\_\_\_\_ - \_\_\_\_\_ check( ) cash ( )

SIGNATURE OF APPLICANT \_\_\_\_\_ renewal( ) new ( )

MEMBERSHIP (\$15.00/12 Months, \$40.00/36 Months) Membership Dues Not Refundable.

PLEASE INCLUDE CHECK OR MONEY ORDER PAYABLE TO "CoMO-CAL" & THANK YOU FOR JOINING

MAIL TO: CoMO-CAL, P.O. BOX 4821, CHATSWORTH, CA. 91313-4821

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