



COALITION OF MOBILEHOME OWNERS

CoMO-LAC

JUNE 2005
ISSUE

BELMONT SHORES “HITS THE JACKPOT”

Recently some residents of Belmont Shores Mobile Estates in Long Beach won a significant out-of-court settlement in a Failure-to-Maintain lawsuit. The residents' complaints included problems with the sewer system, storm drain system, and electrical system, home leveling, and inappropriate behavior by management personnel.

The final settlement was \$ 4,625,000, among the largest of its kind in California. The residents were represented by the San Diego law firm of Endeman, Lincoln, Turek and Heater LLP (ELTH).

In addition, the park management company named in the suit filed for bankruptcy, after settlement payment, and sold the park management rights to the Follett Investment Properties, Co. of Gold River, CA, near Sacramento. Follett is considered one of the best mobilehome park management companies in the area.

In addition, several of the plaintiffs had a “binding arbitration” clause in their rental agreements, which might have prevented them from participating in this type of legal action. ELTH attorneys asked the Superior Court judge to declare this clause void, which he did. The defendant appealed that decision to the CA Court of Appeal, and lost.

The effort took approximately 18 months, and was a **prime example of residents deciding they were going to do something about problems in their park, sticking together, hiring an excellent law firm, and seeing it through to a successful finish.** All in all, a major victory for mobilehome residents' rights, especially their right, as stated in the MRL, to the “quiet enjoyment” of living in a mobilehome park.

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PARK MANAGEMENT PROBLEMS

This newsletter is devoted to the subject termed “park management problems” by the Senate Select Committee on Mobile and Manufactured Homes (Senator Joseph Dunn, Chairman).

Actually the “problems” include actions park managers and owners take against residents. These include violations of the MRL, harassment, intimidation, and others. These are often the focus of residents complaints, (see page 2) yet we are still waiting for some assistance from state and local government.

Those of us who have experienced such problems quickly realize that the Housing and Community Development (HCD) has

little or no power to enforce the Civil Codes found in the Mobilehome Residency Law and continues to have budget problems. Don't write to the Ombudsman for help with MRL issues.

A small portion of the public hearing of October 19, 2004 before Senator Dunn is published here on pages 3-5. This testimony should only strengthen our feeling that these types of problems occur across the state, they are not isolated incidents as the park owners would have us believe, and they have occurred, without any real action, for over 20 (see **Problems**, page 3)

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A FEW WORDS FROM THE PRESIDENT

CoMO-LAC is growing! Thanks to you, our members! We are adding about 100 members per month and already have **members in over 50 parks**. Because we are so new, our #1 priority today must be getting new members. We have much to offer and a large membership has many advantages. We want to educate as many mobilehome owners as we can so they understand their rights. Also more members will bring more money to use for legal assistance and more talent to continue to provide service to you and enable us to get new members.

We are already identifying residents in parks who want to be active, who want to participate, and these are our contacts. You are our eyes and ears. We now are hearing from several parks in the San Fernando Valley and our goal is to have many more added to this list.

You can help us help you by sending us an email summarizing the problems you encounter in your park. Ultimately all parks have similar problems—take a look at Milt Burdick’s article on page 4-5. Knowledge is power and we can’t help unless we know what’s going on. Take a few minutes and let us know.

Park manager’s are often the focus of residents problems. We hope the Senator Dunn article is helpful and interesting. You are not alone. These types of problems will not go away on their own, we must take action to protect our rights.

Please read the Mobile Home Park Task Force (MHPTF) article also. Although your representatives represent you, do you even know they exist? And do you know what there purpose is? I’m sure not, but CoMO-LAC will change this. We need new members on the MHPTF. We are allowed one representative per park; if you want to be active, please consider joining us and help represent your friends and neighbors. **IT IS IMPORTANT THAT WE HAVE A STRONG VOICE WITH THE LAHD.**

Finally, I hope you read the article about the Belmont Lawsuit on the front page carefully. This success is a direct result of residents knowing their rights, uniting, and fighting for what they believe. If more residents would do this we wouldn’t have the problems in our parks we have today.

KNOW YOUR MRL

Sections 798.19, 798.25.5, and 798.77 all address the very important issue of what CANNOT be included in your rental agreement. They aren’t very long, but they very specifically state that any provision of your rental agreement is void and unenforceable if it requires the mobilehome owner to waive his or her rights under California law.

798.25.5 is even more specific in that it states a rental agreement clause that requires binding arbitration, rather than a jury trial, to settle complaints against a park owner and/or manager, is void and unenforceable.

Section 798.25.5 has been upheld by the courts several times, most recently in Belmont Shores Mobile Estates Failure-to-Maintain lawsuit.

On May 21st, CoMO-LAC met with a small group of concerned residents from Chatsworth Imperial who had just received new rules and regulations. They were amazed how biased rules and regulations can be! **Be Aware!**

CoMO-LAC BOARD MEETING

The following are items discussed at the April Board of Directors Meeting, held in Pasadena.

1. Report on April 23, 2005 Antelope Valley Meeting—about 45 attended from different parks and many joined.
2. Promotional letters were mailed to Riverside, Orange, Ventura and San Bernardino Counties.
3. The Board is finalizing the Bylaws and a 1023 IRS form for tax exempt status. This will allow us to obtain reduced postage rates.
4. One grant has been identified to pursue and our District Manager Dwight Blackwell is actively working on it. This will give us money for legal services and membership recruitment not otherwise available.
5. The MHPTF was discussed
6. Passthroughs for capital improvements was discussed
7. Membership numbers, expenses, income and bank balances were given

years. Shouldn't we **TAKE A STAND NOW?** Or are we willing to endure another 20 years under the oppression of those managers who feel they are above the law and park owners who are motivated to break the law for financial gain and greed. You and I, our friends and neighbors living in mobilehome parks need to **UNITE TOGETHER!**

Last year on October 19th Senator Dunn heard testimony from about 22 witnesses, most of whom are mobilehome owners. CoMO-LAC feels this subject is very important to our members and provides excerpts from the hearing below. Copies of the full transcript of the hearing (Senate Publication #1306-S) may be purchased from Senate Publications, 1020 N Street, Room B-53, Sacramento, Ca. 95814 for \$7.75 plus current California sales tax. Make checks payable to Senate Rules Committee.

SENATOR DUNN HEARING—OCTOBER 19, 2004

MOBILEHOME PARK MANAGEMENT PROBLEMS

Background (by Senator Dunn's Staff)

There are approximately 4,850 mobilehome parks and manufactured housing communities in California providing spaces for an estimated 675,000 residents. A mobilehome park is an area or tract of land where two or more mobilehome sites are rented, or held out for rent, to accommodate mobilehomes used for human habitation.

Mobilehome park owners hire managers to perform various functions in the operation of the park, such as collecting the rent, reading utility meters, providing security in the park, arranging for the use of the clubhouse or recreational facilities, if any, enforcing the park rules, providing various notices required by law to the residents, maintaining or overseeing the maintenance of the park, managing the office and books, and dealing with homeowner/resident complaints, among other duties.

Some parks are operated by professional property management companies that select and train site managers. The Western Manufactured Housing Communities Association (WMA) has their own management training program available to member parks. Other parks, usually smaller older parks, hire whomever they can find, sometimes even a long-term resident, to collect the rent, oversee maintenance, and run the office. Sometimes these individuals may be more akin to caretakers than managers. The Health and Safety Code requires a responsible person to be available in emergencies who has knowledge of the common area facilities and the utility systems, and in parks of 50 or more spaces that person must reside in the park. The person must be reachable by phone, cell phone, answering service, or pager to respond in case of emergencies. This person is not specifically required by law to be the site manager, but any person so designated by the park to fulfill that responsibility.

Manager Problems (by Senator Dunn's Staff)

The number of complaints to the Committee about manager problems has increased in the last few years. Testimony that the Committee will hear will illustrate the management problems, which some residents contend necessitate reform. In summary, these often involve disputes between the manager and a resident or residents regarding enforcement of the park rules, unwillingness of the management to approve the resale of a mobilehome in the park, utility billing and meter reading or a number of other issues. Sometimes this tension between the residents and the site manager is the result of a lack of communication on both sides or it may involve the attitude of the resident or the manager. Not infrequently residents perceive that the manager is harassing or otherwise mistreating them, particularly if the manager threatens them. In other cases it is simply a matter of alleged neglect or incompetence on the part of the manager. Residents contend that the lack of information or knowledge on the part of managers, particularly of the Mobilehome Residency Law, leads to the management's refusal to recognize certain resident rights. This in turn leads to confrontation and bitterness between the park resident(s) and the manager. A common complaint to the Select Committee is that some parks deal with residents in a heavy-handed fashion, intimidating (continued on page 4)

them through threats of reprisal or eviction if they complain about park health and safety violations or the enforcement or lack of enforcement of park rules. On the other hand, the park industry argues that in many cases a dispute is just as much the fault of the homeowner as the manager. Moreover, they point out that the major state park association already has a training program and that the costs of administering and enforcing legislatively mandated manager licensing and training program will drive up the cost of housing in mobilehome parks without guaranteeing that manager-homeowner disputes will or can be resolved, notwithstanding such licensing.

Excerpt from Milt Burdick, VP GSMOL

1. Park Owners often hire or own management types such as Sierra Management Corporation who in turn hire on-site managers. When Homeowners have problems with on-site managers, and the management company that hired them, the Park owner is insulated from the problem. The MRL 798.28 requires management to give the Homeowner the name and business address of owner, often times the business address and phone number is the park address and phone number. MRL 798.28 should be changed to read that this information should reflect where the Homeowner can contact the Park Owner in person.

2. HCD WEB page which has Mobilehome Park and RV Listings is in bad need of updating. Wrong park names, wrong owner, many owners or operators only list park address or PO Boxes. The list with this misinformation is unreliable to use.

Gang Style Management" A number of Mobilehome Parks operate with this style of management. Some Mobilehome park management companies (and in some cases Park Owners) off-site and on-site management is the GANG leaders, Corporate Lawyers, are the GANG members. Homeowners and Residents are the neighborhood residents. The threat is put out by management, real or imaginary that if you challenge park management we'll get you one way or the other, such as Rules and Regulation violations (most of the time drummed up charges), unfair rent increases, threat of eviction, harassment by management until you move. At least in a GANG infested neighborhood residents have the police if necessary----Mobilehome owners and residents have little or nothing at all if they do not have a homeowners association or a GSMOL Chapter in their park to fight for their rights.

MRL, leads to the management's refusal to recognize certain resident rights. This in turn leads to confrontation and bitterness between the park residents and the manager. A common complaint of the Select Committee is that some parks deal with residents in a heavy-handed fashion, intimidating them through threats of reprisal or eviction if they complain about park health and safety violations or the enforcement or lack of enforcement of park rules.

Rules and Regulations (798. Article 3) (by Milt Burdick)

Selective enforcement of rules and regulations, allow one Homeowner to do something and deny the next Homeowner.

Some Park Owners change the R&R at will. They refuse to comply with MRL Section 798.25(a) which requires a meeting with Homeowners and providing a 10 day notice of said meeting,

Park management and or its employees or other representatives refusal to follow R&R as required by 798.23 (a) in some parks.

Homeowner has park management approval for a project such as shed location, landscaping, paint color of home, number of cars...the existing manager is replaced, the new manager changes these items previously agreed to.

I am sure if you were to audit HCD records state wide on complaints filed on form HCD-OL-419 you would be shocked at some of the complaints filed plus HCD only has the power to suggest and the Park Owners know it.

Homeowners in some parks have park managers removing personal mail (non US postal mail) from resident's mail tubes, such as GSMOL information bulletins and meeting notices. Also telling GSMOL Chapters they can't use the tubes to communicate with Homeowners.

Mobilehome Residency Law (MRL) (by Milt Burdick)

Park Owners/Managers and employees fail to comply with the Mobilehome Residency Law Regulations with little or no repercussions, because Homeowners are told these are civil matters and require court action. Most Homeowners are seniors or low income citizens and can not afford to hire legal help, so violations go unheeded and Park Owners keep collecting our space rents to fight the Homeowners who dare to take legal action to protect their rights. Homeowners pay Park Owners space rent, and Park Owners turn around and use our money to fight us in court.

Listed below are items that seem special to park managers to ignore or not follow.

1. Rent statements are not delivered (in most Parks) as stated in 798.14. Statements are placed in resident's personal mail tube, not in person or by U.S. Mail.
 2. 798.15. Some parks do not give written rental or lease agreements to Homeowners. Also, residents are not being offered a 12 months or less type agreement.
 3. 798.24. Need to add language that Park Management or their representative will not enter on a resident's lot except for emergency or planned maintenance. Park managers are entering resident's lot to be nosy and for harassment purposes or just to tell Homeowners you have no right to privacy as long as I am the manager.
 4. 798.28. Will not give out park owner's business address and phone number.
 5. 798.29.5. Management is failing to give 72 hour notice of utility interruptions for non-emergency planned maintenance.
 6. 798.33. Some park management are allowing Homeowners to have large dogs that may be a threat to park residents.
 7. 798.34. Fees being charged when not required, numerous problems in this area.
 8. 798.37.5. Trees and driveways – this item is being totally abused by park management and HCD lacks personnel to do their part as stated in 798(a)
 9. 798.38. Some parks are not posting rate schedules or they are posting the wrong one. Some parks are not posting information on low income gas discounts. Also water, trash and sewer rates should be added to this section. Some Park owners are over charging Homeowners on these items.
 10. When a park goes to Sub-metering of its utilities, Park Owner it is not reducing rents accordingly.
 11. 798.51. Some park owners will not allow Homeowners to use the clubhouse for GSMOL meetings or they want to charge a fee.
- 798.73, 798.73.5 and 798.82. Some park owners or managers are interfering in the sale of older homes and demanding that they be removed from the park based on age only, so they can bring newer Mobilehomes into the park.

NEXT MONTH—CONCLUSIONS OF THE COMMITTEE AND RECOMMENDATIONS

We will publish the recommendations of the committee next month in the July issue.

Let us know if you think this article is informative to you.

Tell us of park management problems in your park

Mobile home owners are vulnerable to soaring rents
By Steve Molski March 17, 2005 (Reprinted from a San Diego Union Tribune)

There is a great misconception regarding mobile home parks. Many years ago people traveled considerably, towing travel trailers, some as small as 12 feet and some as long as 35 feet and stopped in various locations that were called "trailer parks" all over the United States. You rented a space for the night or several nights or longer if you chose to do so. Many people lived in them for months or years.

Desi Arnaz and Lucille Ball made a movie many years ago regarding a travel trailer being towed behind a car.

My wife and I traveled all over this country and Canada towing a trailer and then with a motorhome, and stopped in many so-called "trailer parks," now called RV Parks. These locations are for the traveling public, they are not mobile home parks!

The "mobile homes" of today are not really mobile. They are from 40 to 80 feet long and can be up to 32 feet wide or more, depending upon the space available in the mobile home park, where it is placed on special supports made of concrete or steel. They may be transported in two or even three sections and then assembled on the lot or space. The wheels are then removed.

These units, also called "modular homes," are beautifully finished inside and out and may cost new, in today's dollars, up to \$150,000 or more.

Older, double-wide mobile homes built 20 to 30 years ago are selling for \$50,000 to over \$100,000 depending upon the quality and condition of the park and the amount of the space rent charged by park owners. There are family parks and senior parks.

One problem facing seniors is that many are living on very small retirement incomes, some exist on Social Security alone because many companies didn't have retirement provisions like they do today. Most seniors living in mobile home parks today are in their late 70s to mid-90s and they cannot afford to move. Even if they could, where to? Cities have not made any land available for new parks. There are no new spaces anywhere. They are "captive" tenants!

What really compounds the problem is the absolute greed of some park owners. Most are averaging 66 percent profit on their original investment yet they still keep raising the space rents on the tiny plot of ground that the mobile home sits on, in addition to the normal CPI index raises of about 3.5 percent.

People living in Chula Vista, however, have some of the most reasonable rents in the county due to the mobile home tenants fighting for and retaining rent controls in local parks. Rents in Chula Vista typically are in the range of \$325 to \$525 per month in the 33 parks covered by rent controls. I have personally spoken in many parks and fought for rent controls.

The sad and frightening part of this story is that out-of-town corporations are gouging residents in other area cities. Santee and Spring Valley park residents are being forced out of their homes because MHC Corporation of Chicago has raised space rents to astronomical heights of \$750 to reportedly \$950 per month. Santee and Spring Valley have no rent controls.

Tenants cannot pay the exorbitant space rents. Some, who have the means, dismantle their units and tow them out. Others just abandon them. The greedy park owners love that.

People in Santee and Spring Valley have told me that there are as many as 35 mobile homes up for sale in their parks with no buyers due to the horrendous rents. As a result, homes that were worth \$50,000 and up are being offered for sale in the \$20,000 range with virtually no takers. Who wants to pay or can afford \$850 or \$950 per month in space rent?

Another unknown factor is that tenants must pay for their own water, sewer, rubbish removal and electric and gas bills, in addition to the space rent. Tenants also constantly paint and upgrade their units as any homeowner would.

Why can space rents soar so much? Lack of park rent controls! The county Board of Supervisors has shirked its duty. The county should protect senior citizens living in mobile home parks by enacting stringent laws preventing unscrupulous park owners from literally forcing people onto the streets.

I have talked to members of the board of supervisors to no avail. I have also met and spoken to State Senators Bill Morrow, R-Carlsbad, and Joe Dunn, D-Garden Grove. Even though they have drafted many laws protecting park tenants' rights, statewide rent controls so far have been elusive.

■ Molski is past president of Golden State Mobile Home Owners League Chapter 1790 in Chula Vista.

LAHD'S MOBILE HOME PARK TASK FORCE—PROBLEM OR SOLUTION?

On Wednesday April 27th there was a LA Housing Department—Mobile Home Park Task Force (MHPTF) meeting in Van Nuys. The purpose of the MHPTF is to “provide a forum which allows full discussion of issues in mobilehome parks. The members of the MHPTF are mobilehome owners, mobilehome park owners, and industry representatives who meet to discuss and resolve issues and provide advice and recommendations to the Rent Adjustment Commission (RAC). The MHPTF also provides referrals to appropriate agencies which can assist with problem resolution.”

Mobilehome owners on the MHPTF represent approximately 6,600 mobilehome owners in the City of LA, living in about 62 parks. RAC is the agency which governs the Rent Control Ordinance for the City of Los Angeles, i.e. the ones who enforce rent control. One important focus is on rent increases—automatic annual rent increases (3.0% for the last 11 years). They also make decisions on Passthroughs for capital improvements and rehabilitation work. You will recall Northridge MHP currently is facing a rent increase of about \$29.00 per month per space for 72 months. Their hearing will be held on June 2nd in downtown LA. We will report the outcome of this meeting in the July Newsletter.

The following are observations by Frank Wodley (CoMO-LAC President and new Task Force Member)

There are several problems with this task force. First, very few mobilehome owners know the Task Force even exists. Some might have the “Mobilehome Park Reference Guide -Rent Stabilization Ordinance” which is put out by the LA Housing Department. The “Guide” is only now, after 5 years, being revised and made current. If you have a computer, go to <http://www.lacity.org/lahd>, click on mobilehome parks under renters in the left column, then click on “mobilehome park reference guide.” This will allow you to save the old version of the “Guide”. The new version will be out in a month or so. The “New Guide” lists 10 MHPTF members; however it does not indicate whether they represent mobilehome owners or park owners. Also there is no contact information, so how would you contact your representative if you have a question or need assistance. For your information, today there are actually six mobilehome owners representing your interests on this Task Force. They are: Don Brown, Monterey MHP, Pasadena; Tom Conroy, Tahitian MHP, Pacific Palisades; Anthony Sansone, Canoga Mobile Estates, Canoga Park; Marion Steveson, Indian Hills Village, Chatsworth; Joe Posito, Alternate, Indian Hills Village, Chatsworth; and Frank Wodley, Chatsworth Mobilehome Park, Chatsworth. Four of the six representatives are CoMO-LAC members. CoMO-LAC will strive to unite your representatives so they may better serve you.

Secondly, the MHPTF long ago chose a WMA District Representative, David Evans, as the special liaison for “difficult mobilehome park issues.” This meant that if you called the Housing Department with a simple question about the RSO, they might answer it; however if you had a “difficult problem,” they would refer you to David Evans, the **park owner's** representative. He represents the park owners and looks out for their interests! I think you should be in touch with your representatives, not a representative of the park owners! Tell your representatives what you think. They need to know. I feel we need a Task Force that represents our interests!

Finally, if you live in the City of Los Angeles, chances are you come under the Rent Stabilization Ordinance. Annual rent increases are 3.0% (unless the park pays your electric and gas—most do not). I have seen rent increases larger than 3% and if you are in this group, you must **file a complaint** with the LA Housing Department. If you have a computer, you can fill out a complaint form on the internet. If you do not have a computer, **call me** and I'll send you a complaint form. This way I know about your problem and we can work together. **Let's stop these violations of the ordinance - it is your money! LET'S WORK TOGETHER FOR JUSTICE.**

CoMO-LAC

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LINKS

servingmobilehomeowners.org
(Clay Harrison's Website)
scmoa.org

(Sonoma Co. M/H Owners Assoc.)
cityofla.org/lahd
(LA Housing Department)
cesinaction.org

(Coalition for Economic Survival)
seniors.org

(Congress of CA Seniors)

MESSAGE BOARD

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

COALITION OF MOBILEHOME OWNERS

Membership/Renewal Application

Name: _____ Date: _____

Park Name: _____ Space # _____

Address: _____

City, State, Zip: _____

E-Mail Address: _____ Phone No: _____

Signature: _____

Please Join: Dues are \$12.00/Year (\$15.00 after 6/30/05)

MAKE YOUR CHECK OUT TO: CoMO-LAC

and mail to:

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

MEETING SCHEDULE

MAY 20th: Chatsworth Imperial. New Rules and Regulations for Residents—CoMO-LAC representatives in attendance.

MAY 21st: Emergency Meeting for Chatsworth Imperial Residents to review their new rules and regulations.

MAY 28th: Lancaster Recruitment Meeting, Lancaster Baptist Church, to be published in the Antelope Valley Papers.

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

June 25, 2005. Board of Directors Meeting. . Chatsworth Metrolink Train Station. 11:00am. Chamber of Commerce Meeting Room, 10038 Old Depot Plaza Rd, Chatsworth (West of Canoga Ave, South of Devonshire Ave)

Look for us in the following areas in coming months:

Sylmar, Chatsworth, Sepulveda, & Canyon Country.

BE AN ACTIVE MEMBER

CALL US & HAVE A MEETING IN YOUR PARK

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