

# *THE VOICE*

COALITION OF MOBILEHOME OWNERS

DECEMBER 2006 VOLUME 2 ISSUE 12

## **PROPOSITION 90 BARELY DEFEATED & THE THREAT CONTINUES**

From the first election results it was obvious that the outcome would be close. In the end, Proposition 90 was defeated by the narrow margin of 52.5% to 47.5%. In fact, similar propositions were defeated in two other states—Washington and Idaho. Another passed in Arizona. Days before the election the noprop90 folks issued the following: “Elections are always about choices. When it comes to Proposition 90, the choice couldn't be more clear.

***DIVERSE OPPOSITION:*** *More than [400 respected organizations](#) are opposing Prop 90 - one of the largest coalitions ever formed to defeat a ballot measure. Groups that normally don't agree like the League of Women Voters and the California Taxpayers' Association; the Labor Federation and the Chamber of Commerce; the Sierra Club and the Farm Bureau; Governor Schwarzenegger and State Treasurer Phil Angelides. They all agree 90 must be defeated.*

***VERSES NARROW SUPPORT:*** *On the other hand, one wealthy New York land speculator has financed more than 90% of the campaign in support of Proposition 90.*

***OPINION LEADERS OVERWHELMINGLY SAY 90 SHOULD BE DEFEATED:*** *Nearly 80 major California newspaper [editorials](#) have urged their readers to vote NO on 90, using strong words like "stealth", "radical" and "a raw deal for taxpayers".*

### ***WHILE ONLY 4 NEWSPAPERS SUPPORT.***

*Voting NO on 90 will save taxpayers billions, and protect our neighborhoods and our environment. Proponents of 90 want to add billions in new taxpayer costs and wipe out future laws that protect our neighborhoods, preserve our environment, and allow for the building of good schools and new roads.”*

Because of the statewide support to defeat Prop 90, over 12 million dollars was raised. The noprop90 folks presented a massive TV campaign with six different ads. CoMO-CAL was one of the first organizations to join the fight. We mailed over 5,000 flyers alerting mobile home owners across Southern California and we alerted other organizations, including GSMOL, of the threat. We published information on Proposition 90 and other similar initiatives from March 2006 until December 2006 and spoke in several parks.

But we can do more. Next time we must have an email network up and running. We must alert representatives in as many parks as possible. Today we have members in about 300, yet there are about 4500 parks across California. There is much work to be done. Please volunteer to be a representative in your park.

The threat continues. Read page 6—**Supporters of California's Prop. 90 plan to try again**

**DECEMBER 2006**

Congratulations are in order for all those who worked hard to defeat Proposition 90. Special thanks are due the League of California Cities, Megan Callahan and Michael Castillo. Without their leadership we would not have been successful. Now we must all work hard, organize and prepare for another attack in 2008.

Many CoMO-CAL members participated in the November Questionnaire (page 3). A big thanks to those who did. We must be doing something well because the majority felt THE VOICE was GOOD to EXCELLENT and we are doing a good/excellent job. We thank you for your vote of confidence.

CoMO-CAL has not written much about residents purchasing and owning their parks. In fact only about 300 parks across the state are resident owned. We feel this can a good option if residents are united and willing to do their homework. We are here to help. Some information is provided on pages 4-5.

On pages 12 through 14 we republish Clay Harrison's Seller's Guide. Most every mobile home owner will sooner or later be in the position of selling their home. We know that's the time when the park will try to interfere. It is happening across the state. You must be prepared! And remember, CoMO-CAL is here to answer your questions and give you direction. We have attorneys experienced in these matters and they are ready to help.

The theme this month seems to be—organize and help each other. On pages 15 to 16, Ralph Weber, Antelope Valley President, presents his views in an article entitled: **We Are Our Brothers' Keepers.**

Margarita Stice, a resident in Moreno Valley, also has a similar message on page 8: We must standup for ourselves and for each other and support one another.

Steve Molski, San Diego CoMO-CAL representative, follows saying "It just proves again, that when we all band together and "get the word out" we can win against the almost impossible odds as we did with Prop 90. There is strength in numbers. "

**Well stated! Let's unite and help each other!**

**EXECUTIVE BOARD**

**FRANK WODLEY**  
President  
818-886-6479

**PAUL KENNEDY**  
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818-773-7416

**ROSE ROSALES**  
Treasurer  
818-886-6479

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Antelope Valley President  
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**FLOYD GILBERT**  
Antelope Valley Representative  
661-722-5799

**STEVE MOLSKI**  
San Diego Representative  
619-427-1221

**NEWSLETTER EDITOR**

FRANK A. WODLEY  
E-Mail: fawodley@yahoo.com

**<http://www.comocal.org>**  
**818-886-6479 / 800-929-6061**

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—California for the use of its members. THE VOICE welcomes articles of interest to mobilehome owners.

## **RESULTS OF THE NOVEMBER POLL in THE VOICE**

The November Questionnaire was completed and returned by about 4% of the membership. We thank those who took the time. It is never TOO LATE for other members to participate. Just complete the November Questionnaire and send it in. We want to hear from you also!

We found the results interesting and very encouraging. Preliminary results are as follows:

**Delivery of THE VOICE:** Most checked the box stating that they were receiving THE VOICE by the 1st of the month and in good condition. We try hard to mail two weeks before the first. Unfortunately bulk mail takes that long, especially to Northern California. If you get your newsletter late or do not receive it at all, please call us at 1-800-929-6061 and we will mail another copy.

**Content of THE VOICE:** Most felt content was excellent, with the remainder indicating content was good. The two categories scoring the highest were “description of the MRL & Laws, and Editorials on park Owner strategies. About 50% liked “CoMO-CAL This & That”, while only 25% liked newspaper articles.

**Length:** About 80% indicated they liked the 20 pages, with the balance wanting a shorter newsletter. When CoMO-CAL was first envisioned, we wanted everything “electronic”, i.e. by e-mail. The newsletter in the beginning was only four to six pages. However, it quickly became 20 because of all the information out there that we felt you needed to know. We are happy that THE VOICE has been well received. It really is OUR VOICE!

**Membership in Another Advocacy Group:** About half our members either belong to GSMOL or no other group. Some wanted information about CMRAA, GSMOL, and MHOC. We have provided information about all three organizations in past issues of THE VOICE, and will continue this in future editions. Why? Because we feel you have a right to know about all advocacy groups. You have a right to know whether or not they are doing a good job also. This sets CoMO-CAL apart from any other group. Most groups DO NOT want their members to know about CoMO-CAL because they feel we are “in competition with them and will take members away.”

**Issues in Parks:** About 40% responded they had no problems in their parks. Rules and regulations and rent increases were the issues most noted. Also moving older mobile homes was noted by about 20%.

**Worried about losing their home?** About 25% responded they were worried they might lose their home. Multiplied by the number of spaces in California, that’s a HUGE NUMBER! No one should be afraid they will lose their home. CoMO-CAL is here to help

**How are we doing?** About 60% rated CoMO-CAL as doing an “excellent” job.

**Who responded?** Two thirds of those responding lived alone. Of the others, about 10% had children living with them and one quarter had two people living together. Of course, most were over the age of 60, as expected.

## IS “OWNING YOUR PARK” A GOOD OPTION FOR RESIDENTS?

### **Q: “What are the advantages of residents owning their park?”**

**A:** There are two main advantages:

When mobilehome owners buy their park, they take charge of their futures. They protect their investment in an important asset: their homes. They protect themselves from rising rents. Their monthly payments become more stable. They no longer rely on local governments to manage their rents through rent control laws.

Another important advantage is **control**. When residents own their park, they control its management and rules. They decide which capital improvements are necessary. They no longer rely on a landlord, whose main concern may be profit rather than the welfare of those who live in the park.

Some other important advantages:

*Increase in home values:* Mobilehomes located in “resident-owned” parks are worth more than those in “space-rent” parks. Homebuyers are willing to pay more for a mobilehome when they get an ownership interest in the park.

*Homes in the park become more marketable:* Mobilehome buyers today would prefer to buy in a park where they can get an ownership interest in the park. So, a resident-owned park is a more attractive place for homebuyers to invest.

*Stabilized monthly payments:* “Investor” park owners are interested in seeing rents increase, so that their profits increase. When the residents own the park, monthly payments remain stable and affordable over the long-term.

*Control of the park is in the hands of the residents, not an outside investor:* You have a vested interest in how your park is run. Through an elected Board of Directors, the residents would control the park. They would decide how to maintain and repair park facilities. Homeowners choose park rules and regulations, and decide how these should be enforced.

*“For Profit” operation changes to “non-profit” operation:* Since the park is owned and operated by the residents, any “profits” are put back into the park for repairs and improvements to park grounds and facilities.

*No increase in property taxes at time of purchase:* When residents buy their park as a non-profit corporation, the existing tax basis “carries over.” Their property taxes remain the same as the current owners. If a private investor buys the park from its current owner, property taxes will go up. In most cities and counties, the new owner can pass 100% of these increased taxes on to the residents.

*Increased sense of “community:”* When a park is resident-owned, all the homeowners have a stake in keeping the park beautiful and functional. The security of ownership motivates residents to maintain and improve their homes.

**Q: “What are the risks if residents don’t buy their park?”**

**A:** The owner could sell the park to another “private” investor. This might be an individual or a corporation. If this happens, the park will most likely not be offered for sale for at least another 5 years – perhaps even 7 to 10 years. At that point, it might be so valuable residents would not be able to buy it. Appreciation in the park’s value could put it economically out of reach.

There is the risk that a new owner might not be as satisfactory as your current one. The worst case would be a large corporate buyer, interested only in maximizing profits and not in maintaining the park.

**Q: “What is the most common form of “resident park” ownership?”**

**A:** There are various forms of ownership found in California mobilehome parks. The most common is ownership by a non-profit corporation, made up entirely of homeowners in the park.

In a “non-profit mutual benefit corporation,” the park residents incorporate their homeowner association under California Law, and then obtain permission from the Department of Corporations to issue shares. The members own an interest (one share) in the association, while the association holds title to the park. Members occupy a space in the park, and pay their association a monthly homeowner’s fee. Those who do not purchase a membership can continue to rent their space in the park.

Because of its relative simplicity and shorter time frames, this is the most popular type of conversion in California. **More than 80% of the resident-owned parks in California use “co-op” ownership.**

A “subdivision” is different from the “co-op” described above. In a subdivision, homeowners have a separate interest in their lot and an undivided interest in the “common areas” of the property. These projects must comply with California Subdivision Law. They can take a year or more to complete. Often, buyers and sellers want a quicker conversion process (e.g., the “co-op method”). The up-front costs of subdivision are generally quite high. Ideally, each homeowner would have the cash to buy their lot, or qualify to finance buying their lot. This can be a problem for senior or low-income residents. Subdividing tends to divide parks into the “haves” and the “have nots.” It can force lower-income residents to leave the park. In many cases, it is simply a method park owners use to circumvent rent control laws.

**Q: Tell us who we can contact for assistance purchasing our park.**

**A.** Actually there are many individuals and groups across the State of California who provide such services. Some are attorneys who assist park owners or park residents, some are attorneys who work for both. Others are financiers. If you are interested in purchasing your park, we suggest you form a small group of perhaps six residents. Then call us and we will provide additional information.

Purchasing your park does take time and effort. **DO NOT RUSH.** Do your homework. There is no one proven method that is best when purchasing your park. Beware of those who make promises that seem to good to be true—they probably are.

CoMO-CAL has written about a park in Aptos that was recently purchased by it’s residents. This is an example how a purchase can benefit residents. We can give you contact information for those involved so you can check it out for yourself.

**GOOD LUCK!**

### Supporters of California's Prop. 90 plan to try again

By PATRICK HOGE Thursday, November 09, 2006 <http://www.scrippsnews.com/node/16225>

Proponents of Proposition 90, an eminent domain reform initiative that California voters narrowly rejected Tuesday, plan to try again with a similar measure, possibly in June 2008. The failed initiative, which opponents said would hobble urban planning as well as efforts to revitalize blighted areas, got 47.5 percent of the vote compared with 52.5 percent against.

Given that opponents raised \$12.45 million compared with \$3.77 million for proponents, Kevin Spillane, manager of the "yes" campaign, said the prospects for success next time around are bright. "If I was a developer who profits from eminent domain, I would be deeply concerned and upset about the narrowness of victory," Spillane said.

Prop. 90 would have limited government powers of eminent domain, preventing agencies from forcibly buying property and later allowing a private developer to build on the land. A Sacramento group called the California Alliance to Protect Private Property Rights also said Wednesday that efforts are under way to get an eminent domain measure on the ballot in 2008. Executive director Marko Mlikotin said it is not clear what form that measure would take.

During the campaign, critics targeted language in Prop. 90 that would have required public agencies to compensate property owners for "regulatory takings" — times when a government decision prevents a property owner from developing or using land. The measure would have amended the state Constitution to require the government to pay for any "substantial" loss in property value caused by new laws or rules, except ones dealing with public health and safety.

The nonpartisan state Legislative Analyst's Office said that could affect more than land, potentially requiring compensation for rules governing such things as pollution, employment conditions, consumer protection and rent control. Supporters, however, said that was not true. Chris McKenzie, executive director of the League of California Cities, which spent heavily to defeat Prop. 90, said his group is willing to work on some version of eminent domain reform.

"We have said throughout the campaign that we are ready at any moment to work with the Legislature and other parties to enact real eminent domain reform, not the type of bait-and-switch measure that the proponents of Prop. 90 put on the ballot," McKenzie said. Spillane said New York real estate investor Howie Rich, who leads or is connected with groups that gave most of the money to the "yes" campaign, supports another attempt.

In addition to Prop. 90, Rich helped steer millions of dollars to similar property rights measures in Arizona and Nevada, which won Tuesday, and in Idaho, where it lost. Six other initiatives, each more limited in scope than Prop. 90, won Tuesday. Measures in South Carolina, Florida, Georgia, North Dakota and Michigan were all put to voters by state legislatures, while the one in Oregon was initiated by citizens.

A Washington measure that addressed regulatory takings, but not eminent domain, lost. Timothy Sandefur, a staff attorney with the Pacific Legal Foundation in Sacramento, which supported Prop. 90, said voters nationwide overwhelmingly supported prohibitions on the use of eminent domain to promote private development. "Last night's election represented a massive landslide for private property rights in this country," he said.

## IMPORTANT WEBSITES FOR MOBILEHOME OWNERS

### STATE

Department of Housing and Community Development (HCD) state enforcement agency re: mobilehome registration and titling, dealer licensing, mobilehome and mobilehome park inspections, Mobilehome Park Resident Ownership loan fund, etc. Mike Herald, Director for Legislation, P.O. Box 952053, Sacramento, CA 95252-2053. Phone: (916) 445-4775. Or, Judy Nevis, Deputy Director of Administration and Management, phone (916) 327-2625. The web-site is: <http://www.hcd.ca.gov>

Information on California Mobile Home Parks: Find a park at <http://www.hcd.ca.gov/codes/mp/mp.cgi>

Find Local Government Officials:

<http://events.cacities.org/cgi-shl/twserver.exe/run:memlook>

### ADVOCACY GROUPS FOR MOBILE HOME OWNERS

Coalition of Mobilehome Owners—California (CoMO-CAL). Advocate for mobilehome owners rights. P.O. Box 4821, Chatsworth, Ca. 91313. Phone: (818) 886-6479. E-mail address: [fawodley@yahoo.com](mailto:fawodley@yahoo.com)

Golden State Manufactured-Home Owners League (GSMOL) has represented mobilehome owners in parks in California since 1962. Maurice Priest, 980 9th Street, 16th Floor, Sacramento, CA 95814. Phone: (916) 446-0000. The website is: <http://www.gsmol.org/>

California Mobilehome Resource & Action Association (CMRAA) represents mobilehome owners residing in parks, primarily in Santa Clara, Bay Area and Northern California counties. Founded 1996. Dave Hennessy, President 3381 Stevens Creek Blvd., Suite 210, San Jose, CA 95117. Phone: (408) 244-8134. <http://www.cmraa.org>

Mobile/Manufactured Home Network A web site relating to mobilehome owner resources. John Sisker, founder, 80 Huntington St., # 266, Huntington Beach, CA 92668-5343. Phone: (714) 536-3850. The web site address is: <http://maxpages.com/mobilehomes>

National Association of Manufactured Homeowners. Phone: (717) 284-4520. E-mail address: [pamhoa@aol.com](mailto:pamhoa@aol.com)

Mobile Home Owners Coalition (MHOC). Contact Merle Pitman at 805-646-8438

### PARK OWNER GROUPS

Western Manufactured Housing Communities Association (WMA) represents the largest association of mobilehome **park owners** in California and several other western states. Sheila Dey, Executive Director, 1007 7th Street, 3rd Floor, Sacramento, CA 95814. Phone: (916) 448-7002. The website is: <http://www.wma.org>

California Mobilehome Park Owners Alliance (MPA) represents a park group organized by Los Angeles park owner, Jeff Kaplan. Edelstein & Gilibert, legislative advocates. 1127 11th Street, Sacramento, CA 95814. Phone: (916) 443-6400

California Manufactured Housing Institute (CMHI) represents manufactured home and mobilehome manufacturers and dealers. Nielsen Merksamer, legislative advocates, 770 L St., Suite 800, Sacramento, CA 95814. Phone: (916) 442-4584. The website is: <http://www.CMHI.org>

### LOS ANGELES MOBILE HOME PARK TASK FORCE (MHPTF)

The MHPTF met November 1, 2006 in Los Angeles. The task force is supposed to have full discussion of important issues in mobile home parks. In the past, for the most part, those “discussions” have not taken place. We have written about the MHPTF in several issues of THE VOICE. Our conclusion: The MHPTF is a puppet for the LA Housing Department and the park owners group. Those mobilehome owners sitting on the MHPTF are neither our representatives or “subject matter experts” as the MHPTF Guide would have us believe.

This meeting was somewhat different. Although the discussion was dominated by the LAHD chairperson,, there was some discussion about long term versus short term leases.

#### LONG TERM VS SHORT TERM LEASES

One topic discussed at the November 1st meeting of the L.A. Mobile Home Park Task Force was “long term vs short term leases.” Some parks across California, under local Rent Stabilization Ordinances (RSO’s), only offer long term leases to purchasers coming “off the street.” According to of the WMA, some park attorneys have advised park owners that this practice is legal. They do not offer rental agreements (12 months or shorter) which are under “rent control”

Why would parks offer only long term leases? Simply because any rental agreement longer than 12 months means that space is no longer under rent control, at least for the term of the lease. It is important to know, however, that as soon as the lease term runs out, the park MUST offer that resident a month to month tenancy or 12 months or less. THAT’S THE LAW.

So how is the park legally able to only offer a long term lease to prospective tenants “coming off the street?” The loophole is the definition of HOMEOWNER (798.1) The Mobilehome Residency Law, 798. As a consequence, some parks feel a “prospective tenant” is not protected by the Mobilehome Residency Law because he has NO TENANCY in a park.

We know of several parks where this is occurring. And we’d like to find out if your park does this also.

#### PARKS INTERFERENCE AT TIME OF SALE

Another issue in mobile home parks, suggested by CoMO-CAL as an agenda item, has been continually passed over by the MHPTF. That issue is *parks interference at time of sale*. This issue has several forms. The park may not accept a qualified buyer. The park may ask a resident to move an older mobile home and not allow the resident to sell it. Or the park may ask the resident to upgrade his mobile home before sale. The park may allow the resident to sell his mobile home, but require the buyer to move it. There are more.

Although this item was placed on the agenda for the MHPTF, there was no time to discuss it. It WILL be on the agenda for the January 31, 2007 meeting in Van Nuys. Please plan to attend and support our efforts. If you have other issues you would like the MHPTF to discuss, please call CoMO-CAL at 1-800-929-6061 or email us at comocal@yahoo.com.

### MORENO VALLEY WIN FOR RESIDENTS

Fax from Margarita Stice, Country Squire Mobilehome Estates, October 10, 2006 to CoMO-CAL

Hi Frank: Just wanted to let you know how our appeal hearing went! See the attached newspaper article, which says it all! We have no doubt that the park owners will take this to court, but it will be against the City of Moreno Valley, not the residents. Although we will offer our support and any other assistance that is possible.

**Let everyone know not to give up the fight against unscrupulous park owners. We are one example that right can prevail and although it is a hard road to take, it is definitely worth traveling!! We have to stand up for ourselves and for each other and support one another.**

Thanks, Margarita

### Rent Won't Rise Over Septic-System Battle

Moreno Valley: The city says the mobile-home (park) owners should have quickly fixed the system.

Residents at a Moreno valley mobile-home park will not have to pay the cost of installing a new sewer connection, the Moreno valley city council decided Wednesday night. Councilman Bill Batey said the owners of country square

Community asset management the Ontario-based owners of the park, spent about 1.5\$ million to replace the septic system with a sewer connection. State and county regulators had ordered the change after the sytem failed in 2004 and raw sewage overflowed into the park.

Moreno valley has a law regulating rents at mobile-home parks that allows the owners to pass the cost of capital improvements onto residents if residents approved it. Mobile estates should have heeded warning sighs from 2000 that the park's septic-tank system was falling and moved quickly then to install the sewer connection.

I don't think these (residents) need to be paying for the replacement. Batey said during a Wednesday-night hearing. Its up to the owner to make the necessary improvements ... so its safe for families.

The council voted 4-0 against a proposal that would have passed the cost of installing the during an election. The residents rejected the increased charges during a February election. But city manger bob Gutierrez authorized a monthly rent increase of 231.85 per space for the next five years, about a 50 percent increase, to pay for the work, saying regulators had mandated the work.

Residents appealed the decision to the council, arguing that the owners neglected the septic system. The owners also appealed, saying they were entitled to recover more costs than Gutierrez had allowed.

Margarita Stice, a park resident, said she was shocked and happy at the council's decision. Stice said she had expected the dispute would go to court, but the park owners will now have to fight the city instead of the residents.

"That will be a hard, long battle for them," she said. "The city has to defend its decision. We don't."  
Article by Dan Lee, The Press-Enterprise, Thursday October 12, 2006

## GENERAL SUGGESTIONS

1. **New Legislation for 2007:** Let's work on closing loopholes. (by Frank Wodley, CoMO-CAL)

a) Rewrite 798.9: DEFINITION OF HOMEOWNER so that the MRL protections apply to those coming off the street wanting to purchase a mobile home WHO ARE NOT NOW PROTECTED because they DO NOT have tenancy in a mobilehome park under a rental agreement.

b) Rewrite 798.24 POSTING OF COMMON AREA FACILITY HOURS - eliminate the word "available" so that it reads: Each common area facility shall be open to residents at all reasonable hours and hours of the common area facility shall be posted at the facility.

Why make these two changes:

a) Parks, governed by rent control, are getting around rent control and only giving NEW BUYERS long term leases, even though the MRL states a "homeowner" be offered a rental agreement for a term of 12 months, or a lesser period as the homeowner may request or a longer period as mutually agreed upon (798.18).

b) Parks use "available" to lock the clubhouse doors - then you have to go to management and request the clubhouse be opened. We all know what that's like.

2. **Question: Parks are asking for proof of coach renewals, is it legal?**

Answer: At a meeting for Senator Dunn, this question was asked. The answer at the meeting was the park managers had to know that the coach certificate was paid and renewed or they could be held responsible. This didn't sound right. Everyone knows how often the coaches and parks are inspected and how important this information is in the scheme of things ...LOL, So, I wrote to HCD.

The answer I got back was, the new 2006 Mobilehome Residency Law found at [http://www.hcd.ca.gov/codes/ol/MRL\\_2006\\_English.pdf](http://www.hcd.ca.gov/codes/ol/MRL_2006_English.pdf) says nothing about the Mobilehome certificates, but **in the older versions it was required** and there was a copy that was sent to you with the copy of the certificate for your Mobilehome Park as well.

But the laws have changed and the requirement is no longer enforced. If the mobile home park has a problem with that please have them call the Mobile home ombudsman at 1-800-952-5275 for more info. This info was provided by HCD's Division of Codes and Standards. (by Robert Lupo, GSMOL Treasurer)

3. **Bulletin Boards for Residents.** What about having bulletin board in common areas—for all to use, including advocacy organizations. Does your park have bulletin boards? If so, can you post information about advocacy groups there? We feel every park should have a community bulletin board to be used by residents for such things as: homes for sale, handymen business cards, advocacy group information, etc. (by Frank Wodley)

**PLEASE SEND US YOUR SUGGESTIONS**

**CMRAA (California Mobilehome Resource & Action Association) UPDATE**

Since our article about CMRAA last year, President and founder Dave Henessey passed away from heart problems. His loss was hard felt and today CMRAA is regrouping. About mid-October, 2006, Gus Colgain, who resides in a mobile home park near San Jose, became their third President. In September 2006 we called Gus and introduced ourselves. We are hopeful he will lead CMRAA in a new direction of cooperation with CoMO-CAL, after all we are both advocates for mobile home owners.

To give you some background, CMRAA is an active mobile home owner advocate group located in San Jose California. CMRAA was founded 10 years ago by Dave Hennessy, an ex-president of GSMOL. CMRAA is similar to CoMO-CAL—we both work for justice in mobile home parks. CoMO-CAL belongs to CMRAA and receive an 8 page newsletter every other month. Content of The Mobilehome Report is primarily about legislation. If you are interested in joining, contact CMRAA at (408) 244-8134 for an application and send it to CMRAA, P.O. Box 7468, San Jose, Ca. 95150-7468 with a check for \$12.00.

We write about CMRAA because we feel you need to know what's happening in the state of California. CMRAA is helping with our fight against park owners. In fact there are links to CMRAA in the Los Angeles Rent Stabilization Guide. CMRAA does have a representative here in Southern California. Her name is Mary Ann Stein, she lives in Temecula and is a CMRAA vice-president. We've talked with Mary Ann and she is quite knowledgeable about mobilehome issues. She has been with Dave Hennessy since he was GSMOL President.

**LAWSUITS**

CoMO-CAL is very interested in information about litigation between mobile home parks and residents. If you have been or are currently involved in a lawsuit, please let us know. Or if you know of any lawsuit, this information would be very helpful to us. Remember, information gives knowledge. Knowledge brings power. Only when we know what's happening across the state can we begin to do something about it. Help us help you.

**CARSON HARBOR CONDO CONVERSION TIMETABLE**

Sue Lofton, attorney for park owner Goldstein, recently released a timetable for Carson Harbor Village condo conversion. We understand the application submitted to the City of Carson is now deemed complete. Lot appraisals are beginning now, notices of estimated prices shall follow in early 2007. The final public report and constituent comments is estimated to be out by July 2007.

Further, they estimate opening escrows as early as April 2007, and closing escrows between August 2007 and March 2008. We believe residents were first made aware of the condo conversion about one year ago.

We publish this information because many of our members are currently involved in a condo conversion in their parks. Most have no idea of the process or timetable.

## Sellers Guide

**Information contained herein is intended to make the selling of a mobile/manufactured home less stressful.**

The Manufactured Home Owners Consulting Services is dedicated to the promulgation of affordable housing in all of California.

The following Sellers Guide is offered for your convenience.

### **A GUIDE TO SELLING A MANUFACTURED HOME©**

The foregoing is not intended as legal advice

This guide, intended to facilitate the sale of a home in a land lease community, has been developed by Clay Harrison, founder of the Manufactured Home Owners Consulting Services

[Clay Harrison](#) Resides in the Hillsdale Community, Sacramento County, & is a past GSMOL Reg 11 Mgr.

The sale of a home in a land lease community is a private transaction, between the buyer and seller. It is a transaction in which no outside element has the right to intervene, influence, make a determination, or otherwise engage themselves. The normal course of buyer and seller interaction, is protected by law, just as in any other act of commerce.

The management of land lease communities have no authority to inspect your home and space, and impose certain conditions, before you will be allowed to sell your home in place. That authority is vested entirely in the hands of the State Department of Housing and Community Development or other appropriate authority. You should not allow yourself to be intimidated.

Management's use of a check list as a means of determining the condition of your home or space, and imposing conditions to be met before sale, constitutes interference. Such a practice gives management undue influence in a private transaction in which they should not be involved.

The sale of a home in a land lease community, is no different, in terms of involvement, than the sale of a home elsewhere.

Management MAY (it is not required), approve a prospective resident of the community. PLEASE NOTE: THE DETERMINING FACTORS ARE STRICTLY LIMITED TO TWO AREAS ONLY. Those are: the ability to pay the rent (as of the moment, past credit history is not a consideration), and management's ability to determine, based on prior tenancies, if the purchaser will obey the rules of the park. This burden falls entirely upon management. Not the buyer or the seller.

**FOLLOWING ARE SUGGESTED STEPS TO BE TAKEN BY THE SELLER OF A HOME THAT IS TO REMAIN IN THE COMMUNITY**

Keep in mind that from this moment on, all communication with management should be in writing. If any problems develop, your remedies will be greatly diminished by relying on, he said, she said.

1. Read and understand, [section 798.74](#) of the Mobilehome Residency Law (MRL) paying particular attention to sub-section (a).
2. Deliver to management, in person, a signed notice to the effect that your home is about to be marketed, you are hereby requesting a copy of the new resident application, a statement of the rent to be charged to your buyer, and if you should complete a transaction of sale, this document constitutes due notice in accordance with [MRL 798.59](#).

If management has a policy of inspecting homes on resale, you should also include a request for a written summary of any repairs or improvements that will be required. Pay close attention to [MRL 798.73.5](#) Paying particular attention to sub sections (b) and (c).

3. Do not, repeat, DO NOT provide management with any information concerning the sale. Price, terms, method of marketing, or any other information.
4. Do not, under any circumstances, direct a buyer to management. Handle all of the details yourself. There will be time enough for the buyer to meet with management, after, but only after the sale has been fully consummated.
5. Arm yourself with a [PURCHASE AGREEMENT](#) and Deposit of Sale. (from a stationary store, or write one yourself) Be sure and get a deposit. If the buyer won't provide a deposit, he/she is not a committed buyer. Be sure and include a clause in the purchase agreement that the sale is subject to the buyer being accepted as a resident.
6. Gear all of your advertising so as to be shown by appointment only, do not name the park in the ad. Most parks have a sign at or near the entrance that warns the public to not commit to buying a home until they have checked with management. DO NOT BE MISLED BY THIS. And do not let your prospects be misled. Have your customers come directly to your home. These signs have the effect of causing a house hunter to visit the office, to inquire as to what is for sale in the park. Be aware that management in some parks, are themselves engaging in the re-sales of homes. Management has been known to steer buyers to certain units only, and or, discourage a prospect on the basis of nefarious reasons. A buyer once reported to us that the park owner said: "we don't want your kind living here."
7. In order to protect yourself and the buyer, execute and have the buyer sign, in triplicate, the simple form that [requires management](#) to notify you and the buyer of acceptance in the park. ([see 798.74](#))
8. RESIDENT APPLICATION: Complete this form for the buyer, being very careful of the questions being asked. Some forms ask for bank account and credit card numbers, previous mortgage payments and mortgage company, a net worth statement, as well as other confidential information, that are of no concern to the park. Simply mark these: "non applicable" or NA. (continued on Page 14: Guide)

(Seller's Guide, continued from Page 13)

9. Read, and understand [MRL 798.39](#) and explain to the buyer that management can levy a security deposit, in an amount not to exceed two months rent, and that it is refundable following a 12 month period during which the rent is paid in full, when due. The deposit can be in addition to the first month's rent, and can only be charged on or before initial occupancy. Which means; management cannot collect it as an afterthought.

10. You are now ready to escort your buyer to the office. Do not, REPEAT, DO NOT, send your buyer to the office unescorted. Chances are the buyer is just as naive as we all were when we first moved into a park, and will be subject to intimidation by management.

11. Either in step two or seven above, you and the buyer should have received copies of the rental agreement, the park's rules and regulations, and the MRL. Please note that in accordance with [798.15 of the MRL](#), these documents combined, constitute the rental agreement. The buyer should read the rental agreement very carefully. If he or she cannot understand it, they should have it explained by a competent person, preferably an attorney.

12. Please note: [MRL 798.74 \(b\)](#), allows for a fee to be charged to obtain a credit report. If management charges such a fee, that fee must be credited to the first month's rent AND, the burden of obtaining a credit report falls entirely upon management.

**SPECIAL NOTE:** It is assumed that you have assessed the sale value-not your emotional value-of your home. You have, to the best of your ability, learned what comparable homes, in your park, have recently sold for. And how much, if any, the rent was increased for the new resident. If the rent will be increased on your space-you received this information employing steps two and seven-you have what is known as vacancy de-control. Vacancy de-control has the effect of causing depreciation of value. For every \$10. increase in space rent, the home depreciates \$1,000.

That about sums it up. Questions or additional explanation may be directed to Clay Harrison 916 348 7262, seeclay@foothill.net

Good luck and we wish you the best in your new location.

RE-PRINTED BY CoMO-CAL WITH CLAY HARRISON'S PERMISSION

**Editor's Note:** We re-print Clay Harrison's Seller's Guide for a second time in THE VOICE because many have asked for it. We suggest you keep it for reference if and when you sell your home. Feel free to share it with your friends and neighbors. Remember, parks often try to interfere with sales—this is a time when we are most vulnerable. And remember CoMO-CAL is just a phone call away if you need additional advice.

*Divided We'll All Be Conquered—A Co-MO-CAL Bulletin*

## **We Are Our Brothers' Keepers**

**By Ralph Weber, President Antelope Valley CoMO-CAL**

Well, folks, we mobile home owners once again kept the wolf from the door...we played a part in the defeat of Proposition 90. We side-stepped another sneaky effort to eliminate rent control. Although "rent control" was not specifically mentioned the verbiage In the Proposition would have certainly opened the legalese flood gates for unlimited rent increases for California mobile home owners paying rent on plots of dirt. However, Proposition 90 played to the public an initiative that would allow us taxpayers to pay unscrupulous prices when cities seized properties by eminent domain for profit-making motives.

This fight to defeat Prop 90, however, does show how vulnerable mobilhome owners are without a strong state-wide organization. We need to continue to build an organization to a point where the Park Owners and Park Managers fear us. We need to become big and powerful enough to allow us to intimidate them. We need to put some sting in our bite; we need to hang together in one loud voice to oppose violations of the MRL, intimidation, and personal abuses by owners and management.

I spent more than 16 years working as a GSMOL volunteer. I formed many, many GSMOL Chapters and brought in hundreds of new members. I am a mobile home owner. I think that what happens to other mobile home owners could ultimately happen to me. . I feel I belong to the whole mobile home community in California.

As a GSMOL Associate Manager and the Los Angeles County Regional Manager, I would always be called upon *only* when residents were having conflicts with Owners or Management. And, when I answered a trouble call, most of the time the troubled park residents were not organized; they had no Home Owner Association or a GSMOL Chapter. My job then was to get the residents organized into an enthusiastic group willing to stand up and defend their rights. This was not always easy because of several obstacles:

- (1) For the most part there were always just handful residents in the Park who were willing to get an organization started, and there were usually some residents that did not want to fight for their rights for fear of being intimidated or threatened by Park Management. To answer this, I would remind them that *in any organization, there will always be a few volunteers willing to do all the work for the benefit of everyone!*
- (2) In most cases some of the residents would have personal conflicts with other residents and were not willing to work with others. To answer this, I would advise them *that personal petty spats had to be set aside for the sake of complete resident unity.*

There were usually some residents who did not feel their rights (continued on page 17)

(continued from page 16—BROTHER'S KEEPER)

were being threatened, that an organized group was not necessary because the problems were not happening in their back yard (NIMBY). To rebut this I would stress that *that the problem has a direct bearing on all mobile home owners!*

In many cases the Park's residents would be divided with many residents *siding with Park Management.*

This is a roadblock that is difficult to overcome because when there is such division, organizing a homeowners association sets off a rift in the Park that most Park Management and Owners relish.

Management knows that if the residents are divided and arguing among themselves, management will win. Its an age old Machiavellian game of divide and conquer. *To combat this we must be aware of problems in other parks throughout the state. An in our own immediate area we must step in and join the protest.*

As an example of this point let's look at the case of Floyd Gilbert a resident of a Quartz Hill mobile home park for more than 20 years:

Floyd has had a very active part in civic affairs in his park. He lived in the Park back when there were no resident/management problems. At one point he was on very good terms with Management. But somewhere along the way, Floyd complained that the Mobile Home Residency Law was being violated by management and somehow strong words between Floyd and the Manager were exchanged. The friction between them accelerated and many of the **park residents**, not wanting to be part of the squabble, **stood idly by and did nothing**....even though they had to be aware that Management was not complying with the Residency Law! Floyd sought legal help at his own expense to combat the violations management was imposing on the Quartz Hill Park's residents. He received no help from GSMOL; they rarely responded to his written or e-mail pleas. He joined Co-MO-CAL and is acting as a arbitrator for Co-MO-CAL giving advice to other Parks. He put his problems out to all of us by way of the Internet on the Mobile Home Open Forum. He has received lots of advice from a lot of us, but the voices giving him aid are not loud enough. We sympathized with Floyd, but sympathy is not enough.

We must find a way to join him in his fight. The Quartz Hill Park residents must join him, regardless of how they personally feel about Floyd. He's not a trouble-maker, as some in his Park seem to think. He needs support in that Park from every resident, because he is right and Park Management is wrong.

We must find a way to support every Park in Antelope Valley, even statewide, when they are fighting management abuses or violations of the Mobile Home Residency Law. If we can somehow unite everywhere in California and protest en masse with any mobile home park seeking justice then we will have real power to put fear into greedy, unscrupulous Park Owners and Park Management. Let's work on this in

the Antelope Valley. I welcome your suggestions.

Ralph

Congatulations to all Mobilehome Owners/ park tenants  
 that fought so hard to "kill" Prop 90!

It just proves again, that when we all band together and "get the word out" we can win against the al-  
 most impossible odds as we did with Prop 90. I have had the honor and the privilege of speaking to resi-  
 dents in many parks in the San Diego area to join **Co MO-CAL**, read and be aware of laws that protect  
 us, to work with and help your neighbors.

We do not get paid! (Except maybe coffee and crumpets at a meeting that we attend.) I am very pleased  
 at the number of **volunteers that have helped me, help others**. Please volunteer, we can use your help!  
 Thank you all for your help. I estimate that 90% of residents contacted directly and indirectly regarding  
 PROP 90, **voted no!** There is a wealth of information in every issue of the **Voice** and  
there is strength in numbers. Join Today!

\_Steve Molski  
 San Diego area Representative, CoMO-CAL

## CoMO-CAL

(COALITION OF MOBILEHOME OWNERS-CALIFORNIA)

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

### NEW MEMBERSHIP APPLICATION (Print Please)

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

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

MAILING ADDRESS: \_\_\_\_\_ CITY \_\_\_\_\_

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

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

SIGNATURE OF APPLICANT \_\_\_\_\_

Check # \_\_\_\_\_ Amount: \$ \_\_\_\_\_ Money Order ( ) Amount: \$ \_\_\_\_\_

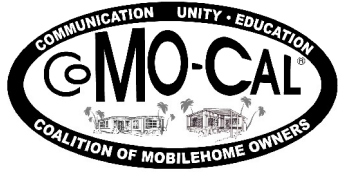
MEMBERSHIP (\$15.00/12 Months, \$40.00/36 Months) Membership Dues Not Refundable.

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

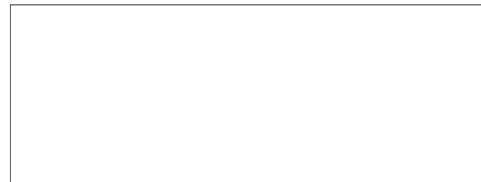
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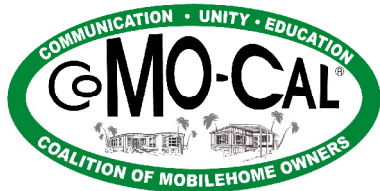


#### NEWSLETTER EDITOR

FRANK A. WODLEY  
E-Mail: [fawodley@yahoo.com](mailto:fawodley@yahoo.com)

<http://comocal.org>

800-929-6061 / 818-886-6479



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communication and to unite**

#### SERVICES WE PROVIDE OUR MEMBERS

1. 12 issues of THE VOICE. Usually 20 pages long, filled with important information no mobilehome owner should be without. Articles from around the state of California. Tips and Suggestions. Important laws explained so you can understand how you are protected.
2. Website: **comocal.org**. Members have access to all issues of THE VOICE, attorneys who know the MRL, important links to government, advocacy groups, etc.
3. Small Claims Court Assistance: We will pay your fees up to \$30.00 and help with your paperwork. (Some restrictions apply.)
4. Questions / Problems: Our staff is ready to take your call to advise you regarding questions and problems you might have.
5. We have several attorneys to help with litigation or give advice.
6. Above all, a way to UNITE and have a VOICE.

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