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COALITION OF MOBILEHOME OWNERS

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RETALIATION & WHAT TO DO ABOUT IT

ENFORCE YOUR RIGHTS - IT'S UP TO YOU

This edition of THE VOICE is devoted to two important subjects: Retaliation & Enforcement of the laws. Why? Because these subjects are the real keys to a better life in parks today.

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Background

Let's make this simple. Mobilehome parks have been around 40-50 years. In the beginning, most were terrific places to live, with a sense of community. Residents would gather for various functions and had pride in their community. Managers even promoted resident advocacy groups.

Well, this is NOT the case today. Many parks are called "concentration camps" and are run using Gestapo tactics by unscrupulous park owners (UPO's), often large corporations only interested in their "bottom line." Many break the law, almost daily. Harassment, intimidation, and retaliation are common place. These parks foster an image of following the law and respecting residents; yet nothing is further from the truth.

We keep hearing California has more laws to protect us than any other state. So something must be wrong with this picture. If we are so well protected, then how can park owners take advantage of us? The answer is simple. There is **NO ENFORCEMENT**. We have written about this many times. Today, enforcement only exists when you or I go to court, costing us thousands of dollars. The park owners know this. They know they have all the cards.

So what is the solution? The solution starts with you! It will take each of you to do your share. Here are some facts about mobilehome parks in California:

1. The total number of parks is about 4,822. and the total number of spaces is approximately 650,000.
2. We estimate the total number of Californians living in mobilehomes is approximately 1.5 million.
3. We know laws are unless they are enforced.
4. Yet the number of residents that belong to any advocacy group is probably under 30,000.

In this edition, you will learn that you risk more when you don't get involved. And there is strength in numbers. Get your friends and neighbors involved, form a Home Owners Association. We will help! And please support our efforts in enforcement. We feel the Washington State "alternative dispute resolution" is a viable idea for California. What do you think?

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All persons living in a mobilehome are eligible for membership on an equal basis, except management, owners and employees of owners.

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PRESIDENT'S MESSAGE by Frank Wodley, CoMO-CAL President

The issues we face in California are global in proportion. This has never been clearer than after attending the National Conference (MHOAA) in Minnesota on October 3-4, and aligning with PHRAA of England a few months ago.

I am grateful to All Parks Alliance for Change (<http://www.allparksallianceforchange.org/>) —the Minnesota state organization who hosted this wonderful and informative National Conference. In fact, they paid my travel, lodging, and provided meals at the conference (they did this for many attendees). Thank you so much!!

The national group, MHOAA (Manufactured Home Owners Association of America), is finally getting their act together. I understand the new board of directors is beginning to revamp their bylaws, work on a new website, provide a newsletter to state members, and will network between the many state organizations. We welcome the change and we will lend our support.

One issue we write about this month is “retaliation.” Examples of retaliation are all around us. We have much more on retaliation on our website: comocal.org

In Minnesota, I learned that the risk of doing nothing is often greater than the risk of doing something. Also a strategy to fight retaliation is to go public “The more outspoken and public you are in your work, the less isolated you are and the more people will sympathize with your cause.” Hiding in our homes is just what park owners want us to do. If you experience retaliation, intimidation or harassment, call CoMO-CAL. Please let us know!

Finally, there is strength in numbers. “United we stand, divided we fall.” A united group will often succeed against retaliation! You don't have to be alone anymore. Join us, let us know what's happening. Let's STOP RETALIATION.

One exciting workshop in Minnesota dealt with “alternative dispute resolution.” This is an innovative way to enforce laws in Washington State and we write about it on Page 11. Bottom line: for \$5/year, mobilehome owners can submit complaints of violations of the civil code (equivalent to our Mobilehome Residency Law) to the State Attorney General's office. The AG makes a determination. There is an appeal process, if necessary (overseen by the state advocate), and “teeth”— the party violating the law can be fined \$150/day or an amount determined by the AG office.

We desperately need an enforcement mechanism in California. As you know, the Mobilehome Residency Law (MRL) is a civil code which now must be litigated in Superior court. NO ONE enforces it for us. It is up to you and I. We must hire an attorney, and spend considerable time and expense. Often the courts do not understand the MRL and rule in favor of the landowner. Just ask Donna Matthews of Calimesa! Donna, a 22 year advocate for us, may be evicted and lose her home. All because she wouldn't pay a trash fee (she didn't use the park trash). We must not let this **senior abuse** continue.

We now have an idea what to do about enforcement. Let's unite! Let's not let this opportunity to pass us by.

Finally, I want to personally thank each of you for being a member of CoMO-CAL. I know the times are hard, especially for those on fixed incomes. If there comes a time when you feel you can not afford our dues, please just let us know and we will continue your membership for free. We are in the same boat, we must help each other if we have a chance against these park owners. Fortunately those able are sending in donations to help us along! Please everyone do your best to tell your friends about CoMO-CAL. No one has to be alone in this fight. God Bless all of you!

RETALIATION (from *Community Organizing Manual*, All Parks Alliance for Change)

Retaliation is a strategy used by powerful institutions to prevent homeowners from organizing and/or asserting their rights. It is a two-pronged strategy involving both active and assumed retaliation. “Active retaliation” is carried out in the form of specific actions that punish leaders and their base for their efforts to pursue change.

An effective and far more insidious form of retaliation is “assumed retaliation,” meaning that people automatically assume that organizing or asserting ones rights will lead to retaliation, even in the absence of specific past examples. Assumed retaliation operates so that powerful institutions rarely have to use active retaliation. The very existence of assumed retaliation prevents people from organizing and standing up for their rights due to a perceived sense of powerlessness and internalized fears.

Retaliation is Real

Park landlords have a variety of tools at their disposal to carry out other forms of retaliation, such as eviction, rent increases, denial of services, discriminatory enforcement of park rules, harassment, and damage to reputation.

Retaliation is an Excuse for People not to get Involved

The assumption that getting involved will lead to retaliation prevents many people from getting involved. Yet for every example of real retaliation there are many, many more examples where residents organize and retaliation is either not used or ineffective. We need to be more sympathetic towards people who fear retaliation out of a feeling of powerlessness or vulnerability, but we also want to challenge their assumptions and embolden them to become leaders rather than victims. If you are involved in organizing your community for Mobile Justice, then you are taking a risk. You need to let people know that if

they want to see change, then they have to assume some of the risk as well.

Why Does Retaliation Exist

Retaliation is a tool that park landlords, government agencies and others use to maintain control and to retain power. Many see retaliation as an act of power, but it really isn't. Retaliation would not be necessary if community organizing had no potential for success. Retaliation happens because institutional power fears this success. Therefore retaliation is not a demonstration of power, but rather an act of fear and powerlessness. They are scared of you!

Although retaliation comes from a place of powerlessness, it is also a strategy that has proven to be successful. Retaliation works. That is why is it so important that we understand how to confront it.

How to Overcome Retaliation

Many states already have laws that make retaliation illegal.

When looking at the laws in your state, pay close attention to how those laws are enforced and what loopholes, if any, may exist.

Educate Residents About Their Rights

Once you have done the analysis, educate your base about these rights and your commitment to ensure they are protected. This will often decrease a lot of people's fear about retaliation. If No Protections Exist, Change the Law

Conduct a Risk Assessment for Your Organizing Campaign

People worry a lot about the risks of becoming involved but rarely think of the risks of not becoming involved. In a group setting, ask people to come up with a list of the risks of getting

involved, after educating them about the law! Then ask them to come up with a list of what will happen if no one gets involved (park closings, rent increases, unfair rules, bad laws, etc.). If you are choosing issues that people care about, the risks of doing nothing are often greater than the risks of doing something.

Strength in Numbers

By acting as a group, it is more difficult for institutions to retaliate against you. The old saying, “united we stand, divided we fall,” holds true when it comes to retaliation. The stronger the base, the broader the network of support will be in response to any real retaliation.

RISK OF GETTING INVOLVED

RISKS OF DOING NOTHING

Losing your home	Losing your home
Rent-Increases	Rent-Increases
Damage to reputation, harassment	Damage to reputation, harassment
Park landlords become more hostile	Park landlords think they can get away with anything
Loss of Anonymity	Loss of self-respect, dignity
Public disapproval	Public ignorance
Possibility of failure	Setting precedent of weakness

Be Public

Retaliators are like cockroaches; they scatter and run when you turn on the lights. The more outspoken and public you are in your work, the less isolated you are and the more people will sympathize with your cause. It also creates an opportunity to hold institutions accountable on a higher lever for retaliation, compared with fighting it out in the darkness.

Act Professionally

Don’t provide park landlords with easy excuses to retaliate against you by not paying rent or disobeying reasonable park rules. Make sure that you are credible in what you do and say, thus maintaining the moral high ground. People sympathize with community leaders, but not with public nuisances. Whenever possible, try to appeal to your target’s self-interest rather than demonizing them right off the bat. Angering a target should be a deliberate and strategic decision, not an accident. Remember there is nothing wrong with making someone angry as long as it is strategic. But recognize that with that anger comes a heightened risk of retaliation.

Respond to Acts of Retaliation Aggressively

Acts of retaliation have the potential to obliterate your campaign. People will look to your organization to see what your response will be, as they weigh their decision to stay involved. Now is the time to be vocal and aggressive like never before. Put a stop to retaliation now!

Editors Note: This article is taken from the “Community Organizing Manual” produced by All Parks Alliance for Change. The entire manual will soon be available online for download at:

<http://www.allparksallianceforchange.org/>

We recommend anyone truly interested in organizing and helping mobilehome owners get a copy. It is a terrific guide! Thanks again to All Parks Alliance for Change! Terrific Conference!

SHOCKING RETALIATION IN ENGLAND

The Glen is a park home site situated in Barnt Green, Worcestershire (England). In December 2006, the then owners advertised the site for sale at a price of £1.6 million. In January 2007, John and Simey Doherty made an offer of £1.4 million for the site. The offer was accepted, contracts were exchanged and completion was due to take place on the 29th February 2007.

In the early hours of the 27th February 2007, two unoccupied homes at the site were burned to the ground.

The Doherty's immediately demanded a reduction in the sale price of (the mobilehome park) the Glen and following further threats and intimidation by the brothers, believing the site to be unsellable, the owner agreed to reduce the price to £1.2 million. On the day of completion further threatening demands for a reduction in price were made by the Doherty's, and the owner reluctantly agreed to knock another £60,000 off the price, meaning that the site (park) was eventually sold for £1.14 million, £260,000 below what had originally been agreed.

The Doherty's then set their sights on The Glen's residents. In common with most park home sites, the vast majority of the residents were elderly, many being vulnerable and frail.

The economics of park home site ownership are such that the maximum opportunities for profit lie in **replacing older homes with new ones**, whether to current residents or to new residents if the current ones leave.

The Doherty's now embarked on a campaign of intimidation to terrorise residents into leaving the site. As part of the campaign they.....

* Told residents their homes would need £20,000 of repairs or they would have to be scrapped.

(subsequent surveys of the premises conducted on

behalf of the Police revealed them to be entirely sound)

* Sales of homes part progressed were stopped by vetoing the purchase.

* Residents were subjected to abuse, harassment and intimidation.

* In the early hours of the 17th April another home was burnt down. On this occasion Police Officers arrived at the scene within minutes, and caught arsonists Guildford and Hallam before they could leave. They were arrested and subsequently charged.

The impact of the Dohertys' campaign on The Glens' many vulnerable residents cannot be overstated.

* After the arsons many of the residents took to sleeping fully clothed in case there was another attack.

* In total 16 sets of residents moved out of their homes due to the fear and distress caused. Many are still in temporary local authority accommodation, too afraid to return.

* Many of the residents have had their life savings wiped out by the cost of relocating or losing the value of their homes.

* Four residents were so distressed and terrified that they sold their homes to the Doherty's for £1. (The market value would have been £75,000 plus)

Following a seven- day trial at Worcester Crown Court, Anthony Bernard Tulley was today convicted of two charges of conspiracy to commit arson and one of conspiracy to commit blackmail. Douglas Guildford was today found not guilty of conspiracy to commit blackmail, but admitted conspiracy to commit arson at a previous hearing. No date has yet been set for sentencing. Update to follow.

RETALIATION AT STARLIGHT MHP—SAN DIEGO

We wrote about Starlight Mobilehome Park in our September THE VOICE. Starlight is a perfect example of what can happen in a mobilehome park if just one or two residents are motivated to have change. A resident learned about CoMO-CAL through the internet and contacted us. They have many issues in the park and wanted to organize residents. We sent off a box of material, including newsletters, informational bulletins, applications, etc.

Stewart Neill, Marvin Schwinn, Eve Mossholder, Vivienne Lautz, and others are doing a really terrific job organizing residents. They have distributed literature informing residents of meetings and they have been getting a very good turnout. CoMO-CAL applauds their hard work.

Residents have been talking with Endeman, Lincoln, Turek and Heater (ELTH), the attorneys in San Diego who handle many “failure to maintain/unfair business practices” lawsuits on behalf of residents.

Now the owner and management of Starlight have sent residents two- three page letters. Below are some of the language used:

Resident leaders are characterized as:

- A few dissatisfied residents
- A handful of malcontents
- They not have the right to bother, annoy, harass you. You are entitled to peace and quiet
- These residents may not trespass on your space
- They are pursuing a negative, untruthful and destructive means to deal with management
- These residents DO NOT speak for you
- They will use you as pawns in their game

- They are not unhappy with the park, but are unhappy with life.

On the other hand, management is characterized as:

Striving to provide you with a healthy, well-maintained community

We handle problems effectively and efficiently

We are professional, caring and competent

We have a positive attitude, and good communication skills.

The work we do adds to the value of your home and enhances the park reputation.

We are always open to your criticisms, compliments and comments.

We respond in a prompt and courteous way

These letters may be found on our website at comocal.org. You may read and/or print them.

One resident writes:

We have been going through hell here at the hands of some real unscrupulous, moral less users of older Americans. We are nothing more than prisoner cashcows and treated with utter disrespect and constant lies. Some of the conditions here have been intolerable. The park owner has tried every dirty trick he can think of to discredit the people and cause fear of going up against him. His insinuations that he is all knowing and we are a bunch of dumb malcontents are just the tip of the iceberg.

No article will ever be able to truly represent our situation—attacks on the resident group board and park residents. We will continue our efforts in spite of these attacks.

ENFORCE YOUR RIGHTS...ITS UP TO YOU! By: Bruce Stanton, Attorney

As I travel throughout California meeting with mobilehome residents, the issue of “enforcement of the laws” is almost always discussed. Homeowners want to know how they can ensure that a park owner follows the law. They want to know what can be done if the Mobilehome Residency Law (MRL) is violated, or if they are suffering from unfair treatment not found in any specific law. Usually, they will ask me something like: “Who is going to protect me?” or “Who will enforce the laws for me?” Expecting an easy answer that gets them off the hook, they may not always like my response. But it is important that I communicate reality to them. And so my answer usually ends with the sentence: “It’s up to YOU!”

For the last 30 years, many laws have been passed at the state and local level which protect mobilehome residents. Mobilehome resident organizations annually wage battles in Sacramento to pass new laws that are needed and to fight against laws that would damage the interests of residents. Passing protective laws is certainly an important part of providing protection to residents. In many cases it is an important first step towards righting an injustice.

But once the law is passed, who enforces it? If a park owner violates a law, who typically is responsible for seeing to it that justice is done? And who needs to be watching carefully to see that laws are not violated? The answer to each of these questions is the same: It’s YOU! The plain truth is that laws do not enforce themselves. The most detailed and perfect statute can be drafted, carried and passed through the houses of legislature. But until someone stands up to demand its enforcement, it is only a deterrent. Sometimes just having a deterrent in place is enough to discourage violation of the law. But often times it is the person who the law is designed to protect who must stand up, “blow the whistle” and simply say: “Enough is Enough!” Only when a resident decides to take a stand and do something about it will justice truly be accomplished in most cases.

There are some laws which can be enforced by government authorities. Most local rent ordinances, for example, state that a park owner who violates the law could be guilty of a misdemeanor. If a resident

believes that a violation is occurring, he or she should contact the local City Manager or City Attorney to determine if the local government can or will enforce the law. This is always preferable, since the public officials whose salary we are paying can do the work, and the resident can be spared the cost of hiring his or her own attorney. But most laws do not work this way. Few violations of the MRL, other than certain nuisance actions, will be enforced by local or state governments. MRL violations are civil disputes which need to be handled by the civil courts. Many times this requires the representation of an attorney, or intervention by a mediation service. In these cases, the burden of enforcement is clearly on the residents.

So what does enforcement look like? What does the resident have to do? The following are some simple steps to remember as you contemplate how to enforce your legal rights.

1. **KNOW YOUR RIGHTS.** There is no substitute for this. Every mobilehome resident should have a copy of the MRL, which is distributed by most park owners annually. You can go on line to download a copy of the complete MRL for free at: www.sen.ca.gov/mobilehome. You can write to the Senate Publications Office in Sacramento to purchase a copy for \$5.25. Or any resident should be able to go to the park office and request a copy. The MRL requires a park owner to distribute a copy to all residents each year where a “significant change” of the MRL provisions is made by the legislature. Also find out whether your local city or County has ordinances relating to rent control, park conversion or condominium conversion. Read these laws and try to understand them. Ask questions of your neighbors or the organizations of which you are a part if you do not. You can’t know if your rights are being violated until you first know what your rights are!

2. **BE VIGILANT.** Once you know the laws, you need to be watch carefully to ensure that no violations are occurring. This requires one to pay attention. Read the notices that you receive. Review your rent notices carefully. If something seems like it isn’t right, the chances are it may not be. It may be necessary to watch out for your friends and neighbors living in the park who don’t know how to be vigilant, or can-

not understand their rights due to age, infirmity or language barriers.

3. **ORGANIZE AND UNITE.** A common reaction from residents faced with a violation of their rights is to shrink from the task because they are afraid of how the park owner might retaliate against them. Left alone to fend for themselves, they often feel inadequate, intimidated and afraid of the consequences. And they might be unable to afford an attorney or the costs of enforcing their rights on their own. But if they unite with others, the possibilities might be endless. If 20 residents unite, each one has the power and finances of 20. If 100 residents unite, they combine awesome financial power and influence. This can occur in various ways. Join a state-wide organization to become educated and help support state-wide causes, such as the defeat of Proposition 98 in June. Join your local park association. And band together when necessary to fight unfair rules, unauthorized rent increases or pass throughs, or to oppose park conversions. In each case, residents send a powerful message to park owners that they speak with one voice, and cannot be individually intimidated into silence.

4. **DO NOT BE INTIMIDATED.** Fear of retaliation has prevented many residents from standing up for their rights. I can never guarantee that a resident will not be on the receiving end of harassment or intimidation. Notices to pull weeds or paint the mailbox might come more regularly. The park might be watching for each and every violation of the rules, no matter how small. This kind of conduct comes with the territory in many cases, and residents should be on their guard. But it should be remembered that the park can NEVER evict anyone without just cause. No one should abandon their rights due to threats or intimidation which has no basis. Such conduct by management could result in violations of the MRL that would entitle the resident to recover civil penalties for “willful violations”. If the park owner thinks that a resident can be easily intimidated, they are more inclined to try and do so. But if a resident makes it clear that he or she will not back down from the enforcement of their rights, no matter what it takes, the harassment may stop. And a resolution to the problem becomes far more likely.

5. **GET QUALIFIED HELP.** If the resident determines that the City Attorney or local government will not be involved, and the resident or group of residents cannot handle the matter on their own, professional help should immediately be sought. Look for an attorney in your area who has expertise in mobilehome law. Get proper advice about the available options. If litigation is required, hiring an attorney is a must.

6. **STAY COMMITTED.** Often the enforcement of rights takes time. This requires the residents to stay engaged for the long haul. The park owner’s strategy might be to wear down the will and incentive of the residents. Don’t let that occur! Once you start the process, keep at it. Invest your time, your talents and, where necessary, your money. After all, you are protecting your home, and your way of life. Otherwise, all that you have previously put into the process could be lost.

7. **SUPPORT THE PASSAGE OF STATE AND LOCAL LAWS.** It is critical that each mobilehome resident join the effort to pass good laws and defeat bad ones. Stay tuned to what is happening both in Sacramento and your own town. Join as many organizations as you can, so that you will be well informed about how to help pass needed legislation. And once those laws pass, read them so that you will know your rights (this takes us back to Step 1).

Any resident can do all of these things if they are willing. If each does his or her part, mobilehome owners can be a mighty force to be reckoned with. Remember, it all starts with YOU. YOU have the power. YOU just need to be willing to use it!

ABOUT THE AUTHOR: MR. STANTON HAS BEEN A PRACTICING ATTORNEY SINCE 1982, AND HAS BEEN REPRESENTING MOBILEHOME RESIDENTS AND HOMEOWNERS ASSOCIATIONS AS A SPECIALTY FOR OVER 20 YEARS. HIS PRACTICE IS LOCATED IN SAN JOSE, AND HE IS CURRENTLY THE CORPORATE COUNSEL FOR THE CALIFORNIA MOBILEHOME RESOURCE & ACTION ASSOCIATION (CMRAA)

Editors Note: We published this article, written by Bruce Stanton exclusively for CoMO-CAL, in the March 2008 Voice. We thank Mr. Stanton for his assistance.

ENFORCEMENT - WHAT IS PHRAA (ENGLAND) DOING?

The article on the previous pages, "Enforce Your Rights - It's Up to You," was published in THE VOICE on March 2008. Mr. Stanton is correct, it is up to you. "The plain truth is that laws do not enforce themselves. MRL violations are civil disputes which need to be handled by the civil courts. Many times this requires the representation of an attorney, or intervention by a mediation service. In these cases, the burden of enforcement is clearly on the residents."

So what are others doing about this issue of "enforcement?" In fact our friends in **England**, PHRAA, want to help residents by being the "go between" in confrontations with the park. We present their plan below:

In order that PHRAA can represent your park effectively we would need your park residents to full fill a few simple conditions as follows.....

- (1).... Residents wishing to participate would be required to become members of PHRAA
- (2).... We would need as many residents as possible to join. A majority would be ideal but not essential.
- (3).... In order to operate this innovative scheme PHRAA would need at least one calm and collected resident, trusted by his fellow residents, prepared to act as the PHRAA Liaison Officer for the park. If there are others also prepared to help, perhaps as a committee, this would be ideal.
- (4).... All communications and relevant information concerning park matters received by residents from the park owner, local authorities, solicitors and others must be passed to PHRAA either individually or via the Liaison Officer, (for your own protection copies only please) in order that PHRAA can advise or act on your behalf in the best way possible and always in your best interests.
- (5).... Any incidents of harassment, intimidation or

other incidents, i.e. blocking sales, causing concern to residents committed against residents by the park owner must be logged by the residents concerned to include such details as date, time etc., and a brief statement of events, also statements from any witnesses must be reported to PHRAA as soon as possible.

(6).... Unless it is reasonable to do so, residents must refuse to deal with the park owner themselves by making it clear to him that he must conduct any future business he has with them be conducted through PHRAA.

The benefits to residents using this new service would be as follows.....

(a).... Residents will be in the comfortable position of having any of their concerns dealt with by PHRAA in a rational but firm manner without the fear of retribution from an irate park owner.

(b)..... PHRAA would advise on what was considered to be the best course of action on a particular subject, but would not attempt to dictate that this advice is followed. No course of action would be undertaken on their behalf without first consulting the residents concerned and being absolutely sure that residents are happy with any proposed action.

(c).... Unlike the requirement set out in the Act regarding individual parks RA's names and addresses of members would not be divulged to the park owner including names of liaison officers therefore avoiding the threat of retribution from unscrupulous park owners.

(d).... All information passed to PHRAA by residents will be treated in strict confidence PHRAA is offering you this unique opportunity to have an strong residents association on your park without fear of individual retribution as an important addition to our service dedicated to improving the WELFARE OF PARK HOMEOWNERS.

WASHINGTON STATE’S ANSWER TO ENFORCEMENT by Frank Wodley

I attended an “alternative dispute resolution” workshop at the National Conference held by attorney Ishbel Dickens (isbel.dickens@columbialegal.org, 206-464-5936). Ishbel explained the purpose of the manufactured/mobile home dispute resolution program, introduced early in 2007, is to provide manufactured/mobile home community landlords and tenants with a cost-effective and time-efficient process to resolve disputes regarding alleged violations of the manufactured/mobile home landlord-tenant act (Washington state’s MRL law).

The law may be found at: “<http://apps.leg.wa.gov/RCW/default.aspx?cite=59.30>” The program costs residents and landlords \$5/year/space. About \$800,000 is raised for the program.

Findings — Purpose — Intent. (1) The legislature finds that there are factors unique to the relationship between a manufactured/mobile home tenant and a manufactured/mobile home community landlord. Once occupancy has commenced, the difficulty and expense in moving and relocating a manufactured/mobile home can affect the operation of market forces and lead to an inequality of the bargaining position of the parties. Once occupancy has commenced, a tenant may be subject to violations of the manufactured/mobile home landlord-tenant act without an adequate remedy at law. This chapter is created for the purpose of protecting the public, fostering fair and honest competition, and regulating the factors unique to the relationship between the manufactured/mobile home tenant and the manufactured/mobile home community landlord.

(2) The legislature finds that taking legal action against a manufactured/mobile home community landlord for violations of the manufactured/mobile home landlord-tenant act can be a costly and lengthy process, and that many people cannot afford to pursue a court process to vindicate statu-

tory rights. Manufactured/mobile home community landlords will also benefit by having access to a process that resolves disputes quickly and efficiently.

(3)(a) Therefore, it is the intent of the legislature to provide an equitable as well as a less costly and more efficient way for manufactured/mobile home tenants and manufactured/mobile home community landlords to resolve disputes, and to provide a mechanism for state authorities to quickly locate manufactured/mobile home community landlords.

(b) The legislature intends to authorize the department of licensing to register manufactured/mobile home communities and collect a registration fee.

(c) The legislature intends to authorize the attorney general to:

(i) Produce and distribute educational materials regarding the manufactured/mobile home landlord-tenant act and the manufactured/mobile home dispute resolution program created in RCW [59.30.030](#);

(ii) Administer the dispute resolution program by taking complaints, conducting investigations, making determinations, issuing fines and other penalties, and participating in administrative dispute resolutions, when necessary, when there are alleged violations of the manufactured/mobile home landlord-tenant act; and

(iii) Collect and annually report upon data related to disputes and violations, and make recommendations on modifying chapter [59.20](#) RCW, to the appropriate committees of the legislature.

**PLEASE SUPPORT OUR EFFORTS IN 2009
TO HAVE SIMILAR LEGISLATION IN
CALIFORNIA**

Governor Terminates Senior Renter Rebates (**RenterWatch** By Larry Gross)

Last week Governor Arnold Schwarzenegger added to the financial woes and anxieties of California's senior and disabled renters. The Governor used his veto power to eliminate the California Senior Citizens Renters Tax Assistance program.

This \$150 million tax rebate program provided much needed financial assistance to seniors, blind, and disabled Californians living on a fixed, low income.

The governor used his line-item veto power to eliminate the entire \$150 million available for renters under the Senior Citizens Renters Tax Assistance program. The program, in effect for four decades, makes senior and disabled renters who earn less than \$44,096 eligible for up to \$347.50 as a tax rebate.

This was the governor's single biggest line-item veto in the budget. This uncaring act shows the Governor's total disregard for the plight of our state's most economically vulnerable residents.

About 130,000 seniors earning less than \$42,770 re-

ceived renters' tax assistance last year, up to \$348 annually on a sliding scale. About 450,000 seniors received property tax assistance, up to \$473.

Low-income seniors rely on these funds, and many have already filed applications for the tax rebate this year. With the governor's veto, the Franchise Tax Board now will not pay these claims.

Assemblyman John Laird (D -- Santa Cruz), chair of the assembly budget committee, characterized the cuts to the tax assistance program as "unconscionable."

The Coalition for Economic Survival will work with allies to send a message to the governor and to restore these critical funds to low-income senior and disabled renters.

(Larry Gross is the Executive Director of the Coalition for Economic Survival and an occasional contributor to CityWatch. He can be reached at contactes@earthlink.net) ■ CityWatch Vol 6 Issue 80 Pub: Oct 3, 2008

Important (updated 10/20/08): The state budget approved for the 2008/2009 fiscal year deleted funding for the Homeowner and Renter Assistance Program. Since there is no funding in the state budget for this program, 2008 claims cannot be paid or processed.

Homeowner Assistance Program

This program allows a once-a-year payment from the State of California to qualified individuals based on part of the property taxes assessed and paid on their homes. For the 2008 claim year, the maximum amount of assistance that an eligible homeowner may receive is \$472.60, which is 139 percent of the property taxes paid of the first \$34,000 of full value of the home (139% x \$340.00). You may be eligible to file a 2008 claim if you are a United States citizen, designated alien or qualified alien when you file your claim and you met the following criteria on December 31, 2007:

- You were 62 years of age or older, blind, or disabled.
- You owned and lived in your own home.

You had a total household income of \$44,096 or less.

Renter Assistance Program

This program allows a once-a-year payment from the State of California to qualified individuals based on part of the property taxes that they paid indirectly when they paid their rent. The maximum amount of assistance that a claimant may receive is 139 percent of \$250.00, the statutory property tax equivalent (139% x \$250.00), which is \$347.50. You may be eligible to file a 2008 claim for Renter Assistance if you are a United States citizen, designated alien or qualified alien when you file your claim and you met the following criteria on December 31, 2007:

- You were 62 years of age or older, blind, or disabled.
- You lived in a qualified rented residence in California.
- You paid \$50.00 or more per month in rent on that residence.
- You had a total household income of \$44,096, or less.

Related information: Also see [Nonrefundable Renters' Credit](#). This is a tax credit available to qualifying California residents who paid rent on their primary residence.

Riverbank Council Considers Rent Control

10/15/2008 Riverbank News

<http://www.theriverbanknews.com/main.asp?SectionID=1&SubSectionID=2&ArticleID=35909>

Responding to pleas from Quail Meadows Mobile Home Park residents about skyrocketing rents, Riverbank City Council members hired an expert many months ago and on Monday voted 5-0 to introduce an ordinance to impose rent control on Quail Meadows and other such parks in the city.

The problem at Quail Meadows, where advocates complained many elderly people on fixed incomes were being forced out of their homes by exorbitant rents, was caused by owner Equity Lifestyles (ELS) of Chicago, which owns mobile home parks across the nation and has clashed in court with many local governments over rent hikes.

The council acted despite warnings by Doug Johnson of the Western Manufactured Housing Community Association they risked expensive litigation and could better handle the problem with a hybrid solution like Modesto, which has set up an ordinance but handles problems with most of its park owners through a memorandum of understanding.

"It's unfortunate to get to this stage because of one park owner taking an unfair advantage," said Councilmember Virginia Madueno in referring to ELS.

Dr. Kenneth Baar of Berkeley who wrote both an earlier report and the current ordinance for local rent control has assured the council his ordinance will stand up in court.

Of mobile home parks within Riverbank, Quail Meadows at 5901 Newbrook Circle is the largest at 146 spaces, the newest (built in 1986) and has doublewide mobile homes. Other parks include Nixs MHP with 21 spaces and Park Sierra MHP with 45 spaces both located on Patterson Road and Modesto MHP with 27 spaces on Santa Fe Street.

Average current rents range from \$280 at Nixs and \$300 at Sierra to \$500 at Modesto and \$675 at Quail Meadows.

In recent rent increases at Quail Meadows, data indicates rents rose at the same rate as the Consumer Price Index (20 percent) from 1997 to 2002 (from \$327 to \$392) but from 2002 to 2007 rents increased by 72 percent compared to a 12 percent rise in the CPI during this period.

Two years ago, Riverbank was working with park residents from Turlock, Ceres and Modesto in trying to hold down their rents. But Turlock soon dropped out, Ceres also recently gave up the campaign and only Modesto went ahead like Riverbank with preparing an ordinance.

California has adopted landlord-tenant laws to give protection to mobile home tenants, said Baar, because of the high cost of moving mobile homes, the potential for damage, requirements on their installation and the cost of landscaping or lot preparation.

Baar found mobile home parks provide a city with affordable housing for residents of low and moderate income, many owners have made a substantial investment in their homes (25 percent said \$50,000 and more), many are senior citizens who cannot afford apartments, 44 percent said their income is under \$20,000 per year, and park residents have very limited bargaining power because of their limited income and the immobility of their homes.

Moving a mobile home typically costs in excess of \$10,000 and most parks will not accept homes older than 10 years, and there are very few vacant spaces.

The ordinance's purposes, said Baar, are to prevent excessive and unreasonable rent increases; prevent exploitation of the shortage of available mobile home lots; enable mobile home owners to preserve their equity; permit park owners to receive a fair return and help preserve affordable space rents within the city.

IT'S NOT A TRAILER, IT'S MY HOME

Have you ever called your home a trailer? Advocacy groups have long maintained that if you can't pull it behind your car it isn't a trailer. We don't know many communities that are made up of trailers pulled behind cars or even trucks, for that matter.

There have been countless examples of folks being called "TRAILER TRASH". Employers may discriminate against job applicants or people made fun of by their friends (?). Just because they happen to choose to live in a manufactured home community. (NOTE: COMO CAL prefers to call our neighborhoods, communities rather than parks, since there is no ferris wheel or merry-go-round in most of them) People look down on manufactured home community residents because of their own negative attitudes.

Ever wonder where this comes from? Turn on your television or read your local newspaper and you will likely see community residents depicted unfairly. Those images have a great influence on the public perception of our communities and, in turn, influence the public officials who make decisions over our lives. Residents aren't seen as real people who own real homes. Instead they are seen as transients who aren't permanent members of the local society. If we don't act to redefine our lifestyles then we will continue to be "TRAILER TRASH"/

It is time for the negativity to change and it begins with YOU. Take it upon yourself to call or write the TV station or newspaper reporters using the negative term "TRAILER". Advise them those are manufactured homes. If enough of us do this it will ultimately help to change the negative image of our communities.

We chose living in a manufactured home community because of the affordability and lifestyle it offers. Demeaning our way of life does a disservice to all of us and it really does affect our perception with the general public. In turn, this affects how we are thought of by our elected officials and those responsible for making the rules under which we must live.

For our own good, these perceptions must change and it starts with each and every one of us. You live in a manufactured home community; you don't live in a "TRAILER PARK". START RIGHT NOW. DO YOUR PART by calling the place you live a home, not a trailer and your neighborhood a community not a park. Your mail will still get through if you indicate your address as a number instead of a lot or space.

As always I can be reached for comment at 530-743-2965 or through e-mail at anvil95993@yahoo.com. Until next time I remain.

ROBERT C. HITES V.P. CoMO-CAL

WHO ARE RESIDENTS

Residents are the most important people in the rental management business.

Residents are not dependent on management. Management is dependent on residents.

Residents are not an interruption of the manager's work, but the purpose of it.

Residents do management a favor by choosing to live in their community. Management isn't doing

the residents a favor by allowing them to live there.

Residents go to the community manager with their problems. It's the manager's job to do something about it.

Residents deserve courteous service. Without residents, managers would have vacant homes and there would be no money for their paychecks.

MOBILE HOME OWNERS COALITION (MHOC) - OJAI

Editors Note: I've asked Merle Pitman of Ojai to write an article about his group MHOC (Mobile Home Owners Coalition). Merle writes:

Our goal is to Provide to members "Consultation on Mobile Home Matters, Small Claims Court Actions , and Lawyer."

We are non-profit 501(c)4 and we have concentrated our efforts on the tri-county areas. (Ventura, Santa Barbara and San Luis Obispo Counties).

Any questions can be directed to Merle Pitman, 805-646-8438 or address to M.O.H.O.C. Post Office Box 610, Oak View, Ca. 93022-0610

About Our Daily Activities

"This has been one of our busiest months since April. We have put out over 3600 letters to members and non-members and a lot more to go before the Election and then we are doing a bingo game for Mobile Home Owners Coalition expenses (day to day expenses). We do this twice a year Spring and Fall. Then by the time we are through with that its time for our 3rd quarterly meeting, Our quarterly rent review board meeting by the County and Thanksgiving and 2 birthdays..

Then its time to send out invoices for the coming year. We have attended 3 meetings for Hannah-Beth Jackson and set our goals on 10 thousand letters for this campaign. and we are continually searching for new lawyers for our members.

Our telephone rings 20 to 30 times a day and almost that much in the evening, so we are pretty busy most of the time and our goals, We are dedicated to see that our members have the best offer of legal representation with an attorney that knows Mobile Home Law.

About The Rent Ordinance in Ventura Co.

The Rent Ordinance covering the unincorporated areas of Ventura County was established in 1982 and has been in force since under the direction of a five member board of mostly lawyers.

Over the years it has leaned mostly toward the Park Owners, but our Supervisor Steve Bennett made the difference in dealing with WMA and other Park Lawyers.

We have been able to change our ordinance in ways that make differences in the way we pay our rent and upkeep of our park.

Some years ago the Rent Review Board made it the Park Owners responsibility for the upkeep of the park not the park residents.

January 1st, 2008, ushered in the change in the way the Park Owners collected rent. Instead of 100% of the CPI, we now pay the increase in the COLA or the raise we get from Social Security each year.

This change only applies to the unincorporated areas of Ventura County or those covered under the County Ordinance.

We have worked with the Rent Review Board, The County Board of Supervisors and Local Park Owners for over 10 years on these actions and finally it became a part of our Ordinance.

We are very proud of the people who along with the Mobile Home Owners Coalition brought this about.

Merle Pitman
805-646-8438
M.O.H.O.C.
Post Office Box 610,
Oak View, Ca. 93022-0610

1. Lawsuit over Conversion Settled

October 21, 2008. The city of Palm Springs will pay nearly \$1 million to settle a lawsuit regarding a local mobile-home park conversion.

The suit was filed against the city in October 2003 by El Dorado Mobile Home Park owner James Goldstein. Goldstein claimed the city delayed and prevented the conversion of the 377-unit mobile-home park at 6000 E. Palm Canyon Drive from leased to tenant-owned properties.

The city is not claiming any wrongdoing in the El Dorado Mobile Home Park lawsuit, which was filed five years ago and settled last week, City Attorney Doug Holland said Monday.

In 2000 the City Council granted Goldstein permission to proceed with the conversion, but with the provision that 120 of the park's 377 units had to be sold before rent controls would be lifted. It was also stipulated that Goldstein pay appraisal costs on the property and provide tenants with financial assistance to purchase the lots. (Article from Daily Sun)

2. Maurice Priest Steps Down from GSMOL Positions

E-mail from Tim Sheahan, GSMOL President, September 30, 2008:

As many of you know, Maury Priest has provided services to GSMOL as our Corporate Counsel and Legislative Advocate for the past 28 years. Maury has now notified us that, effective November 23, 2008, he is ending his services to GSMOL and will be pursuing other interests.

We appreciate Maury's contribution to the organization and his efforts on our behalf. We wish Maury all the best in each of his future endeavors.

While the regular session of the Legislature ended several weeks ago, we are still awaiting action by the Governor on a few remaining bills and will be reporting the final outcome in the near future. Best wishes, Tim Sheahan, President, GSMOL, 760 727-4495.

3. Response from CoMO-CAL

CoMO-CAL Alert dated September 30, 2008. We received word today that Maurice Priest, GSMOL's lobbyist and corporate counsel, has resigned in order to "pursue other interests." Several of our members forwarded us the email they had received from GSMOL President Tim Sheahan. It is presented in #2 column 1.

Our article, which appeared as a September 28th ALERT and in [the October 2008 issue of THE VOICE](#), was signed by many CoMO-CAL members.

Our article was critical of GSMOL's relationship with Mr. Priest, who also runs a company that owns and operates mobilehome parks. This has put GSMOL in an awkward conflict of interest, and harms the organization's credibility and effectiveness.

We welcome this change as positive and long-overdue. Many of our members are also members of GSMOL. We hope that GSMOL and CoMO-CAL will now be able to work cooperatively to get good laws enacted and protect all our members in mobilehome parks throughout the state.

Frank Wodley, Tim Sheahan, and CMRAA President Gus Colgain will all be attending the National Conference in Minnesota this Thursday through Sunday. CoMO-CAL intends to take this opportunity to sit down with Tim and Gus in an effort to bring our organizations closer together. We will report back early next week of our progress.

4. Update: GSMOL, CMRAA and CoMO-CAL sat down together at the MHOCC conference on October 4th. The main thrust was to present a unified front in Sacramento. CoMO-CAL welcomes the opportunity to be involved in the legislative process from the start. Stay tuned for further developments.

CoMO-CAL will work with any organization that is doing good for mobilehome owners. That has been our stance from day one. We feel the goal of all advocacy groups should be mobilehome owners, not individuals, board of directors, etc. We all should work for you

CoMO-CAL THIS AND THAT

1. Closing:

We are not closing! We wrote a hypothetical article about closing, but we are not!! Don't worry. We just wanted members to know that CoMO-CAL takes everyone working and contributing.

2. Membership Dues:

As written last month, membership dues will increase as of January 1, 2008:

\$20/year, \$38/2 years, or \$54/3 years. We will continue our policy to accept what ever a resident can pay, i.e. a resident can belong for free if he/

she can show us they can't afford the usual dues.

3. Roadtrip:

Let us know if you would like CoMO-CAL to come to your park and talk. Bob Hites, VP in Marysville, has been traveling around the north. Now Frank Wodley will be available for Southern California. Take advantage of this offer! Sponsor a meeting for your park residents.

4. Website:

Go to comocal.org to see our new website. Please contribute to it. Photos, articles, etc.

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 _____ SPONSORED BY _____

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

MEMBERSHIP (\$15.00/12 Months, \$40.00/36 Months) 90 day full refund guarantee if not satisfied

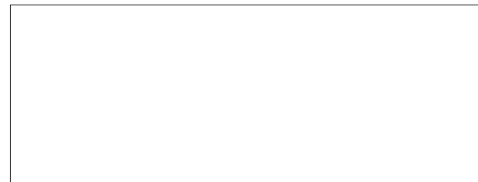
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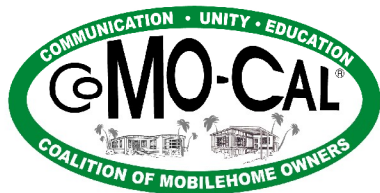


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**Our purpose is education,
communication and to unite
mobilehome owners.**

SERVICES WE PROVIDE OUR MEMBERS

1. THE VOICE, now bi-monthly. 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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