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THE VOICE

COALITION OF MOBILEHOME OWNERS

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Understanding Leads to Knowledge & Knowledge Leads to Action

Recently, a leader in the World Health Organization made a statement that really pertains to all of us wanting to make a difference in our lives: *“The purpose of UNDERSTANDING is KNOWLEDGE, and the purpose of KNOWLEDGE is ACTION.”*

We often write that KNOWLEDGE IS POWER. What is powerful, however, is when we use knowledge to take action. You have the POWER through your ACTIONS. Advocates can only lead and suggest. Donald DeVore wrote about “wake the sleeping giant.” He was referring to the potential power of mh owners.

Why are we writing this today? Because there are pending BILLS in the Legislature that will seriously affect us if they pass, namely AB 481 (Principle Residence), AB 566 (Condo Conversions), and AB 761 (Vacancy Decontrol). We ask that you call, write or email your legislators to **SUPPORT** AB 566, and **OPPOSE** AB 481 and AB 761.

Why should you be concerned about these bills? Take AB 761. It would allow rents to go to “market rent” upon the sale of a home in a rent stabilization area. Just what does that mean? It means a loss in home value. Remember our rule: a \$1,000. loss in equity for every \$10/month rent increase. If AB 761 were to pass, it could mean rent increases of several hundred dollars. Some of us would LOSE OUR HOMES!! Is that fact enough to get you to TAKE ACTION?

Hearings for these bills are already taking place in Sacramento. The next round takes place the middle of May, about the time you will receive this newsletter. As this is an ongoing process, your input will make a difference, but you must act quickly and not put it off. Again, CALL, WRITE, or EMAIL your legislator!!! Remember, there is no election, so you can’t cast a vote for or against - it is up to the legislature.

Email Addresses

We want to get information to YOU in time for you to take action, but it is often difficult because of constraints with the mail - bulk mail often takes two weeks to get to you.

It is so important that everyone reading this message GIVE US THEIR E-MAIL address!! Email is the only way we can instantly send important information to you for you to take ACTION.

On April 29, 2009 we sent out an email ALERT. If you received it, that means we have your correct email address. If you DID NOT receive it, it is imperative that you send it to us. Simply send an email to comocal@yahoo.com and tell us you want to be added to our ALERT NETWORK. This will guarantee you have the very latest, up to date information.

Just think what we could do if all parks were linked through an email network!! So please help us help you. THANK YOU

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CoMO-CAL, Inc. is a non-profit 501(c)3 charitable organization committed to protecting the rights of mh 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.

Purchase your Park

David Loop, Attorney (Aptos):
 831-688-1293

Deane Sargent (Ashland Oregon):
 541-708-5131

DVD on purchasing your park—
 on request

George Turk (Millennium Housing): 949-515-5100

Failure to Maintain Attorneys

Endeman, Lincoln, Turek and
 Heater (ELTH) San Diego
 800-895-5053

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 909-951-4431 or 909-782-4420.

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Who Do You Trust? The Loftin Firm? We Don't Think So

Sue Loftin (Address: 5760 Fleet Street, Suite 110 Carlsbad, Ca. 92008. Tel: 760.431.2111 Email: sloftin@loftinfirm.com) is an attorney. Her clients are both park owners and mh owners. Recently she sent out the following email to mh owners across the state:

THIS IS URGENT!

I just learned that negotiations are going on among some of the members of the Assembly housing committee and the proponents for AB 566 (Some Cities & GSMOL) bill to kill subdivisions of mobilehome parks) and AB 761 (WMA) (vacancy decontrol for rent control) whereby both bills would be approved and sent out of committee.

All of you know that I supported last year, and support now, changes to 66427.5 but I do NOT support these changes because it transfers too much power to the Cities to say no – You're a mobilehome park, we have rent control, we use the amount you pay in space rent to satisfy our state requirement to provide low and moderate income RENTAL housing – they do not take into account the costs related to the homeownership by the residents. So, the Cities want to STOP the conversions to meet their state obligations without having to provide true low and moderate income RENTAL housing BUT they are not

protecting you when they trade that benefit for themselves so that a buyer of your home will not be subject to rent control. That also benefits the Cities...eventually rent control will be phased out.

Emails and Letters MUST go out tomorrow if at all possible or the losers will be the residents.

Essentially, Sue Loftin wants you to oppose both AB 566 (Condo Conversions) and AB 761 (Vacancy Decontrol). She is suggesting that “some cities and GSMOL” are working to get both bills approved. It is my understanding that GSMOL and CoMO-CAL are aligned on this issue: opposing AB 761 and supporting AB 566.

So why does Sue Loftin want you to oppose the condo conversion bill which gives cities more control over “sham conversions?” Simply because Sue Loftin works for park owners up and down the state who are trying to condoize their parks, i.e. she does not want the Cities to be able to interfere in the process!!

Bottom line: be careful who you trust. If there is money involved, you KNOW the truth is at stake. Trust CoM-CAL. Our bottom line is your welfare, simple as that. We are mh owners just like you.

For more on the Loftin Firm see page 15.

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An Important Message from Our Ally: Tenants Together– Oppose AB 481 & AB 761

Editors Note: The following is an email we received from Tenants Together. It was sent to approximately 2,000 tenants around the state of California.. CoMO-CAL has teamed with Tenants Together and the Coalition for Economic Survival in campaigns against Proposition 90, 98 and others. We are grateful to Dean Preston, Executive Director and of course Larry Gross, Director (also Executive Director of CES— Coalition of Economic Survival).

Mobilehome residents need your support today. Greedy park owners are hacking away at rent control with two unfair bills--[AB 481](#) (Ma) and [AB 761](#)(Calderon).

Approximately 100 local jurisdictions have some form of mobilehome park rent control in California. Mobilehome parks provide a great deal of affordable housing in California, particularly for seniors. Rent control laws are essential to keeping these homes affordable.

Assemblymember Fiona Ma (D-San Francisco) has introduced [AB 481](#). The bill would make it easier for park owner to claim residents do not reside at the mobilehome as their principal residence, thus allowing park owners to escape rent control. Current law already contains an exemption from rent control in situations where mobilehome owners live elsewhere as their primary residence. AB 481 unfairly changes the criteria for the residency determination and shifts the burden of proof to residents. The law would undoubtedly be used as a tool for unscrupulous park owners to harass residents.

Assemblymember Charles Calderon (D-Montebello) has introduced [AB 761](#). This bill would provide for "vacancy decontrol" for mobilehome park tenancies, allowing park owners

to raise rents in an unlimited amount upon the sale, transfer, or termination of an interest in a mobilehome or tenancy. Tenants in rent control jurisdictions across the state have seen how vacancy decontrol under the Costa Hawkins Rental Housing Act has devastated affordable rental housing opportunities. Don't let the same thing happen to residents of mobilehome parks.

What can you do?

If you have a computer and access to the internet, you can send a message opposing these bills:

- Send a message opposing AB 481. Go to: http://org2.democracynaction.org/o/5247/t/2655/campaign.jsp?campaign_KEY=1455
- Send a message opposing AB 761. Go to: http://org2.democracynaction.org/o/5247/t/2655/campaign.jsp?campaign_KEY=1425&t=
- Or call the members of the Assembly Housing and Community Development Committee and tell them you oppose these bills. Here are their numbers:
 - Assemblymember Norma J. Torres, Chair (916) 319-2061
 - Assemblymember Diane L. Harkey, Vice Chair (916) 319-2073
 - Assemblymember Hector De La Torre (916) 319-2050
 - Assemblymember Mike Eng (916) 319-2049
 - Assemblymember Nathan Fletcher (916) 319-2075
 - Assemblymember Fiona Ma (916) 319-2012
 - Assemblymember Lori Saldaña (916) 319-2076

Thank you for taking action today!

Tenants Together / Coalition for Economic Survival—Two Important Allies

Tenants Together

Their website is: <http://www.tenantstogether.org/>
 Their Mission Statement is: *“Tenants Together is a nonprofit organization dedicated to defending and advancing the rights of California tenants to safe, decent and affordable housing. As California’s only statewide renters’ rights organization, Tenants Together works to improve the lives of California’s tenants through education, organizing and advocacy. Tenants Together seeks to galvanize a statewide movement for renters’ rights.”*

Organizational Members of Tenants Together

- California Affordable Housing Law Project
- Coalition for Economic Survival
- Coalition of Mobilehome Owners—California
- Eviction Defense Collaborative
- Eviction Defense Network
- Just Cause Oakland
- Housing Rights Committee of San Francisco
- Marin Tenant Voices Council
- Parkmerced Residents Organization
- San Francisco Tenants Union
- Santa Monica’s for Renters’ Rights
- Tenderloin Housing Clinic

Tenants Together is based in San Francisco. Feel free to contact us them with questions or comments. .Please note that they do not provide legal advice or legal representation.

Email: info@tenantstogether.org

Phone: (415) 495-8100

Fax: (415) 495-8105

Coalition for Economic Survival

Founded in 1973, the Coalition for Economic Survival (CES) is a grassroots multi-racial, multi-ethnic non-profit community based organization. CES is dedicated to organizing low and moderate income people to win economic and social justice.

CES assists working and low-income people throughout the greater Los Angeles area and surrounding counties in working together to empower themselves to impact the decision making processes that effect their day-to-day lives.

CES is committed to actively opposing any type of prejudice or discrimination based on race, gender, ethnicity, age, religion, income, disability or sexual orientation.



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Pay to Play?

From the San Francisco Bay Guardian
April 8, 2009 By Tim Redmond redmond@sfbg.com

Fiona Ma claims her mobile home bill is about helping poor people, not the campaign contribution she received

Fiona Ma, the California Assembly Member from the west side of San Francisco, has introduced a bill that would limit rent controls on trailer parks — something of a stretch for a district that has no mobile homes and for a politician who has never shown any past interest in the issue.

But several months before she introduced the bill, Ma received \$6,200 in campaign contributions from one of the leading mobile home landlord groups.

Assembly Bill 481, introduced Feb. 24, would make it easier for the owners of mobile home parks to raise rents on units that are either sublet or not occupied year-round. It's one of two major bills the park owners are pushing this year. The other, AB 761, by Assembly Member Charles Calderon (D-Montebello), would eliminate vacancy control in parks and allow rents to rise every time a space becomes empty.

Rent control in California mobile home parks is unusual. Trailer residents typically own their units but must pay rent to the park owner for the land beneath them. So mobile home owners — many of them seniors and low-income people — are actually tenants.

Under current law, local rent control ordinances apply to those trailer parks, keeping the cost of living there relatively low. However, the law allows park owners to raise the rent on trailers that function as vacation homes — that are not a principal residence for the owner and aren't rented to somebody else.

Ma's bill would make it easier to define a mobile home as a second residence and would eliminate the provision that protects sublets.

Advocates for mobile home residents have vowed to fight the bill. "In mobile home parks, the park owners have hugely disparate power over residents, most of whom are low income and over 60," David Grabill, an affordable housing advocate and attorney for the Coalition of Mobile Homeowners-California, told us. "Park owners also look for any hook or crook way to get a space out from under rent control or squeeze more rent out of the residents. Residents can't move their homes, can't afford to move themselves, and can't afford lawyers to protect their rights.

"This bill would give park owners a whole new way to threaten and intimidate residents.

"Ma insists that her only goal is to promote affordable housing. She told us that mobile homes in Malibu sell for millions of dollars, and that some are used entirely as second residences for wealthy people. "Rent control is supposed to be for low-income people," she said, arguing that if rich mobile homeowners lost their rent control protection, those units would be available for less wealthy people.

As for sublet homes, she said: "If the owners don't need to live there, then they can afford to live somewhere else — and they don't need rent control protection.

"Ma at first said she took up the bill because she was on the Assembly Housing Committee and was looking for measures that would promote low-income housing. Calvin Welch, a San Francisco activist who has been working on affordable housing issues for decades, finds that a bit odd.

When Ma was a San Francisco supervisor, Welch told us, "she was missing in action on every significant affordable housing measure. Much of the time, she was on the other side."

When we pressed her, Ma acknowledged that the Western Manufactured Housing Committee, which represents park owners, spoke to her about

In A Nutshell

Your friends and neighbors MUST realize the threats are real. Here is a partial list:

- Propositions 199, 90, and 98
- This year AB 761 (Charles Calderon)
- Interference of Sales
- Managers out of control
- Condo Conversions

Park owners continue their onslaught against rent control (rent stabilization is the formal way of saying it), and vacancy decontrol. They will continue to brainstorm ways to remove all pre-76 homes and to gain more and more control of us. Don't think they will stop. Remember they vowed that Proposition 98 was just the beginning.

Who is working to protect our equity and lifestyle? You tell me? There are very few. In fact advocacy in California has never been less effective. How do you think advocates work? It takes hard work from their membership: cards, letters and bodies. What is our biggest obstacle? Getting mh owners involved and active helping us help them.

Until we UNITE, we have little hope. There is no enforcement of the existing laws, other than getting an attorney, spending lots of money, and going to Superior Court.

And think about this. Who writes the new laws? And who do we go to when we have a problem? Both answers: attorneys. So now residents in Washington State have an alternative. They can submit a complaint to the state Attorney General. But here in California, the powers that be seem to be reluctant to get on board with this idea. Why? Could it be that attorneys will lose business if there is enforcement of our laws like Washington State? Just think about it.

So What Can YOU Do?

Believe in us, trust us, and promote us.

Support us, with your membership and/or donations.

Help us organize your park. Yes we said "help." You don't have to go it alone, we will assist you.

Get a list of parks in your area (we will supply). We also will help you find folks in other parks who are willing to help out.

If you have a computer and email, be our contact in your park. We have lots to share.

We need more folks like Connie and Gail in Yucaipa. Not only do they sponsor a new CoMO-CAL member each month, they also send us a nice check as a donation. And what about our member who has contributed \$5,000 on his own. We know not everyone can donate, but you can help!!

the bill. The group's Web site goes further, claiming that WMHC sponsored the Ma bill. And campaign finance records show that the WMHC political action committee gave Ma \$4,200 on Oct. 27, 2008 and another \$2,000 the next day.

Tim Sheahan, president of the Golden Gate Manufactured Home Owners League, which represents mobile home park tenants, told us Ma's

comments about million dollar homes are off the mark. "Sure, there are a few sensational anomalies. But that is no reflection on how most mobile homeowners live," he said.

And even if wealthier residents are forced to sell their homes, he noted, "the new residents will have to pay much higher rent. So there's no way this adds to affordable housing."

AB 869 by Bruce Stanton, GSMOL Corporate Attorney

GSMOL receives many complaints about on site management problems. I am frequently asked how I can help get a manager "fired" by unhappy park residents. Often there is no answer to that question. But by this Bill, we can begin the task of "reigning in" those managers who are not fit or competent to be in their positions. I am convinced that this Bill is the right fit for the times, and deserves the wholehearted support of all mh resident constituency groups. Allow me, if you will, a few paragraphs to explain.

This subject has been swirling around Sacramento for some years. Obviously the court system can help deter the most blatant types of conduct by finding in favor of residents where liability is clear. In those cases, a smart park owner will get the message that its employees can create liability for their actions, and hire accordingly. But in some cases it is the park owner which is dictating the manager's conduct and approving of it, and so how do we deal with those types of situations?

Some 4 years ago, a "task force" was assembled at the Capitol to discuss this issue when legislation to train or regulate managers was first proposed. Having attended those meetings along with John Tennyson, Jim Burr, Herman Osorio, WMA reps and others, it was obvious how guarded the park owners were about someone telling them how to run their businesses. The previous Bill was vigorously opposed. Indeed that will be their "mantra" once again, and we can all acknowledge that the legislature is historically reluctant to tell a private business owner how to staff its employees.

We need to recognize this going in, and come up with a creative way to "get our foot in the door" without it looking like an overt attempt to regulate the hiring and firing of park employees. And we need to recognize that with increasing govt. regulation in the financial sector, the Gov.

will be understandably reluctant to regulate private businesses even more in 2009.

The strategy we have adopted with AB 869 follows, in general, the same one that GSMOL has followed for decades, and which has successfully resulted in some of the strong Civil Code provisions we enjoy today. We often need to start legislating in a given area by "opening the door" and getting the topic included in the MRL. Once we establish basic legislation and have the topic included, we can push the door open wider in future years. But this type of issue is not going to get covered to everyone's satisfaction in one swift stroke, like the tree/driveway bill was able to do.

After a 2-3 year fight, that Bill ultimately passed at a time when the legislature and sitting Governor were ripe for its passage, and based upon the large damages that were being suffered by residents. Here we need to acknowledge that there is a different political environment, and that ongoing education of legislators will be required. Once we establish a threshold certification requirement that will hopefully encourage park owners to participate, we can then go back within a few years to strengthen it once we have evidence that it is making no visible impact. And we can use it to "reel in" the participation of WMA when it comes to other pending legislative issues; i.e. holding their feet to the fire when they say that they wish to be known as a professional advocacy group for their members.

Remember also that the more radical park owner organizations are actually gaining strength, and will be violently opposed to a severe attempt to regulate employment. But in this way, how can they object to a Bill which only encourages their participation in the training, and hopefully in the process makes managers more qualified? The psychology is excellent in my opinion.

And You Thought This Was America by Frank Wodley, CoMO-CAL President

It's pretty sad when management can give a resident a 7 day notice, while ignoring the resident's side of the issue. We are judged GUILTY without "our day in court." And you know, after three 7 day notices in a 12 month period, the next violation of the Rules and Regulations, management can send you a 60 day notice to evict you. Of course you can go to court then, but what about the cost and stress.

The other day I received a notice from the assistant manager. Actually I wasn't speeding as claimed and in fact her husband (going probably twice the park speed limit of 10 mph) almost ran into me when I was taking my son to school. What is worse, management claims that someone complained about my speeding. I've never gotten a notice for speeding in the 10 years I've lived in the park. But of course I got the notice, not him.

In fact, I have received numerous 7 day notices while living in Chatsworth MHP, primarily because the park likes to harass me and would like my family and I to move. They have advised new

residents to "stay away" from me. They routinely tell residents in meetings that "Frank Wodley" breaks the park rules.

I've gotten notices for parking in my driveway, leaving the clubhouse "dirty," having "non-existent" weeds, etc. I've gotten countless letters about "soliciting" in the park.

All this while the park willfully breaks the Mobilehome Residency Law. They interfere with sales, we can't use our clubhouse, they make-up new rules and regulations without following the proper process, etc.

So what is the solution? Residents MUST organize. One person can't do it all. It is a common park strategy to "divide and conquer."

So life in some parks is like life in a third world country. A life without rights. As with enforcement of the laws, it is up to you and I to take back our parks! After all, WE ARE AMERICANS and LIVE IN THE LAND OF THE FREE!!!

ORGANIZE & HELP US HELP YOU

The truth is that no amount of training or certification will prevent the bad park owners from hiring managers to carry out their wrongful schemes. That is where our advocacy groups come into play. We need to take the managers to court. We need to take those park owners who are instructing wrongful manager conduct to court. Legislation cannot be viewed in a vacuum as a "cure" for what ails the mh industry.

My hope is that we can have your support for this legislation, as weak or ineffectual as you might believe it to be, so that we can put something in place upon which we can build. And who knows...it might turn out to be way stronger an incentive than you think to do some good! If even one park is helped by this Bill, and

we establish a toehold from which to attack the problem at a higher level in the future, then it is good legislation indeed. I hope that I can personally count upon your support for this, and would invite all other residents to continue to document those areas of management abuse so that we can build upon this legislation in the future.

Thanks for the long read.

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San Rafael, homeowners lose Contempo Marin rent-control lawsuit by Jennifer Upshaw

Rents could rise in a decade in north San Rafael for residents of the rent-controlled mobile home park Contempo Marin now that a U.S. District Court judge has reaffirmed his belief the city's rent-control ordinance is unconstitutional.

U.S. District Judge Vaughn Walker in San Francisco issued an order for entry of judgment on Friday, after releasing findings of fact in January 2008 declaring San Rafael's rent-control ordinance violated the Fifth Amendment against government "taking." A stay of the order, which was denied Friday, had been sought to bar a rent increase until the lawsuit was resolved.

The decision nullifies the ordinance in 10 years - a time frame developed to give residents time to adjust to the market-rate rent adjustments - and calls on the city to pay Contempo's owner, Chicago-based Equity LifeStyle Properties Inc., \$3 million in attorneys' fees, although city would end up paying \$1.8 million based on a related ruling. If homeowners sell, the new owners will be subject to market-rate rent on the "pads," or land where the mobile homes sit. Homeowners lease the land from the property owner.

"During this 10-year period, the only 'hardship' current residents of Contempo Marin will suffer is the inability to capture the artificial premium in the resale price of their mobile homes that the ordinance creates," the judge's order reads.

"We're just looking forward to operating the property outside of the cloud of litigation and putting this whole thing behind us," said Kiley Russell, a spokesman for Equity LifeStyle Properties. "We feel it's a fair and reasonable transition plan that we can live with."

The city and the homeowners have 30 days to issue a notice of appeal once the judgment is recorded. A decision on whether to appeal has not yet been made, attorneys for the city and the homeowners said.

"We are assessing our options right now," said Craig Daniel, a San Francisco attorney representing the homeowners. "We haven't decided. It's certainly a possibility."

San Rafael officials could not immediately come up with a total figure of how much the city had spent on its own attorneys' fees.

Talk abounded last year that Equity LifeStyle Properties planned to more than double Contempo Marin rent to as high as \$1,925 per month, which would be out of reach for many of the park's residents who are on fixed incomes, officials said.

"Obviously the fact that the judge has effectively stayed enforcement to the current residents for 10 years is a good thing," said Michael Ng, an attorney who represents the city. "What it doesn't do is restore the equity that the residents have in their homes. The judge found that the only equity they have as a legal matter is the salvage value of the home, which we think is dead wrong and contrary to well-established law."

"It's certainly not what we wanted, but a half a loaf is better than none," said Dick Heine, president of the Contempo Marin Homeowners Association. "When the actual judgment comes out we need to make a decision where do we go from there."

Residents of the mobile home park just off Smith Ranch Road have endured years of legal back-and-forth.

The park's owner sued the city of San Rafael in October 2000, challenging the constitutionality of the city's ordinance, passed in 1989, to keep the 396-unit park affordable.

A settlement was reached in July 2001, but residents convinced the City Council to back out, prompting the park's owner to add to the suit accusations that the city breached the settlement agreement.

Framing the Issues by Christine Minnehan & Brian Augusta

May 1, 2009 TGIF

Deadlines bring out the worst in all of us, and this week that adage was particularly apt. Today is the **2009 deadline for all fiscal bills** to pass their policy committees or be dead for the year. But every rule contains an escape clause. Bills we list as dead today could spring back to life in another bill next month, or be re-introduced in 2010. The caveats in our bill report attempt to light that path.

Fireworks in Assembly Housing

Every seat in **Assembly Housing committee was filled** by homeowners from numerous mobilehome parks, in attendance to watch the messy business of passing [AB 566 \(Nava\)](#), a bill to rein in mobilehome park condo conversions. The measure is bitterly opposed by park owners who have found condo conversions as one of a number of avenues to get around local rent control. After an explosive hearing on the bill, the measure had to be put "on call" while housers and local government reps argued their case in the hallway to the two Dems who abstained on

the first roll call vote. After the hallway conferring, both Dems offered reluctant AYE votes, but warned the audience that they "reserve the right to vote against the measure later." And so it goes in the Housing Committee where it used to be significantly easier to line up the votes for passage of our bills.

[AB 761 \(Calderon\)](#), which would override approximately 80 local mobilehome rent ordinances that ensure rent controls stay in place when a home is sold, was removed from the agenda and will be heard on May 13. Housing and tenant advocates are strongly opposed. Homeowners moved into these parks, depending on the rent control ordinance to protect the value of their home. [AB 761](#) would change the rules midstream, and would result in the loss of homeowner equity estimated at \$2B -\$4B statewide.

The Senate Trans & Housing Committee approved [SB 23 \(Padilla\)](#) to require mobilehome parks to adopt and post an emergency preparedness plans.

A publication of the California Housing Law Project. www.housingadvocates.org

In November 2002, a jury ruled in favor of the city on the settlement issue, but it held off on other matters pending a U.S. Supreme Court ruling on a case involving the oil industry. The city on Friday was awarded \$1.2 million in attorneys fees for prevailing on the contract portion of the case.

Based on the Supreme Court ruling, Equity Life-Style Properties amended its complaint to change its theory of the constitutional violations alleged. Judge Walker's decision is based on evidence presented in 2002 and in the amended complaint.

Contact Jennifer Upshaw via e-mail at jupshaw@marinij.com. Reprinted from the

Marin Independent Journal, 4/21/2009.

Editor's Note: Dick Heine is a member of CoMO-CAL. In fact Bob Hites and I sat with Dick and other residents of Contempo Marin last month. I called Dick to comment on this article. The bottom line: residents homes are essentially worthless. When they sell, the rent will be increase to at least \$1900 or more. Remember, for every \$10/month increase, we estimate the value of your home decreases \$1000. So a \$1900 increase translates to an equity loss of \$190,000!

If this can happen in Contempo Marin, it can happen in your park. Another terrific reason to organize, know the threats, and help us help you!

Distribution of Literature in Parks by Frank Wodley, President of CoMO-CAL

Background: The distribution of literature in parks has always been met with resistance from park owners. They DO NOT want residents to know what is going on, whether in their own park, in the local area, or in the state. But it is imperative that residents be informed. Any one issue can have a serious affect on both their investment and lifestyle.

Recently a CoMO-CAL member of Riviera in Canoga Park was distributing our \$6/year flier for THE VOICE and was told by management that it was a solicitation. In fact the owner's attorney, John Trevellyan called me and said this "solicitation" is not allowed.

CoMO-CAL called Jon Heim and Mr. Heim did not charge for the following letter to Mr. Trevellyan. (Thanks Jon!)

"It is my honor to represent the Coalition of Mobilehome Owners ("CoMO-CAL"), a non-profit organization. I understand that you represent the owners of the Kona Kai and Riviera Mobilehome Parks in Canoga Park, California.

Recently the managements of those parks forbade CoMO-CAL and park residents from circulating and discussing the attached flyer from CoMO-CAL, entitled The Whisper. This suppres-

sion was a blatant violation of Civil Code sections 798.50 and 798.51, subdivisions (a)(2) and (a)(3). Park management may have mistaken the circulation and discussion as commercial. In view of CoMO-CAL's non-profit status and organizational objective of informing mh owners of their legal rights, the purpose of the supressed circulation and discussion was clearly noncommercial within the meaning of Civil Code section 798.51, subdivision (a)(3).

CoMO-CAL and I trust that, in the future, it will be permitted to circulate and discuss publications like The Whisper at Kona Kai and Riviera. If it is not it will reserve the right to file suit against the owners and management of those parks under Civil Code section 798.52."

Mr. Trevellyan replied saying that a CoMO-CAL representative, not a park resident, was involved. Well this simply was not the case. We are fortunate to have park residents distributing our literature in all cases.

So what is the bottom line? CoMO-CAL will defend our right and your right to distribute informative literature. If you are stopped and not allowed this right, please call or email us. We will make sure your rights are preserved.

Sacramento Summits

You may recall there was a "summit" of state-wide advocacy groups in Sacramento on February 27, 2009. The purpose was to get everyone "on the same page" with legislation. One issue CoMO-CAL talked about was a "Code of Ethics" for all advocates. A second "summit" was held on April 2, 2009. CoMO-CAL and GSMOL are discussing ways they might work together, now and in the future. Also an afternoon session was

attended by representatives from the Sonoma and Santa Rosa groups. We agreed that the ideal would be to "speak with one voice in Sacramento."

A "southern summit" will be held in Chatsworth on May 15th and will include other advocates who were not able to attend the first two sessions.

Tenant Disputes in Parks

Our park owners and managers do have a responsibility to keep peace in a park - to preserve the “quiet enjoyment” of residents. Here is a summary of appeal which was won by tenants:

Court of Appeal, Second District, Division 3, California.

Joel ANDREWS et al., Plaintiffs and Appellants,
v
MOBILE AIRE ESTATES et al., Defendants and Respondents. No. B166491. Jan. 4, 2005.

Background: Mobile home park tenants sued mobile home park and individual park managers, alleging breach of contract and negligence arising from their failure to take action against troublesome neighbor. The Superior Court, Los Angeles County, No. KC036603, [Conrad R. Aragon](#), J, entered summary judgment for park and managers. Tenants appealed.

CONCLUSION We recognize a neighbor dispute may present a landlord with a difficult situation. Nonetheless, the implied covenant of quiet enjoyment, which the law implies in every rental agreement, is not a novel concept. Further, in paragraph 6.2 of the lease, Mobile Aire explicitly undertook to try to protect the Andrews' quiet enjoyment of the premises by promising “[w]e

will try to maintain the peace and quiet[.]” The recognition herein that Mobile Aire owed the Andrews a *contractual* duty to preserve their quiet enjoyment is simply an acknowledgement of the obligation which is implied by law and which Mobile Aire expressly undertook in the lease agreement. In moving for summary judgment, Mobile Aire asserted its policy not to allow onsite managers to become involved in tenant or neighbor disputes due to the potential for danger, and that “[t]he manager advises residents of the park to call the police if they had a problem with another resident of the park.” Obviously, once tenants or residents become embroiled in an altercation, that is a matter to be handled by peace officers and not by the property manager. However, resort to law enforcement is not the issue here. A mobilehome park owner cannot disregard conduct by a tenant upon the park premises that constitutes a substantial annoyance to other homeowners or residents. ([Civ.Code, § 798.56](#), subd. (b).) Faced with such a situation, the covenant of quiet enjoyment requires a reasonable response by the landlord, which may include conducting an investigation and thereafter, taking appropriate action, which may include, inter alia, the issuance of a warning to the offending party, the pursuit of injunctive relief against the tenant to enjoin the violation (*id.*, [§ 798.88](#)), or, if necessary, the commencement of eviction proceedings (*id.*, [§ 798.56](#)).

Remember to Donate and Participate

There is strength in numbers. The more mh owners we reach, the more power we have to protect our rights. We will continue reaching out to folks across the state of California. But it takes money, time and effort. A \$20 membership does not go very far. The threats are real. AB 761,

the loss of rent control, and other issues could cost you tens of thousands of dollars. The only way to counter these threats is with “warm bodies.”

Please, CoMO-CAL needs your donations and participation!! Call us today! Thank You!

WHEN CAN PARK MANAGEMENT ENTER MY SPACE?

Some owners and managers of mobilehome parks think they can enter a leased space in order to conduct a general inspection or for any reason they like. However California's Mobilehome Residency Law ("MRL", Cal. Civ. Code, secs. 798-799.11) limits the grounds for entry of land and mobilehomes, and affirms that all but emergency or abandonment entries must respect the mobilehome resident's right of quiet enjoyment.

Management entry rights in leased parks are set by California Civil Code section 798.26. A similar Section 799.2.5 governs entry rights in condominium parks. Under both sections management's right to enter a mobilehome itself is understandably more limited than management's right to enter the surrounding space. "[T]he ownership or management of a park shall have no right of entry to a mobilehome or enclosed accessory structure without the prior written consent of the resident" (Cal. Civ. Code, sec. 798.26, subd. (a)), except "in case of emergency or when the resident has abandoned the mobilehome or accessory structure" (*id.*, subd. (b)). The resident may revoke consent at any time, but must do so in writing. (*Id.*, subd. (a).) These provisions recognize that a resident's mobilehome is his or her castle, like a house.

In recognition of the communal aspects of mobilehome parks, management has greater rights to enter the leased land on which a mobilehome rests. Management may enter a leased space "for maintenance of utilities, trees, and driveways, for maintenance of the premises in accordance with the rules and regulations of the park when the homeowner or resident fails to so maintain the premises, and protection of the park at any reasonable time[.]" (Cal. Civ. Code, sec. 798.26, subd. (a).) If such maintenance requires interruption in utility service for over two hours, management must give residents 72 hours notice of such interruption. (Cal. Civ. Code, sec. 798.29.5.) Otherwise the MRL requires no notice of manage-

ment's intent to enter. However some leases and some rules and regulations may specify notice beyond that mandated in the MRL.

A right of entry for maintenance of utilities, trees and driveways, or for protection of the park, is sensible because the MRL assumes and most park leases and regulations provide that the park owner will maintain those things. Note however that management may enter a space to maintain the *leased premises in general* only if the resident does not do so in accordance with park rules and regulations. Under this provision residents may credibly argue that management may not enter a space just to inspect it or to determine if it is being maintained as required, but rather may enter it only if it actually is not being maintained as required. **In short, no "fishing expeditions."**

Moreover management entry of a space, even for such authorized reasons, must not be done "in a manner or at a time that would interfere with the resident's quiet enjoyment." (Cal. Civ. Code., sec. 798.26, subd. (a).) Many mobilehome residents and other lessees may have heard the term "quiet enjoyment" yet know only generally what it means.

In the absence of language to the contrary a covenant of quiet enjoyment is implied in every mobilehome and other lease. "The covenant of quiet enjoyment 'insulates the tenant against any act or omission on the part of the landlord, or anyone claiming under him, which interferes with the tenant's right to use and enjoy the premises for the purposes contemplated by the tenancy.'" (*Andrews v. Mobile Aire Estates* (2005) 125 Cal.App.4th 578, 588.) However only a *substantial* interference with a resident's right to use and enjoy the premises constitutes a breach of the covenant of quiet enjoyment. "Minor inconveniences and annoyances" must be tolerated by residents. (*Andrews v. Mobile Aire Estates*, *supra*, 125 Cal.App.4th 578, 589.) Thus, for example,

More on the Loftin Firm by Clay Butler “Sham Conversions”

Editor’s Note: The following is taken from Clay Butler’s website on “sham conversions.” You can find it at: <http://shamconversions.com/2007/12/27/sue-loftin-of-the-loftin-firm/>

Our Opinion: [Sue Loftin](#) is clearly on the side of the park owner-investors. Apparently, in earlier times she represented park residents who were able to purchase their parks and convert them for their benefit. And, of course, this historically reflected the entire concept of MH park conversions, which was embraced by local and state government, and which formed the original basis of the government codes and the financing assistance programs. Of course, the park owners discovered this as a highly profitable way for them to eliminate rent control and with the help of the Sue Loftins and Richard Closes have been successful in modifying the codes and obtaining

favorable legal interpretations in the courts.

Her firm’s primary role in the El Dorado conversion, and in many other parks, is to get the conversion application approved through the city and state mapping process on behalf of the park owners, including the HCD and DRE requirements, while simultaneously getting MPROP funding for low-income residents and other financing for non-low-income, such as Cal Vet loans. (This type of financing is a lesser discussed aspect that in reality provides taxpayer funding to make owner-initiated conversions feasible and profitable.) Her legal firm often works along side [Richard Close](#)’s legal firm Gilchrist & Rutter.

It is important to realize that Sue Loftin has been very effective in befriending resident populations and gaining their trust to get a majority of residents to support a conversion. Her firm did this effectively at El Dorado.

occasional maintenance entries and equipment noises would not violate a resident’s right of quiet enjoyment, but persistent and unnecessary entries or noises might well.

In this manner the MRL strikes a reasonable balance between management’s needs and residents’ solitude. Management may enter leased land to fulfill management’s maintenance duties, handle abandonments or protect the park, but in so doing must not unduly interfere with a resident’s use and enjoyment of the land. Management may not enter a mobilehome or accessory structure unless the resident consents to entry in writing and in advance, the resident abandons the mobilehome or structure, or an emergency arises and necessitates entry. Management can’t just barge in and snoop around, and the law protects residents’ expectations of reasonable peace and quiet.

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Editor’s Note: Just to make sure I understood Mr. Heim correctly, I emailed him a question: “My management has given me a notice, several days in advance, of an inspection of my space. I assume they are conducting inspections of all spaces in the park. Do I have a right to say no? I have two gates, one on either side. Do I have a right to lock them on that day?”

Answer: “Yes, you may deny an “inspection” that is not based on an authorized reason for entry. A general inspection is not authorized. You may wish to inquire about the grounds for the inspection, to ensure that it is not really for an authorized ground like tree or utility maintenance.”

LISTEN UP - MAY 2009 IN THE EYE OF THE TIGER

Well I am no tiger. But people have said I look like a building with feet.

That is probably the best way to describe me physically. However, in my minds eye, I see the world much differently than others. I guess that is the good part of me. I am always willing to go the extra step to obtain results.

However, I have been advocating for quite some time now and I have learned and still learning all the time from the ground up. I never stop learning.

It is a heart breaker when I see people loose their homes due to not organizing themselves, their neighbors and their community. When mobile home parks begin to take on a loom of despair, a look of being run down, shabby, and thing start happening like your utilities to the park have been shut down and not for repair but for days on end, then it time to step up and request some help from those who just might have the answers.

Recently, less than three miles from where I live a mobile home park was closed down by HCD. Now mind you this process started well over a year and half ago. The residents had not paid any rent since June of 2007. The local newspaper ran an article of the situation bringing it to my attention. I went to the mobile home park and met with a resident.

I gave the resident my card and information on who to contact. I was invited back to speak to several more residents. Again, I handed out literature, gave verbal instructions and information and even set them up with an appointment with the local California Rural Legal Assistance agency which deals with those that are less fortunate. I made several visits into this park and each time I could see and hear the feeling of despair. I tried very hard to point them in a direction. They never took my advice; they never

showed any signs of organizing or helping themselves. The attitude existed that someone would take care of them. The local water company left the water on stating that they had to pay their water bill. That also was not done.

HCD made other stops into the park and checked on the lack of progress. Some started moving their small trailers out that could be pulled behind a pick-up truck or car. Others walked away from their singlewides. The park had been abandoned by its owners. The people lost faith in themselves. The people did not want to stand up and fight for their rights. They gave up and today all have been evicted off the property leaving behind personal belongings, untold amounts of trash and memories.

It broke my heart to see American citizens with no ambition to get involved and pursue an avenue of success. It is here. It takes ORGANIZATION, IT TAKES UNITY, IT TAKES INVOLVEMENT, IT TAKES ENGERGY and most of all it takes COURAGE in the eye of the TIGER.

This can happen to anyone of us at anytime. Please get involved. There are advocates all over this state that have answers and are willing to get involved and willing to help, but they cannot do it without your involvement and support. That support does not have to be money but YOU'RE TIME, YOUR ENGERGY AND YOUR FAITH IN OUR SYSTEM.

Until next time American, I remain, and can be reached for comment at 530-743-2965 or e-mail anvil95993@yahoo.com.

ROBERT C. HITES

Vice President of CoMO-CAL

comocal.org

CoMO-CAL This and That

1. **Renewals:** When you renew, DO NOT send in another application. If you have changes to your information, send only that. And we do not need the renewal notice—a check is sufficient. Otherwise, we may think you are a new member and re-enter your information again.

2. **Mobilehome Owners:** We are replacing the words “mobilehome owners” with mh owners in THE VOICE.

3. **Extra issues of THE VOICE:** You will notice that you are receiving extra issues of THE VOICE. There is much happening and we want

you, or members, to be informed. This is our policy. So when there is news, we will try to get it out to you.

4. Welcome all you new members. We hope you enjoy THE VOICE. We are always open to your ideas, suggestions and comments. We VALUE your input.

5. From A CoMO-CAL Member:
“WOW ! Frank, I had heard that this is a great organization, and getting an answer to my request for a copy of the latest newsletter, in just a few minutes is an OUTSTANDING example. Thank you. Gary”

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 (\$20/12 Months, \$38/24 Mo. or \$54/36 Months) 90 day full refund guarantee if not satisfied

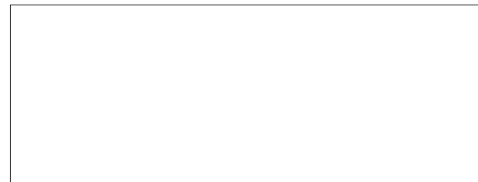
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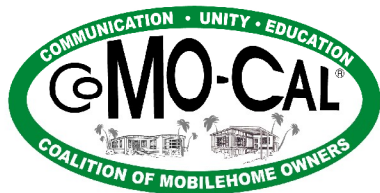


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SERVICES WE PROVIDE OUR MEMBERS

1. 6 issues (or more) of THE VOICE. Usually 16-20 pages long, filled with important information no mh 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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