

C A L I F O R N I A L E G I S L A T U R E

SENATE SELECT COMMITTEE
ON
MOBILEHOMES

TRANSCRIPT OF HEARING ON
MOBILEHOME PARK
RULES AND REGULATIONS



NOVEMBER 21, 1983
SANTA BARBARA, CALIFORNIA

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Senate Select Committee on Mobilehomes

SENATOR WILLIAM A. CRAVEN
CHAIRMAN

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MIRAMAR HOTEL

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III.

BACKGROUND INFORMATION

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BACKGROUND INFORMATION

The following background information is helpful in understanding some of the problems in the area of mobilehome park rules and regulations.

Why Have Rules and Regulations?

Mobilehome parks are established and operated like condominiums and other residential communities in the sense that people live relatively close together and share common facilities.

Therefore, rules and regulations are normally adopted by the park owner/manager to regulate resident conduct in the park and enforce cooperation in the use of common facilities, such as the swimming pool, clubhouse, laundry room, and the like. Such rules are normally designed to function like bylaws to ensure that the kind of lifestyle and standards of conduct which are expected by residents and management will be upheld and maintained in the park.

What Do Rules and Regulations Cover?

A review of approximately 35 sample rules and regulations from various parks throughout the state indicates that such park rules may be brief and concise, or lengthy and complicated. This often may depend upon the size of the park and the number of spaces or people living there, as well as the nature of the common facilities, such as recreational facilities, a clubhouse, etc.

In the park rules reviewed the most common subjects regulated or addressed include the following:

(1) Rents, fees and terms of tenancy - Provisions for when rents and charges shall be paid, provisions for late charges, termination of tenancy, storage liens on mobilehomes, fees for special facilities, etc.

(2) Use of common facilities - Rules regulating the hours of operation and conditions for use of swimming pools, spas, billiard halls, tennis courts, clubhouse, and the hours such facilities are open to children and guests, if any.

(3) - Adults only - Provisions restricting the use of parks to adults or certain age groups (e.g. 55 years of age or older) and prohibiting children in the park as permanent residents.

(4) Guests - Rules spelling out the maximum time period which guests and children are permitted to stay and fees charged for guests staying beyond the permissible period.

(5) Pets - Rules governing whether pets are permitted to reside with mobilehome owners, and rules governing when and how they are allowed outside of the mobilehome, such as provisions requiring pets to be on a leash.

(6) Accessories - Provisions governing the size, color and quality of accessories attached to the mobilehome or on the space, such as carports, awnings, skirts and storage sheds.

(7) Space maintenance - Most parks require residents to maintain their spaces in good condition - including painting, cleaning, mowing, trimming, etc.

(8) Landscaping - Many rules govern the kind and size of landscaping, such as ornamental rock, trees, etc.

(9) Subletting - Many mobilehome parks have rules prohibiting the subletting or subleasing of the mobilehome by the owner/resident.

(10) Mobilehomes for sale - Most rules permit the sale of mobilehomes in the park but regulate how the mobilehome can be sold, such as requiring that the manager be notified and giving the manager or owner the right to approve prospective buyers. Normally provisions relating to the "17-year old rule" are found here, giving management the right to require a mobilehome or accessories to be upgraded upon sale to a third party, or permitting management to require a mobilehome in "rundown condition or disrepair" to be removed from the park upon resale.

(11) Vehicles and traffic - Most parks have rules establishing speed limits in the park, many limit the number of cars which each resident may have per space, normally to two, some prohibit trucks or larger vehicles in the park and regulate where guests may park. Most prohibit motorcycles and the repairing or maintenance of vehicles on the premises.

Other areas often referenced in the rules and regulations include storage facilities, provisions and fees for utilities, use of laundry facilities, noise (cars, stereos, parties), consumption of alcoholic beverages, cable TV, use of TV antennae, and the use of mailboxes, among others.

Again, of the rules and regulations reviewed there is considerable difference in their length and detail from park to park.

Are Park Rules Governed by Law?

The Mobilehome Parks Act, Title 25 of the California Administrative Code, pursuant to the Health and Safety Code, regulates health and safety standards for parks. To the extent a park owner/manager establishes rules for the size of mobilehomes, accessories, space between coaches, electrical appliances or the like, they must be consistent with the code, although they may be stricter than the code's minimum requirements. Local ordinances may also govern health and safety requirements, although they too must be consistent with the minimum standards of state law. Park rules, of course, must also be in accord with local ordinance.

The relationship between mobilehome park owners and resident mobilehome owners living and renting space in the park is, however, governed by the Mobilehome Residency Law (MRL) (Civil Code Sec. 798 et. seq.). There are both formal and substantive areas wherein park rules and regulations in this regard are governed by state law.

The relevant formal requirements for park rules and regulations may be summarized as follows:

- (1) Rules and regulations must be included in writing in the rental agreement (at the time rental agreement or lease is signed). Civ. Code Sec. 798.15.
- (2) No fee shall be charged for enforcement of rules and regulations of the park. Civ. Code Sec. 798.36.
- (3) Consent of residents must be obtained for changes in park rules or regulations, or without consent regulations may not be applicable without 6 months written notice (60 days

for rules pertaining to recreational facilities). Civ. Code Sec. 798.25.

(4) Management must meet and consult with residents, individually or as a whole, upon their written request, about amendments to park rules. Civ. Code Sec. 798.51.

(5) Management carries the burden of proof that a "reasonable" rule or regulation has been violated by a resident, and the resident must be given written notice of the alleged violation and 7 days to comply with the rule. Civ. Code Sec. 798.56.

It is in the context of this last requirement that many of the difficulties between park residents and owners arise, as violation of a park rule is grounds for eviction under the MRL. Often these matters end up in court, and the key to these cases is whether the court sees the rule which is being enforced as "reasonable" - in accord with Section 798.56 (above). Rules which relate to health and safety standards of coaches, equipment or accessories, sanctioned by state law or local ordinance, are more likely to be upheld as "reasonable" than rules attempting to regulate personal conduct or behavior.

In addition to the formalities, the Mobilehome Residency Law effectively - although not expressly - preempts rules and regulations in certain subject matter areas of the park owner-resident relationship. The major code requirements in this regard are:

(1) Rent - That rental agreements be in writing; that the homeowner be offered a rental agreement of 12 months or lesser period as requested; that no fee for services rendered

not listed in the rental agreement be charged unless the resident is given a 60-day notice; and that no rent may be increased without a 60-day notice.

(2) Fees and charges - That homeowners shall not be charged a fee for other than rent, utilities and incidental reasonable charges for services actually rendered; that there shall not be a fee for keeping a pet in the park unless special facilities are provided; and that there shall be no fee for guests who do not stay more than a total of 20 consecutive days or 30 days in a calendar year.

(3) Right of entry - That the park owner/manager has no right of entry into the mobilehome itself unless it is a case of emergency or abandonment.

(4) Waiver of rights - That no rental agreement shall contain a provision by which the homeowner waives his rights, as contrary to public policy.

(5) Homeowner meetings - That the management shall permit mobilehome owners to meet in the club or recreation hall for holding meetings on matters relating to mobilehomes (or social and educational purposes, effective 1/1/84).

(6) Shared living - That an owner living alone will be permitted to share the mobilehome with one other person, and management will not be able to impose a fee or charge for such person (effective 1/1/84).

(7) For Sale - That an owner may advertise his mobilehome for sale by displaying a sign of certain dimensions; that the management cannot list or sell the mobilehome without the owner's written permission; that management cannot charge a

mobilehome owner or his agent a transfer or selling fee as a condition of the sale of the mobilehome within the park. The code also regulates the conditions under which a park owner can require the removal of a mobilehome from the park in the event of a sale to a third party. Additionally, the management cannot withhold approval of a prospective purchaser of a mobilehome if such person otherwise has financial ability to pay the rent and charges and has a satisfactory prior history of complying with rental rules.

(8) Eviction - That management shall not terminate or refuse to renew a tenancy except for specified reasons, and only upon giving a notice of 60 days. The reasons for termination include: failure to pay rent, utilities or other reasonable incidental service charges; failure to comply with reasonable rules and regulations of the park if given written notice of the violation (abovementioned); change of use of the park; condemnation of the park; failure of the homeowner to comply with local ordinances or state law; and conduct upon the premises which constitutes a substantial annoyance to other residents.

Hence, although the park owner or manager may singularly adopt and enforce mobilehome park rules and regulations, such rules are to no small extent circumscribed by state law.

What are the Problems?

When mobilehome owners first move into a park, they are given a copy of the rules and regulations along with the rental

agreement, as required by state law, and presumably know at the outset what conduct and lifestyle the rules and regulations will require. At a later time, however, when park rules are changed, residents may find themselves at odds with the owner/manager, feeling that the rules under which they moved in have been abrogated and their mobilehome lifestyle or investment adversely affected.

The most frequent complaints brought to the attention of the committee to date in this regard include changing the "adult only" status of a mobilehome park to one 55 years of age or older, or changing a family park to an adult only park. The committee has already held two hearings concerning the adult only problem, and further information on this subject can be found in the committee's report and transcript of its February 15, 1983 and October 1, 1983 hearings.

Another common complaint is with regard to changing a park rule permitting pets to one prohibiting pets, and in some cases requiring existing homeowners to get rid of their pets. The change in rules in a formerly "pet" park may be brought about because of problems which the manager has had with pets in the park or complaints by other non-pet owning residents. On the other hand, park residents, some of whom are single or senior citizens, may find it difficult to part company with such a pet, even within the statutory period of 6 months' notice.

Additional concerns with regard to mobilehome park rules and regulations have been brought to the attention of

the committee by the Golden State Mobilhome Owners League (GSMOL), some of whose members have encountered difficulties with the application of Civil Code Sec. 798.25 and Sec. 798.51 of the Mobilehome Residency Law.

Sec. 798.25 provides that a park rule or regulation may be amended with the consent of mobilehome residents, or without their consent upon written notice of not less than 6 months. (60-day notice for changes re recreational facilities).

Apparently, GSMOL's concern is that few park owners solicit the consent of homeowners concerning amendments to park rules and thereby may amend such rules more or less arbitrarily, and only with the required statutory notice.

Civil Code Sec. 798.51 provides that park management shall meet and consult with homeowners, upon written request, with regard to amendments or changes to park rules and regulations. Again, the issue here is that although Sec. 798.51 requires management to technically meet and consult with mobilehome owners, management need not take residents' suggestions or concerns into consideration when actually adopting the amendments.

Other problems are detailed in the testimony which follows.

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IV.

TESTIMONY

(a) Opening Statement

SENATOR CRAVEN: We have amplifiers but the recording equipment, unfortunately, does not work so we may not be able to have a complete transcript of this hearing, but we will appreciate your furnishing us any material you wish to have incorporated in the record.

We appreciate the opportunity to be here today to listen to concerns of those involved with mobilehome issues, specifically changes in mobilehome park rules and regulations. At the outset I would like to introduce members and staff of the committee who are present. They are to my left, Mickey Bailey, Secretary to the Committee; John Tennyson, Consultant; and I am Senator Bill Craven, Chairman, of the Select Committee on Mobilehomes.

The problems involving mobilehome park rules and regulations are sensitive ones. They are so because park rules and regulations govern the conduct and lifestyle of residents of mobilehome parks and therefore affect the relationships among park residents as well as with the park manager or owner.

The basic purpose of this hearing is to focus on changes in park rules and regulations. Complaints from those from whom we have heard in this regard are couched not so much in terms of complaining about the rules and regulations, per se, but rather the change of these rules and regulations after residents have already moved in and have committed themselves to a mobilehome park lifestyle.

Park rules and regulations vary with the kind of park and the size of the park and facilities concerned. Of some 35 sample park

rules and regulations which the committee staff have surveyed, we can say that the rules are simple and concise in some parks but somewhat lengthy and complicated in others. Basically, such rules govern payment of rent, terms of the tenancy, eviction, appearance, dimensions of accessories, whether residents may have children or pets living with them, the sale of a mobilehome in the park, and the like.

To some extent the Mobilehome Residency Law governs both the formalities and the substantive nature of subjects governed by rules and regulations. Perhaps some mobilehome residents do not feel park rules are sufficiently regulated by the Mobilehome Residency Law. Park owners probably feel they are adequately regulated already.

In any case, the issue of mobilehome rules and regulations is a difficult one because we are talking about the regulation - to some extent - of personal conduct and behavior - the relationship of park residents with one another and park management.

The background paper, which is available at the front table, provides more detail with regard to the subjects which normally are addressed by rules and regulations. How some of these areas are specifically regulated by the Mobilehome Residency Law is also outlined. The paper additionally notes some of the problems or complaints from residents from whom the committee has already heard.

(b) Testimony of Witnesses

SENATOR CRAVEN: Without further delay, let us proceed by hearing those already scheduled to speak. After that time we will be happy to take, on a first-come, first-serve basis, others who would like to address the issue at hand who are not so scheduled.

Please, when you approach the podium, identify yourself by name and position, as well as where you come from, and speak loudly and clearly.

First on our agenda is Jack Cole, representing the Golden State Mobilhome Owners League.

JACK COLE: First of all, I would like to express my appreciation for being able to speak here today before this distinguished committee. My name is Jack R. Cole and I live at 14685 Oakdale Road, Los Gatos. I am an Associate Director and former Chapter President for GSMOL.

Speaking before a recent GSMOL meeting Chuck Williamson once said, "You don't know what trouble is until you have been issued an eviction notice." Williamson was, of course, referring to those evictions issued in the change of use actions of Hamilton Park in Campbell. There have been evictions issued to parents with children in adult parks and, too, I suppose there have been evictions arising out of foreclosure actions. I have heard of threatened evictions as the result of failure to comply with a reasonable park rule but I have never heard of anything quite so ridiculous as a threatened eviction because of a pet cat.

Were it not for the serious personal and legal aspects underlying this case that I will relate to you here today, one might assume that this story is nothing more or less than a scenario for an afternoon TV soap opera.

In April of 1982 my wife and I in desperate need of adequate and affordable housing and prepared with a minimal knowledge of mobilehome living and all of its trappings entered into a purchase agreement on a mobilehome in a quiet mobilehome park. We were interviewed by the park owner and subsequently signed the rental agreement and park rules and regulations. Rule #1 stated in part, "No children or pets." We have a pet cat. The question of pets in the park had been discussed with the realty agent who had told us that there were other pets in the park and that there probably would not be a problem if we kept our pet cat out of sight. We did not discuss the pet question with management at the time. That interview and signing was, in fact, conducted within the manager's mobilehome amidst the screeching of her pet birds.

On the 29th of June, 1983, all park residents received a letter from management which directed all residents to rectify a variety of cosmetic deficiencies. It was, in fact, a something for everyone type of letter. However, item 3 stated, "All cats and dogs must be removed from park premises within 30 days or eviction notices will be issued." (Park rule #1).....Later that same day, the park manager telephoned me to discuss that letter and from the hour-long discussion that ensued the following became evident:

for rules pertaining to recreational facilities). Civ. Code Sec. 798.25.

(4) Management must meet and consult with residents, individually or as a whole, upon their written request, about amendments to park rules. Civ. Code Sec. 798.51.

(5) Management carries the burden of proof in evicting a resident for violation of a rule in that the rule or regulation violated must be "reasonable" and the resident must be given written notice of the alleged violation and 7 days to comply with the rule. Civ. Code Sec. 798.56.

It is in the context of this last requirement that many of the difficulties between park residents and owners arise. Often eviction matters end up in court, and the key to these cases is whether the court sees the rule which is being enforced as "reasonable" - in accord with Section 798.56 (above). Rules which relate to health and safety standards of coaches, equipment or accessories, sanctioned by state law or local ordinance, are more likely to be upheld as "reasonable" than rules attempting to regulate personal conduct or behavior.

In addition to the formalities, the Mobilehome Residency Law effectively - although not expressly - preempts rules and regulations in certain subject matter areas of the park owner-resident relationship. The major code requirements in this regard are:

(1) Rent - That rental agreements be in writing; that the homeowner be offered a rental agreement of 12 months or lesser period as requested; that no fee for services rendered

them, pet birds were not pets and were therefore okay. They would not consider a middle-ground amendment to their rules. Since we were going on vacation, we would have until September 1 to remove the cat or move out. The owners admitted knowledge of our cat six months previously and had not acted before because there had been no complaints.

The September 1 deadline did, however, afford us some needed time in which to muster our forces. On August 1, 1983, acting upon what I believed to be an illegal re-interpretation of an outdated set of park rules and regulations, I wrote a letter to the park owners requesting a meeting on August 30, between the owners and GSMOL representatives, under the provisions of Civil Code 798.51, for the purpose of discussing those rules.

Shortly after our return from vacation around August 17, we received two phone calls from the park's attorney who demanded to know what we wanted to talk about and what the agenda for the meeting would be. The attorney then stated that there was no basis for a meeting under 798.51. A letter to that effect was received at a later date. Management, in fact, did refuse to meet. That refusal was stated angrily to me in person by the owner on the evening of August 29 following a heated discussion outside of our home where the owner demanded that we submit to him, by September 1, a letter stating that our pet cat had been removed from the park.

In a letter dated September 9, 1983, the park attorney stated that eviction proceedings would be initiated if the pet cat were not removed within 30 days.

In the months following the June 29 letter, I conferred with dozens of people seeking advice and legal counsel. Among them were GSMOL representatives, private attorneys, the county district attorney's office, a former district attorney and many others, and opinions supporting our position were difficult to find. The consensus was that we would quite probably have to get rid of our pet cat even if we should elect to go through an expensive and protracted legal battle.

Throughout all of this my wife and I held firm in the belief that we were in the right. Whatever doubts we expressed were those of having little faith in the legal process and the system of justice in today's society. By now many of you here are wondering, "What is the big deal about a pet cat?" The park rules state "No Pets." We have a pet. The big deal is this. Our pet cat is strictly an indoor cat which never, ever leaves the confines of our home. We own that home. The cat never enters the common areas of the park and therefore is not within the jurisdiction of the park rules.

From California Civil Code Mobilehome Residency Law in effect January 1, 1982, Section 798.19, "No rental agreement for a mobile-home shall contain a provision by which the homeowner waives his rights under the provisions of Articles 1 to 8, inclusive, of this chapter. Any such waiver shall be deemed contrary to public policy and void."

The California Constitution, Article I, Section I: All

people are by nature free and independent and have inalienable rights. Among these are enjoying and defending life and liberty, acquiring, possessing, and protecting property, and pursuing and obtaining safety, happiness, and privacy.

Section 7. A person may not be deprived of life, liberty or property without due process of law or denied equal protection of the laws.

Section 13. The right of the people to be secure in their persons, houses, papers, and effects against unreasonable seizures and searches may not be violated; and a warrant may not issue except on a probable cause, supported by oath or affirmation, particularly describing the place to be searched and the persons and things to be seized.

Armed with this bit of knowledge and with the help of the Los Gatos Rent Mediation/Arbitration Ordinance, which also deals with evictions, we filed a complaint against the owners of the park which is still in litigation, and I made a phone call to the Mobilehome Complaint Center of Housing and Community Development, and I asked questions, questions to which I received answers that make sense. Mr. Mejia then referred me to HCD legal counsel, Ed Goebel, to whom I mailed copies of everything that I had thus far on the case. Here is HCD legal counsel's answer to my questions:

"Dear Mr. Cole:

"You have requested a legal opinion regarding the legality of attempts by the mobilehome park management to force you to get rid of your pet cat. This opinion will be based on the following assumption:

1. No pets are allowed in the park.
2. Birds are allowed.
3. You have a cat.
4. The cat never leaves your mobilehome."

"Mobilehome park management has delivered to you a notice requiring you to move from the park unless you get rid of your pet cat. You state that the pet cat never leaves the confines of your home. You also state that the park allows pet birds, presumably because they also are confined to the interior of their owner's homes."

"California law will allow an eviction from a mobilehome park only for violation of a 'reasonable rule or regulation.' The question in this case is whether a pet cat strictly confined to the interior of a mobilehome can be a basis for eviction of its owner from a mobilehome park. The answer is no."

"Under the express terms of the California Constitution, there exists an inalienable right to privacy. As construed by the California courts, the right to privacy within the confines of one's home is basically inviolate and cannot be intruded upon by anyone. In the present case, you have chosen to keep a pet cat strictly confined to the interior of your home. For anyone to force on you a choice of what you may or may not keep within the confines of your home is a violation of your right to privacy. This cannot be the basis for your eviction from the park since not only is the rule not reasonable, but under the facts of this case, it is downright illegal."

Now basically that is the thrust of my position. What we are looking for is input on whether we should pass new laws, rules and regulations, etc.

Senator Sam Irwin once said, "I have often thought that we should stop passing any more new laws and then set about to repeal half of those now in existence." Too many of us seem to think that the best way to resolve a problem is to pass another law. However, it seems to me that it would make a lot more sense if people would just exercise a little common sense and show a lot more respect for the rights of others. We have laws. And we may get new laws; but old or new, laws are no darned good without teeth.

I have attached substantiating material for your reference. We went through four months of hell trying to get answers. I am amazed that I received that letter from Mr. Goebel, and I am delighted that I have.

SENATOR CRAVEN: Let me ask you a question about Mr. Goebel. Is Mr. Goebel an attorney?

MR. COLE: Yes, sir.

SENATOR CRAVEN: Where is he located?

MR. COLE: In Sacramento with the Department of Housing and Community Development.

SENATOR CRAVEN: And he rendered a legal opinion for you?

MR. COLE: Yes, sir.

SENATOR CRAVEN: Well, his position is to advise the agency for whom he works and not to serve as counsel for the constituency.

However, I got the impression that it was his opinion that although you were aware of the "no pet" regulation when you became a resident, that it was irrelevant.

MR. COLE: Senator, I think the point we are looking at here is distinguishing between where the park rules have authority and where they do not. Certainly, we were aware of the "no pet" rule. We did, in fact, bring the cat in knowing there was a "no pet" rule. The question is legality and who can tell us what we can do in the confines of our own home. Certainly, I understand that Mr. Goebel put himself on the line in giving us his opinion. He wanted to emphasize that the Department of Housing and Community Development is not a law enforcement body. This is one of the problems we have. How do we get them enforced? Were it not for the Los Gatos Mediation Board, we would have been evicted.

SENATOR CRAVEN: The Board is considering the problem? What does that have to do with rent?

MR. COLE: They are a mediation board and rent is included, but they are concerned with evictions for various reasons.

SENATOR CRAVEN: That item has not been resolved? In other words, the park is presumably acting in a manner to fight you on the issue?

MR. COLE: The park owners suggest, "Let's don't tell anybody the cat is there." Let other people think the cat is gone and we won't say anything more about it. In fact, there was no complaint, but merely an inquiry.

SENATOR CRAVEN: There is really, in my judgment, a rather grave difference between inquiry and complaint. Well, maybe you have somebody who does not like cats or Jack Cole. You have a real problem, and a very interesting one. I hope the cat appreciates your efforts.

MR. COLE: Yes, sir.

SENATOR CRAVEN: Thank you very much, Jack.

MR. COLE: Thank you, Senator.

SENATOR CRAVEN: Next we have Jim Taylor representing GSMOL Region 1, Bay Area of San Francisco.

JIM TAYLOR: Senator Craven and Honorable Committee Members, I would like to thank you for the chance of addressing the Senate Select Committee on Mobilehomes.

My name is Jim Taylor, Director, Region 1, Golden State Mobilhome Owners League, Inc. I represent, as of October, 1983, 11,336 members, which is 40% of all mobilehome owners in the five Bay Area counties.

I would like to address this committee on a dilemma that now faces nearly one half million homeowners in this state alone. This is a homeowner, who although owning his home, is a tenant, due to the fact that he rents the land on which his home is located.

This came about through a combination of two American dreams working together. One was the dream of the retired person who wanted to be mobile and spend their golden years traveling until they found the ideal place to settle down for the remainder of their life. The second is the American idea that each family

should own their own home. The procedure started out with the retired person buying a recreational vehicle or travel trailer. They drove around the country and park wherever they could for a day, week or month. This developed a new industry, the R.V. Park. This was designed both for the person who wanted to spend a few days and the R.V. owner who was ready to settle down and remain in one area for a number of years. Gradually the travel trailer became larger and larger.

This was no problem as there existed many "RV Parks" available where they could be permanently located for a modest fee. Eventually the Recreation Vehicle and Travel Trailer became so large they are called "Mobile Homes." Unfortunately, they were no longer truly mobile. They were large enough that it became a major expense to try to move them. At this same time, it became more and more difficult to find spaces where it was possible to place them. Thus was built another new business, the "In Park" sales of mobile homes. This would have normally been a great step forward in the Great American Dream, affordable housing for many that could never afford stick-built housing. Unfortunately, the park owner can see themselves as a landlord with all the rights of the traditional landlord. This still the major problem.

The park owner, City Councils, County Boards of Supervisors, the State Legislature and even the Courts are unable to perceive that an entirely new situation has arrived. The park owner is not really a landlord; they are a purveyor of a service. In many cases, the investment of the homeowner individually is from \$20,000 to

\$80,000, the total investment is greater than that of the park owner. Our attitude has remained the same for centuries. The owners of the land are somehow endowed with the right to do anything they desire, regardless of how it affects the persons who may rent the use of the land.

The Legislature has started the long road to the future by passing the Mobilehome Residency Law in recognition of the fact that these homes are not "mobile" and that the owner many times has all of their estate tied up in that home. It is now time to go further and break the old tradition of landlord/tenant relationships in the mobilehome situation.

Let me give you a few examples of the type of problems that are common in Region 1, which is comprised of the five Bay Area counties.

1. In many of the parks, years ago, they installed master antennas for TV reception. In order to improve the looks of the park, private antennas were prohibited. Due to the cost of maintaining the master antennas, they have deteriorated to the point that they are useless and in many cases are not even connected to the individual homes any longer. You still cannot have individual antennas and so thousands of homes are in the position that they can receive only the one or two stations which they can pull in with rabbit ears. In this day and age, to deprive someone, especially the senior citizen of the use of TV is to deprive them of their major contact with the world at large. There is good

argument that to willfully deprive them of this right is a violation of their constitutional rights, but who is going to pay for the great expense of an attorney and court costs to settle the issue?

2. You must, in most cases, obtain the permission of the management before you can plant any shrubbery or trees. Yet the management has the right to plant trees on your space and then make you pay to trim and maintain them. They can also make you pay for their replacement if they die or are damaged. If they become a danger to the park or the home, the homeowner, not the park that planted them, must pay for their removal. Is this American justice?

3. Even though the Civil Code sets forth the reasons which may be used for the forced removal of a mobile home, in a great many cases park owners refuse to admit their legality and will try to force the homeowner to remove the home from the park at time of sale. In all too many cases this is done, as the homeowners only recourse is the courts, and who again can afford our legal system?

4. While the Civil Code speaks of park rules and regulations, there are no laws which set acceptable limits on the establishment of a park rule or regulation. In many parks throughout the state there are numerous different sets of rules, all dependent on the date you moved into the park. When rules are changed, in many cases no one is notified. Only the copy in the office is changed. Until this year, there were eight different sets of rules in my

own park, all had the same cover sheet with the same date, but all with different rules. This creates an impossible situation for the homeowner and would do so for park owners if they had to abide by their own rules. They do not, however. If there is a rule they no longer like, they just change it.

Senator Craven, I would like to take just one more minute to give you some exact examples of unreasonable rules and regulations from my own park.

1. My park is a family park where most homes are eight or less years of age. Many of the single wides have 3 bedrooms and most of the double wides have either three or four bedrooms. The park management has issued a rule that a single wide may have no more than one child and a double wide may have no more than two children. On the surface this may seem reasonable in limiting the number of children in the park. If you owned a home that could easily handle two children, would you be satisfied if the city, county or state told you that you had to sell it and move if you had another child? If a park is a family park, how can they justify telling you how many children you can have?

2. At the time the park was built, many residents purchased their home in this park due to the fact that it was still under construction, and they made special arrangements to have their lot built to park three or four cars. Management has now issued a rule that no homeowner can park more than two cars to a space. The homeowner is therefore being denied a right for which they paid extra when they bought the home and rented the space. Since

this order was made, many of the homeowners who have tried to comply by parking their cars on the dead end street in front of the park have had their cars ticketed, broken into by vandals, stolen and stripped. Who is responsible for these losses, the homeowner who paid extra for their space so they would have room to park their car, or park management who took that right away?

3. The clubhouse is for the use of the homeowners and their guests. After all, their rental fees include the cost upkeep, etc. Yet the management company has now decided that "due to vandalism" the clubhouse will be closed at dusk. (In the six years that I have lived in this park we have had no breakins or vandalism, only normal wear and tear. The management states, "if you want to use it, call the manager and they will unlock it for you." Of course, the resident manager feels that he goes off duty at 5 p.m. and so does not answer his phone or his door after that hour. And, of course, there is no assistant manager hired at any time. Our management recently started locking the clubroom during the day. The residents' association did meet with the management company and pointed out that this was illegal without the proper notice under the Civil Code. They also pointed out that next year the Civil Code specifies that recreational facilities must be open or available at all reasonable hours. They agreed to make the necessary changes and then sent a letter to all residents that they had decided to lock the day room and close the young people's poolroom at dusk. No sixty day notice

or provision whereby the residents could get into the facility were provided. They met with the representatives as the Civil Code stated but then did exactly as they wanted to do in the first place. Even though they are violating the Civil Code, we have no recourse except to hire an attorney and start a lawsuit. Again, who has that kind of money?

4. They (the management company) set the following standards for any NEW HOME moving into the park.

- a. Have house type of siding.
- b. Have composition roof.
- c. Have fully unitized awnings.
- d. Have skirting to coordinate with siding of home and be skirted with the same material as is used for the siding on the home.

This is fine for homes moving into the park. It will keep the park up to date and looking good. But now they have decided to make the purchaser of any home presently in the park abide by the same standards. They are requiring any house sold to meet these same standards. Most of the present homes were not built to hold the extra weight and pressure of modern roofs, etc. Even if they can be brought up to these standards, you are speaking of an expenditure of thousands of dollars.

5. Even though our park is on the Delta and air conditioning is a luxury, they are trying to enforce a ruling that any home sold must remove the exist roof type of air cooler and install air conditioning. The only way to remove the air cooler is to replace

the roof. 99% of the homes in the park were built specifically for the installation of roof coolers.

6. Even though the Civil Code prohibits the practice, they are now starting to tell owners of a single wide home that when they sell their home, it will have to be removed from the park as they intend to have only double and triple wide homes in the park. This is obviously untrue, as most of the spaces in the park would not legally hold a double wide. I am sure I do not have to explain this committee the value of a space in an existing park. At any time a space becomes available to move a new home onto, there are many people willing to "bid" for the right to rent the space and place a home they have for sale on the lot. There is a great deal of money to be made in this practice. I am not saying that this is being done in this park, but one must always wonder.

To sum up, it is my feeling that some provision must be made to give the homeowners in a park the protection of having a right to set the rules they live under. In most cases, the homeowner is more interested in having a neat quiet park than is the park owner. The park owner's only worry is how to make the most money for the least expense.

I also strongly feel that some provision that either the City and District Attorneys and the Housing Community Development, Standards and Enforcement Division, must be mandated to enforce the Civil Code, or some method must be devised whereby the homeowner is given assistance in protecting their rights. Because of budget

problems, all to many City and District Attorneys are flatly stating that they will not handle misdemeanor cases. This leaves the homeowner with only one option. They must hire an attorney and go through the courts. This means they must pay both their attorney and ones hired by the park owner. If the park has to hire an attorney, they raise the rent to pay their cost. If they lose the case, they again raise the rent to pay for any fine cost to them, thus the homeowner is always in a "no win" situation.

The very least that must be done is to remove from the Civil Code the permissive, may, should, and reasonable. Provision must also be made so that the park owner cannot recover any cost of attorney or court fines or settlements through the process of raising the rent to compensate themselves for the loss.

The present attitude on the part of most park owners that if you don't like what I am doing, "sue me" must be changed so that they and the mobilehome owner are on equal footing.

SENATOR CRAVEN: Mr. Taylor, before you leave, I'd like to ask you a few questions. First of all, thank you for your testimony which was very, very interesting. Do you feel that statutory changes would find us in complete balance as to the total problem and that everybody would feel it was thereafter all goodness, sweetness and light?

MR. TAYLOR: No, Senator, what I do believe we could do is work with the Civil Code. I believe a bill came up last year that provided a chance to work with each other. However, the bill got dropped, but at least it brought the problem to the attention of

the park owners and residents. In many parks this works very well.

SENATOR CRAVEN: What you are saying, I think represents many people. Do you think further study should be made to bring a meeting of the minds closer together?

MR. TAYLOR: Oh, very definitely.

SENATOR CRAVEN: How much of this do you think is personality? Often it is our feeling that it is the manner in which the park manager handles the problems.

MR. TAYLOR: A lot of times it is not management, but the individual manager of the park. I feel there should be a way of certifying mobilehome park managers so they may be educated to the "word," so to say. Many times they do not know the Civil Code. Sometimes, because of the pay the manager gets, he doesn't feel it is worthwhile. In the past year we have had four managers of our park.

SENATOR CRAVEN: How many units are there in your park?

MR. TAYLOR: 150 units.

SENATOR CRAVEN: Is it a family park?

MR. TAYLOR: Yes, sir.

SENATOR CRAVEN: Is it permissible to have children in the park?

MR. TAYLOR: Yes, our average age is 45 years old.

JOHN TENNYSON: I was interested in your comments regarding the Civil Code which requires that private action be taken. That is the way the code was designed. So what you are saying is that instead of being self-enforcing, the Department of Housing and

Community Development should be made more like an Attorney General's office. Who will pay the costs?

MR. TAYLOR: I think we as taxpayers are already paying for that cost. The Department of Housing and Community Development as an enforcement agency is not enforcing the Civil Code or Title 25.

MR. TENNYSON: There are virtually thousands of parks in California. I would assume the State of California would have to hire additional personnel if they were given that mandate. Who would pay the cost of these additional employees?

MR. TAYLOR: I believe the taxpayers.

MR. TENNYSON: Thank you.

SENATOR CRAVEN: Thank you, Jim. Next we have Mr. Leo Seeley.

MR. LEO SEELEY: I live at 945 Ward Drive #132, Santa Barbara, CA, 93111. I am the Director for Golden State Mobilhome Owners League Region 8. Region 8 includes Ventura, Santa Barbara, San Luis Obispo and Kern Counties.

Most of Region 8 is a very moderate temperature the year round. Mobilehome owners move into mobilehome parks with swimming pool rules and regulations and the pool has been in use and heated 12 months of the year. In some parks this existed for 10 years. Brochures on the park indicate a heated pool.

In the last few years owners have closed pools or failed to heat pools six months of the year from November 1 to May 1.

These rules are changed to reduce the park's gas bill during cooler months. The rules are changed without consultation with mobilehome owners. When home owners complain about closing or

not heating the pool, the complaints fall on deaf ears. "This is the new rule and regulation," is the reply.

Park owners have huge savings when they do not have to heat the pool in winter months, but the savings are never passed on to the home owners.

We do feel that in moderate areas of Southern California these pools should remain open and heated 12 months of the year, if this had been the previous practice of the park. Thank you.

SENATOR CRAVEN: Thank you very much, Leo. And now I believe we have Al Arps from San Juan Capistrano.

MR. AL ARPS: Good morning, Senator Craven, Senators of the Committee, staff, consultants and friends.

My name is Al Arps, from San Juan Capistrano in Orange County, and I represent my city at this hearing - their letter to Senator Craven is in his hands.

Our City Council and the Mobilehome Council representing 12 parks, seven in our City, thank this Committee for confronting another problem area in mobilehome living.

We are sure your Committee and staff have heard the many "horror" stories that abound in this area. We could add to this list with documentation, but to what avail? It is ironic that most park owner-management teams have no problems in this area - but the remaining group sure make up for it.

Park rules and regulations, like governments in general, are no more than a discipline of human beings. No society on earth can exist without laws and laws are a discipline of people.

Mobilehome owners, in the majority older Americans gathered together as a closed community in a park must establish guidelines called "Park Rules and Regulations" to live as a peaceful, stabilized society - or there would be chaos. I refer to this as a discipline.

In the beginning someone had to establish Mobilehome Park Rules and Regulations, and it is logical the first park owners did this. Since then there have been many additions and many changes, and in the majority of cases these changes or additions came from Park Owner-Manager or WMA. The irony here is that few homeowners have had much impact on this process.

Congratulations must be extended to GSMOL for their vigilance and input over the years in attempting to maintain some degree of due process and equal protection for the mobilehome owner.

May we humbly request that through this Committee an amendment to existing legislation be created to help mobilehome owners protect their private property (their homes) and some control of their private lives.

We would suggest an amendment to Article 3, Section 798.25 with language of the following intent:

"Changes or amendments to existing Park Rules and Regulations may be presented by Park Owners-Managers or Homeowners-Residents through their Homeowner Association."

"Such changes or amendments shall become valid and operational only after approval by fifty-one per cent (51%) of the spaces in a park. This process shall be by printed ballot and counted by representatives of each side."

This process will give all homeowners an equal chance to control their destiny.

Last but not least, we would appreciate the Legislature spelling out which level of government - city, county or state - shall have the legal right to adjudicate problems in this area. Our city, and we believe other cities, require a valid petition; signed by fifty-one per cent (51%) of park spaces, before an advisory body such as a Mobilehome Review Board can act on problems in mobilehome land. This process emphasizes the age-old American practice of "Home Rule."

Your consideration of these proposals will be deeply appreciated and I will try to answer your questions. Thank you kindly.

MR. TENNYSON: I have a hypothetical question with regard to your proposal that the Civil Code be changed or amended by 51% of the residents. Let's say that Mr. Cole moved in this park with his cat and 51% of the residents prohibited cats. Doesn't Mr. Cole have the same problem that he has now where the park owner has the option?

MR. ARPS: The courts give the residents permission to adjudicate.

MR. TENNYSON: If it is going to be subject to review, aren't you going to have continuing court cases?

MR. ARPS: Has it not been that the Mobilehome Residency Law is in a state of flux each year? There would not have been so many changes were it not.

MR. TENNYSON: I was specifically referring to rules and regulations.

MR. ARPS: The Mobilehome Residency Law pertaining specifically to rules is a very small section. Certain cities like mine would respect and honor the Legislature creating some provision wherein our people could turn to the City Council or the District Attorney. Most Americans dislike going through the legal process. Suddenly now it is, "Let's go to court."

MR. TENNYSON: Thank you.

SENATOR CRAVEN: Do you feel it is logical that I, as an individual investor in land, convert it at my own expense to make a mobilehome park, and after having done so at my own expense and cost, do you think I will wait until 51% of the tenants tell me how to run it?

MR. ARPS: First of all, Senator, you are well aware that creation of new mobilehome parks is very distant. Secondly, if one was created, those park rules and regulations came from the establishment already; they don't have to be created from the beginning. It is the homeowners in this park who own the property whose lives are being guided by one person, the manager. Therein, has it not been by traditional equal justice for an American homeowner to have a say in his destiny and his quality of life? (Applause).

SENATOR CRAVEN: You could run on that platform, Al. The remise you offer is indisputable, but it still remains that, I as the landowner may say I want Dusty Millers along the road, but

51% of the residents don't like Dusty Millers. As the owner, I want to put them in! Sure, there should be equity, but that is a two-way street. At the United Nations in New York the U.S.A. has one vote; Zimbabwe also has one vote. Now they are controlling us. That may be a grotesque example, but how or where do we strike a balance? Seemingly, the fellow who pays the price should have the opportunity to call the tune.

MR. ARPS: He should, but there comes a time when a change in those rules and regulations should be made. Don't you agree we should have a voice?

SENATOR CRAVEN: What you are saying is that we started the game with one set of rules and now in the midst of the game we are changing the rules.

MR. ARPS: Yes, Bill, you do change the rules in football.

SENATOR CRAVEN: One thing - the term "reasonable or reasonableness" was used. It has a certain goodness about it, but what constitutes "reasonableness" can be a real problem.

MR. ARPS: Two of the Appellate Court decisions use the word both in the language of the decision and in the annotations therein. The word is used in quotes, but other court decisions do not put the word in quotes, but all of them get into a like term in using "fair return" or "fair profit." Please show me in which dictionary or reference manual what is the definition of "fair return." Has it not been an accumulation of ethics over the years? There are no rules. What is "reasonableness?"

SENATOR CRAVEN: I am sure we are not going to solve this

today, but, as usual, your remarks are most articulate. Thank you. Now we will have a brief intermission.

(Intermission).

MR. LEONARD WEHRMAN: Good morning, Senator.

SENATOR CRAVEN: Good morning.

MR. WEHRMAN: Good morning, ladies and gentlemen. My name is Leonard Wehrman, 161 Franciscan Drive, Daly City. My background might be of interest to those out in the audience. I have served as Chairman of the National Mobile/Manufactured Homeowners Association, and as a member of the Executive Committee of the National Mobilehomeowners Foundation, which is an organization of mobile-homeowners around the United States, and we're hoping that the Golden State Mobilhome Owners League will join in the early 1984. I also served as the Chairman of Consumer Subcommittees, and as a member of the Executive Committee of the National Manufactured Home Advisory Council to the U.S. Department of Housing and Urban Development. I'm also a member of a National Study Panel with the title, "Future of Mobilehome Communities," and lastly I was a former Regional Director of the Golden State Mobilhome Owners League from 1974 through 1976. Senator Craven, my brief comments today represent a consensus of a broad view of activity affecting the homeowners, not only in California, but, frankly, all across the United States.

SENATOR CRAVEN: Your subject matter is a very common thing in the United States.

MR. WEHRMAN: It is our considered opinion that the various

mobilehome residency statutes, the actual practices of park management, and the immediate and the future concerns of homeowners/resident governing the establishment, changes and enforcement of park rules and regulations within the mobilehome residency framework have created the necessity of this public hearing. Mr. Chairman, all across the state and our nation our mobilehome communities are constantly changing, and we need to address the key issues that affect, not only the homeowners, but the homeowner lifestyle. During my brief testimony today I will touch on some of the more predominate concerns.

Under the major heading of "perspectives," the relationship existing between the homeowner resident and park management is well documented through our court systems, state and local government bodies, and on the streets of our mobilehome communities. This exposure clearly describes the dual property rights and the roles between the two categories. The traditional landlord-tenant type legislation, introduced today and in effect today, does not begin to answer the problems of this non-traditional lifestyle that we are experiencing in 1983 and that we will be experiencing in future years. There is no doubt in my mind that certain facts of mobilehome community living are creating a new relationship not realized in the past. It is obvious that negotiations of the public protection for homeowners/residents has lagged far behind the present day park operator/management, such as the financial investors and syndicators.

We sometimes forget that it wasn't until the year of 1970,

just a mere thirteen years ago, that the first section of the Mobilehome Residency Law was enacted into law and, indeed, in recognition of this unique lifestyle. What we are seeing today is another phase in the struggle for the homeowners to receive the acknowledgment and the protection of the property homeowner and a respected person of a closed community. The concept of the mobile-home development has changed considerably from the time when the developer purchased property, laid out the lots, sold homes for a handsome profit, and established some basic rules and regulations. As long as the rent was relatively low, there was peace and harmony.

This has been radically altered in the past few years into a system of serfdom mostly through the application of archaic and traditional landlord-tenant type legislation and practices on an entirely new living mode. Through the advocacy of inapplicable rules and regulations, abuses have beset the homeowner who finds little or no redress in the legislation or the courts because, frankly, the laws today do not fit the system. By accepting the traditional rules and regulations concept, with the landowner-tenant mentality in our mobilehome communities, the Legislature and the judiciary have, in fact, created and perpetuated a very closed community and isolated environment.

Senator Craven, all over this state, your committee and members of the California Legislature are seeing the results of the dilemma and, frankly, why you are here today. The California Legislature through the Senate Select Committee on Mobilehomes now has an opportunity to squarely address this vital issue, and

I would like the opportunity to present some additional points for this committee to consider.

Now the Mobilehome Residency Law in general. At the outset it is necessary to point out that neither the Mobilehome Residency Law or any statute requires park management to adopt or promulgate any park rules or regulations, as many of the residency provisions are already contained in the code. In fact, I can find no provision that specifically allows, prohibits, restricts or authorizes their original adoption or any promulgation procedure. They are a tradition carryover from the trailer house days for transients. Code Section 798.25 pertains only to the method of amending the rules and regulations and even that is extremely vague and confusing. It should be noted that the term, "rules and regulations," is not defined in Article 1 of the code. Senator, on this subject it would be reasonable to conclude that the Mobilehome Residency Law is archaic, and in this particular instance is ineffective.

Under the heading, "Present Practices." Notwithstanding my comments above, the park management through their attorneys are establishing, amending, and promulgating any type of park rules and regulations that they choose without proper regard to the homeowner/resident and, frankly, their standards are not measurable to any standards except for their own personal whim. The Mobilehome Residency Law is silent as to whether a rule or regulation that is published or amended should first be considered as "reasonable." In fact, the law allows them to be unreasonable. They are not even subject to a good faith obligation. If the park management does accept or adopt an unreasonable or bad faith rule and regulation

it creates a great, heavy, and potential burden on the homeowner at the outset to deal with. It could be declared unenforceable, but having those rules retracted, removed, or rescinded would undoubtedly require legal action or possible litigation to resolve the issue. The average homeowner/resident does not have access to the legal system, attorneys for counseling, or the funds to pursue a proper course of action. The word "reasonable" relative to the rules and regulations appears only once and that is in Section 798.5(c) under the termination of tenancy article. At all other times the word "reasonable" has been purposely omitted. On this subject, it would be reasonable to conclude that the Mobilehome Residency Law is misleading, is very deficient and, frankly, it is unacceptable.

Under the heading: "Changes or amendments to rules and regulations," as stated, it is traditional that park management establish rules and regulations governing the behavior of the homeowner/resident and guidelines for the use of the recreation facilities. The Mobilehome Residency Law appears also to easily and openly allow changes, deletions or additions at the sole discretion of the park management. However, these are procedural only, are not restrictive in nature, are easy to overcome and present no problem. In fact, under the Mobilehome Residency Law, everything is entirely possible. For example, let us examine a typical scenario existing today in addition to those that you have heard before. A full park ten years old, that has three hundred homes, four hundred residents, the usual mix of all, adults many of whom are still employed. The management suddenly

decides to issue a new rule and regulation that states, "There shall be no vehicular parking on the streets or roadways by the park residents or guests or commercial operators on business any time of the day or night. Violators will have their vehicles towed at the owner's expense to the park recreation storage area and will cost the minimum of \$40 per day for the towing-storage fees to obtain the possession of the vehicle. For the safety and welfare of our residents and access by the emergency-type vehicles, this is an urgency matter and this rule will become effective immediately." It is signed by the park management; it's dated and published to all residents with this additional note. "Please sign here and return this notice of a rules and regulation change to the park office as soon as possible." Two questions arise from that. Perhaps even more, but basically too, what is the average homeowner in this particular instance expected to do? And what would you do in this particular set of circumstances? On one hand it sounds like a good rule. On the other hand, is it a proper rule? Is it a rule that should be established, and is there due process? In my opinion, on this subject it would be reasonable to conclude that the Mobilehome Residency Law is rather worthless.

Under the heading: "Park rules and regulations into a single document," it addresses the issue that Jim Taylor rose to earlier. Park rules and regulations should be accumulated and maintained in a single document format only. That is to say, a single document without any revisions or changes floating around elsewhere. Normal revisions to the park rules and regulations would be made by the management to the master copy only. It would

be entirely reprinted, it would be dated, it would be signed by the management, and be distributed to the homeowners, further stating precisely what revisions are being made. More important, they will become effective for everyone including the new mobilehome resident on a specific date according to the provisions of the Mobilehome Residency Law. A new resident coming into the park would be given both existing rules and regulations that would be effective at that particular time, plus the revised rules and regulations. This would remove the unequal enforcement directed to a certain class of homeowners and would put everyone on an equal starting point. By this method, the park management could not "on the spur of the moment" establish a fictitious rule and regulation to counter the acceptance of a new prospective purchaser/resident or impose a phony and unreasonable restriction on the homeowner/seller. In addition, this procedure would permit both park management and homeowners a sufficient waiting period to review, discuss, reject, or implement park rules and regulations as a whole or to revise portions in particular.

Under the next subject, Mr. Chairman, this is something that is being proposed all around the United States, and I would like this committee to give very strong consideration to this. The subject is, "A two-tier park rule and regulation system." A system that has long been recommended is a two-tier park rule and regulation system that puts very significant subjects into major and minor categories. The major category principally covers the subjects that are directly involved with the homeowner, their

home and their home site, such as landscaping, residency standards and the most significant items affecting the homeowner directly. Generally, these subjects receive the most legislative and judicial concern. For example, under the major category would be such things as mobilehome selling standards, landscaping requirements, adult versus family parks, general park standards, etc. Under minor rules and regulations would be such things as speeding, guests, storage areas, some of the more minor items. Frankly, this I consider the give and take in order to get something, Senator, as you discussed before. I think we have to give and take on all these issues. I see this as a give and take issue. Now, I have to admit that there is some degree of controversy connected here, for now, I would not address recreation facilities as an issue and would leave that under the current Mobilehome Residency Law, although I would suggest that it be reviewed because I believe that new legislation which will go in effect January 1, 1984, may address some of those issues. But I would see that down the road sometime in the future some controversies arising over recreation facilities, but for now I would be willing to leave those as part of a compromise procedure. As stated under minor amendments to the current law for the single document concept, the park amangement would continue to be able to make the revisions to the minor park rules and regulations. However, the revision to the major park rules and regulations would be presented to the homeowners association and a full vote by the park residents. I think the prior testimony in this regard is sufficient and, therefore, I won't go into that

aspect any more. And the principal reason for doing this is, is that I look around this audience and, Senator, you look around this audience and both of us have been in mobilehome affairs long enough to know that we firmly know that the typical homeowner today is a very reasonable person. When given the opportunity and the responsibility to be that homeowner and this plan would definitely, in my opinion, improve the relationship that is beginning to disappear within our mobilehome community. And, in conclusion, Senator Craven, the future will tell us how well we understood this complex problem today and whether we are ready to seek new directions and alternatives.

SENATOR CRAVEN: Thank you very much, Len. I appreciate your remarks as always. You've been one of our informants, I suppose that is the way to say that, over a period of time and we do appreciate the interest you've shown as well as the very fine remarks which you made today. Hopefully, you will see fit to keep us involved with those things that you come upon which you think may serve as a guideline to future legislation which we have and those areas where you feel the concentration should be made and basically, I think that's what you said today. I'm sorry that we don't have this on tape, but Mickey, of course, has been taking notes.

MICKEY: Mr. Wehrman has loaned us his recorder this afternoon.

SENATOR CRAVEN: Well, he has his own, that's true, yes, I know, but he's going to take that back with him and sit in his

living room and listen to it.

MICKEY: I thought I was taking the tape home with me.

MR. WEHRMAN: You are.

SENATOR CRAVEN: That's very kind of you. Well, we're going to have some testimony then, aren't we? But Mickey has been making copious notes there. What's that where it is says, "Our Father, who art in heaven?"

MICKEY: That's it, exactly. (laughter).

SENATOR CRAVEN: Very good, Len, thank you very much. The next gentleman is Mr. Bob Rudin, who is from Chino, California, and he is a GSMOL representative, and here he comes now in his dapper black and white checked coat.

MR. BOB RUDIN: Thank you, Senator, for the comment.

SENATOR CRAVEN: You're very deserving, Bob; you look very nice.

MR. RUDIN: I'm Bob Rudin, Regional Director for Region 6, and I represent all of San Bernardino County. Now I want to highlight just a couple of things and run over them fast. By the way, I was not prepared for this because I thought I was coming to listen. Maury said, "No, present a few things if you would, Bob; we really need it." So, I will give you a copy of one of the most important things and the rest of it I will forward to you, Mickey, in short order. I am a retired systems engineer for the Apollo program, and I worked very closely with the astronauts. I didn't have a lot of time around the house, so I thought mobilehome; hey, that's paradise, and after I retired and things have gone as they are now, all I can say is, "There's trouble in paradise."
(laughter).

I represent 396 parks. They range from 90 to, say, 450 spaces and on an average of 160 spaces per park, that's 63,360 people, I mean spaces, excuse me, 1.7 per space. Some spaces have three and some are down to one and that represents 107,712, and this is a rough estimate, and I think it is fairly close. As I told Chuck Bader on the west end, this comes to about 12,000 to 15,000 votes and he just chuckled, and I said, "I could spread it into Pomona and Region 3, and it does help, believe me."

I would like to make the remark that we have an HCD whose inspector is in the west end of San Bernardino County, Holly Clark. She's doing a fantastic job to back us up with rules and regulations, but she, again, cannot give us anything in writing. She just tells us what is right and what is wrong and from there we go and, in other words, if it's a case that I can't settle, it means litigation. We have a few cases in litigation right now, as an example, in Apple Valley Mobilehome Park. There was a septic tank problem and when I went out there to see this, you put your foot off the black-top and you went down to the top of your shoe. I gave the manager thirty days to get it fixed and I meant fixed. And he just poohed and said, "Who are you to be able to give me orders?" I didn't take that very lightly and went the following morning to the inspector who said he would take care of it right away, and he went out there that same afternoon and he gave the owner five days to get it fixed or a fine, so it's fixed. But these are things, if we get the back-up, there's no problem. We don't have to bother you, Senator, or anyone else if they will just listen and

work with us. And, by the way, out of 396 parks, I would say about 85% are working pretty well with me, but we still have these hard-heads around.

Also, in Oasis Mobilehome Park in Ontario, there is a rules and regulation problem. They always had the pool heated all year long, and you could go into it until 10:00 at night until the clubhouse closed. Now that we have a law coming in starting January 1st, the manager decided he's going to close the pool for the winter and close the gates to both the pool and the jacuzzi, which has one of these little igloos over it to keep the heat in, at 5:00 p.m. everyday, and he's going to close the clubhouse at 8:00 o'clock in the evening. And he said, "When I close it that means nobody is to remain in that clubhouse," and he said, "even on special nights such as GSMOL nights or others." So, I've got a fight on my hands. If I'm going to be able to resolve it myself, I do not know, but we're going to work hard on it and not bother anyone else and get it straightened out, but if we can't, somehow or other we are going to need help.

Also in a Victorville Park a couple went to shop, and they had previously had an argument with the manager about a parking regulation when some friends came and parked in front of the house, and that's a "no no" to park on the street in front of the homes and a few other things. So the manager was quite angry with them, and when this couple went shopping this Saturday, they came home and found a padlock on both the front and back door which covered

the bolts that went through the door so they couldn't even get the padlocks off. They couldn't even get back into their own home, so naturally we had to turn it over to a lawyer. Now the results of it, I do not know at this time, but as soon as I find out, I am going to forward the incident, even if it's cleared up, to you so that you know that these things do happen.

I also had one that I don't want to discuss at length, but as an example, because I told the people in the mobilehome park if you have a problem document it, the date, the time, everything complete. They did and I had a stack about an inch high and only in a period of about three months. I went to the gentleman's lawyer, who I found represented him. I explained this to him. He said, "It won't happen again" but after talking to the owner, who is both manager and owner combination, he was so angry that he took it out, not on any man, he took it out on two women, one 78 and one 82. And he struck them both and put them on their, should I put it, derriere, so anyway -- I have a lot of stories on that - I took fast action on it and the gentleman had to sell; the gentleman, who di I mean? The man had to sell the park, had a loss because he had to move it fast and the judge out in Victorville recommended to the attorneys from both sides that \$240,000 would be held back from the escrow charges, and I don't know how that's going, but that part of the case isn't solved, but the park problems are over, new owner, new manager, new everything.

Now I'd like to get into the one I have documented right here and that is, we have a woman who is 85, her husband is 88, I don't

like to mention her name, but she is legally blind and has heart trouble and a hearing disorder, and she also has a brain tumor and she can't remember things just as she thinks it happened, and she has lived in this park for more than seven years. Now they have automobile problems and parking because of the fact he doesn't want to have more than one car per mobilehome, and she has a double wide space, and she feels there is room for parking cars, so she should have two cars. Also he is trying to make her pay for her storage shed, instead of being one at one hundred square feet, I mean a situation which they tend to allow, and it's in the rules, a hundred square feet total. She has two sheds so she has to pay twice as much for it and they charge her an extra amount for that. She's also, because of the fact that she's been ill, has had to have a woman who is an ex-nurse stay with her some of the evenings. So the manager said, "Well, this is going to cost you another \$30 a month." Now that's, ah, that person is just like anyone else, like a repairman, or a gardener or anything else, I felt. But he says, "Nope," extra money.

Now he's been pushing it pretty hard, and we felt that due to the fact that I couldn't get anywhere, and our Associate Director who lives right on the region right out there in the desert couldn't get anywhere, we retained an attorney for them, and he sent the letter and he addressed each one of the problems and gave an answer as to what should be done. So this letter is one that I am going to turn over to you at the time when I get the final result, if he listens to it or not. If we have to go further, I will again notify you because this is breaking everything due to the fact that

he has now moved into the clubhouse, closed the clubhouse, moved his bed and all his furniture in it and rented out his coach in the park which he had lived in. (Laughter). So this, I think, constituted the straw that broke the camel's back. Thank you very much.

SENATOR CRAVEN: Thank you, Bob. I think that next we will hear from Craig Biddle, who represents WMA as their counsel. Mr. Biddle is a former member of the California State Legislature and very conversant with the items that we are discussing today and have discussed over a period of time. He, of course, represents an attitude that is not necessarily set up to be in opposition to that which may be expressed by GSMOL, but has at all times exhibited a great quality of cooperation in an attempt to strike a meeting of the minds so that we can move forward in this area. Nice to have you with us, Craig.

CRAIG BIDDLE: Thank you very much, Senator Craven. With those kind words I think I just might want to sit down with this audience and probably would be a little bit ahead. As you indicated, I do represent the Western Mobilehome Association as their general counsel and legislative advocate. May I just say, at the outset, Senator, that I feel like I'm in a GSMOL meeting - at least of the Santa Barbara Chapter - from the audience comments that were made prior to my short testimony. I hope what we've heard today is not indicative of what is going on out there and going on in the mobilehome parks through the state. I think these are horror stories, if you want to call them that. You've heard them at prior hearings.

I think what you heard today is not indicative of all the conduct or attitude in many mobilehome parks now throughout the state. It always makes me cringe a little bit, when the last witness, Bob Rudin, used the phrase, "I guess I have a fight on my hands." It always bothers me when someone says that from either side of this issue because I hope that we are not all here fighting continually on one issue after another.

I think Mr. Tennyson's white paper, his position paper for this hearing, was very well done. It is a very good analysis of the types of problems that we have. I think that you have honed in on one of the basic problems that we have in the mobilehome park industry. And there is this balance. On the extreme one side you have the owners of the mobilehome parks who I represent, who, some of them do say, I admit, that some of them do say we have a vested interest in the park. We own it, we own the land, we should be able to entirely do what we want to do without consulting anyone, HCD or tenants or anyone. We have, on the other side of the issue, the extreme other side, the homeowner, who says, "I have all of my investment in my own individual home in that park, and I should be able to decide my destiny." Somewhere between these two we have to find a balance, in the middle, and I will give you a suggestion before I produce a possible solution to at least some of our problems at this time.

I think that the biggest problem that the white paper talks about is changes of the rules and regulations, that's what we're really talking about, changes now. It's really in the whole area of adults only. I think this is one that all of us are concerned

with, both the management and homeowners of the mobilehome park industry. I think I must be a little bit critical, Mr. Tennyson. I think that you should be aware that the problem is not just going from family park to adults only. We are going not just from an age limit to senior citizens, but also from adults only to a family park. It's the third that's going to be the most difficult one. I think that's probably the one that's going to give us legally the most problems. From this standpoint, if you moved into a park you thought was going to be either senior citizens or adults only and now the rules and regulations are changed for whatever reason by a vote of the tenants or by management to family park, what right do you have, what contractual right do you have that has now been infringed upon by the change of that rule and regulation? Because you put that investment in that mobilehome based upon the representation that it would continue to be for seniors. Now suddenly you find that it's a family park! Do you now have some cause of action against the management of that park or the ownership of that park, whether it is by a vote of 50% or whatever? I'd surely suggest in that situation that you're going to have some horrendous legal problems. In the reverse, where you're going from family over to adults, you sort of grandfather in the families. You don't have that problem grandfathering in the families in there by only allowing adults to purchase the mobilehome. You may still have some legal problems, but they aren't as great.

I think that's the major area - the biggest problem is in the changing of rules and regulations when you change from family to adults and so forth. We can clarify one thing, at least from

the policy of the Western Mobilehome Association. The question was raised today as to the different ages, and the ages of 37 or 45 or in between. It's the policy of our association and the recommendation of our association, both legally and from a policy standpoint, that you should have either senior citizens or you should have family parks for 18, no ages in between, be it 35, 40, 45 or whatever it is. Some parks had in their rules and regulations some of those ages in between. Since the different Supreme Court decisions like the O'Connor case, etc., we have adopted a policy and recommend to all of our members that they should have senior citizens, adults only or family - not anything in between.

SENATOR CRAVEN: Craig, let me interrupt, if I may, would you define for me what constitutes seniors in this connotation?

MR. BIDDLE: We have not given them an age, whether it be 55 or 60, or whatever, but 35 it clearly is not.

SENATOR CRAVEN: Yes.

MR. BIDDLE: Those parks, Senator, some of them were having 35 as the age. We're saying that is not proper. We don't think that will be upheld by the courts. We think it's bad policy. Some senior citizens may be 55 or 60 or whatever you pick, or 18, but don't pick anything in between.

SENATOR CRAVEN: When you use the term 18, you mean that there will be no persons under 18 years of age resident there?

MR. BIDDLE: Yes, nothing in between.

SENATOR CRAVEN: Ok. Very good. Thank you.

MR. BIDDLE: I would also like to call to your attention that I think we've used this phrase about "reasonableness" or

"reasonable." Let me just give a short legislative history, if I can, as to park rules and regulations and the changes thereof which were developed between WMA and GSMOL some years ago. Rather than going through the Mobilehome Residency Law back in 1978 when we wrote it with GSMOL, rather than going through it again defining all of these rights which are really overly defined already - you look at the Mobilehome Residency Law and see it's probably the most overregulated industry you have now - with pets, signs, and we even have 12x12 inches in the law. That's the "for sale" sign. Nowhere else can you find such minute details.

Then, if we continued, the Mobilehome Residency Law could be 20 or 30 pages longer than any real estate agreement or rental agreement or rules and regulations. Many of the rules and regulations are in the Mobilehome Residency Law. A number of years ago when we were drafting this and working on this, rather than getting down to some of those minute little details, what we decided to do at that time by mutual agreement of both sides was to see that the rules must be reasonable. And that's why we stuck in the law the "reasonableness" of the rule - that it must be "reasonable." Who decides whether it is reasonable or not in the factual situation is the court, so if the management attempts to enforce an unreasonable rule or regulation, the court will say it is unenforceable, it's not reasonable, therefore it's valueless. On the other side, if the tenant wants to enforce a rule or regulation and again it's unreasonable, the court will decide this and that's where we decided that will be the forum that will make this the final determination.

I think that some of the horror stories that we hear are only in some of the mobilehome parks. Some of them, I'm sure, are true but they would not be in the courts because I don't think that any court would define some of these situations. They would be determining reasonableness or unreasonableness at that time. I think, and this is the suggestion that was made. I think, though a valid argument is made by both sides, how do you interpret reasonableness and how do you get the courts to interpret reasonableness?

We have in the law, in several other places in the law, not in the Mobilehome Residency Law, not in landlord/tenant law. Some proceedings do get to the courts fast for declaratory relief in a quasi-judicial fashion, in equity, such as in domestic relations or dissolutions; you get to court without having a dissolution of a marriage and a resolving of all the property rights of the parties. You can get over to a court of equity in that instance and a very short summary proceeding takes care of one little problem. Let me suggest that maybe this would in part solve some of the problems we have here. We set forth a proceeding where either side in a dispute can get to the court fast, inexpensively, for determination as to declaratory problem, a very quick way, short of eviction - short of eviction! This is important, seeing the law today where the only alternative we, management of a mobilehome park, have in enforcing our rights for violations of a rule or regulation is to evict the person out of the mobilehome park. In many instances that's not the goal, the goal is not to evict the person out of the park. The goal is to have an abiding by the rules

and regulations by that tenant for the benefit of the management and for the benefit of all the rest of the tenants. I just don't know how you would adopt this or how you would pattern this after some of the other code sections, but we do have this in the law in some other instances. Let me suggest that may be a partial solution to the problem.

From our standpoint, and I'm sure from GSMOL's standpoint, both sides would like to get to court quickly and settle some of these issues whether it is, for example, Mr. Jack Cole and his pet - you could have the pet problem solved short of eviction, but we have no alternative but to go ahead on eviction to enforce the rules. I suggest that might be one way to stop it. Maybe we wouldn't have the full fight on our hands, as Mr. Rudin said. Now I'd be happy to answer any questions you may have.

SENATOR CRAVEN: Well, I think you've brought up some very, very fine suggestions on which you closed, but we are fortunate, Craig, in that when we have problems or questions in which you can be of great importance in trying to solve them, you are always close at hand and I appreciate that, as well as the very cooperative spirit you have shown in dealing with these issues, and I thank you for being here with us today. Thank you very much.

Now before I call upon the gentleman who is in effect Mr. Biddle's counterpart but with the GSMOL organization, I would like to ask - at least introduce - Mr. Loyd Zimmerman, who is State President of GSMOL. Do you want to stand up, Loyd, and perhaps you may have something to say.

LOYD ZIMMERMAN: (speaking from audience and inaudible as several people are talking).

I live in the great City of Hemet, and we have problems even though we own our own lots and own our own facilities. I find that there are many things happening in mobilehome parks that are terribly important to everyone's way of life.

I will give you one simple example in the change of rules and the change with management working with the post office department. Mail has been delivered to mobilehomes within the park, many people are incapacitated, and it's difficult for them to get down to a central point within that park, but the management and the post office decided we are going to have cluster boxes in that park. Now why, when you are a homeowner paying taxes, paying postal fees, should you have to walk down to a central point within that park to collect your mail? It might be raining like it was yesterday in Santa Cruz.

I presented an idea yesterday to a regional meeting of ten in Santa Cruz at Aptos College that on all rules and regulations which you sign when you go into a park, you say you will abide by them and you agree with them. But, suddenly, after you are in a few months, they've made a change. Now the change has taken place in six months whether you OK'd it or not. It might be a change from an adult park to a family park and it might be a change from a family park to an adult park. I have friends who just bought into Vista Del Mar. The lots were \$40,000 apiece. It was strictly for adult people. Sales have dropped down a little bit,

and now he has made a new rule that it is a family park. Of course, the people are very unhappy, but they were never considered. I mean the point we're talking about is reasonableness. I think that you have to have reasonableness on the part of management and homeowners. But I do believe that when you've gone into a park and you've agreed to those rules and regulations, that any change should be given to at least a homeowners' committee for consideration, not necessarily to have a battle on it, but to sit down and say, "Well, this change is good for all of us, both management and homeowners." You can't have a one-way street anymore. There are too many of us. I think that somehow we must add to our residency act that on rule changes, after they have been signed when you move into a park, that to change those they must be OK'd by a homeowners' committee or by a ballot by the homeowners after sitting down and discussing the matter by both sides. I think that's the only way we can live; it is a great way to live.

I went to a meeting in Washington a few weeks ago, and I believe their statement was that there are over 11 million people now living in mobilehomes. We are a potent force, but we've been considered sort of, what shall I say, a second-rate citizen. I don't believe that. I think that we have to be considered exactly the same as Mr. Abrams said and that is with the equity and equality of homeowners. Now, as a homeowner, you don't run around and change the law that the post office is not going to deliver his mail or that you are going to close the clubhouse. He has complete rights - no question - but because you live in a

mobilehome park and lease the land, you are under the jurisdiction of maybe one individual. I don't believe that is correct.

I think there has to be equality on each side. I know of many cases - I heard this when we had the energy crunch in 1976 that many pools were closed. Many people who are as old as I am or a little older need that warm water occasionally and why should that pool be closed? We're paying for it, but they took advantage of it and there was nothing in our law that I knew of at that particular time, of course, that was open to us regarding these pools. We've done it, some strictly by force of numbers, but I believe that in every case in mobilehome parks that we must have equality for both management and for the homeowners. It would solve half of our problems if that were mandatory, and that's my suggestion today. The people at Aptos were tickled to death with the idea, or at least they said so, and I believe that you would probably get an opinion from the people here that those things should be handled on an equal basis. Thank you, Senator Craven.

SENATOR CRAVEN: Thank you very much, Loyd. (applause). While we're in the area of the hierarchy of GSMOL, I would like to take this opportunity to introduce one of the great strong advocates of the organization and that's the Vice President, who is Marie Malone. Marie, would you stand or maybe you would care to make a comment.

MARIE MALONE: (from audience). Today I'm just here to listen.

SENATOR CRAVEN: Oh, you are entirely welcome. Marie had to come from the area of Vista, which is my district. I used to represent Loyd's district, Hemet, as well but reapportionment changed that. I have a much smaller district today. Maury, are you now ready? This is Mr. Maury Priest, who is the general counsel and legislative advocate for GSMOL in Sacramento, Maury.

MAURICE PRIEST: Senator, I'd like to add my word of thanks as well to the committee for giving us this chance to address the problem of rules and regulations, and this morning as 9:30 a.m. approached and I saw the road closed out in front of the hotel and saw that long stream of people coming down, negotiating the piles of asphalt and everything, I thought we've really proven this morning we would walk over a mile (laughter).

But I don't want the committee to mistakenly believe this is a problem reserved to the Santa Barbara-Ventura area. We have heard this morning from witnesses who have come from San Bernardino, Orange County, the San Francisco Bay Area, as well as the Santa Barbara-Ventura areas, and this problem of amendments to rules and regulations is a statewide problem. What I would like to conclude with is a proposal that Mr. Arps has already made reference to, and it's amazing that without comparing notes how similar our approaches are to resolving and suggested solutions to this problem. If the existing law was working well in this area, we would not have any motivation or interest to propose a change at all, and I appreciate the committee's considerations and Mr. Tennyson's considerations starting on page 10 of some of the problems GSMOL

sees with the existing law. It is not our purpose to make the law unduly complicated or burdensome. If we could resolve these problems without any laws, that would be the ideal.

In the case of amendments to rules and regulations, the brief statement in the Civil Code with regard to amendments to rules and regulations has proven inadequate, and if those existing portions had enabled homeowners and park owners to resolve their differences, fine, but they have proven inadequate. Basically, parks right now are not attempting to get the consent of homeowners in the park and I can see the problem, naturally, of getting 100% consent in any park to a change. That is basically an impossible situation. So what they are doing is they are giving a sixty-day notice or a six-month written notice as the code requires and then, basically, doing what they see fit.

Now to look at Sec. 798.51, the meet and consult provision. On its face that appears entirely reasonable and it gives the homeowners a chance to request a meeting for the purpose of meeting and consulting regarding changes. Someone who did not have an opportunity to live in a mobilehome park could read that section and say, "Well, what else do they need?" They have the right to meet and consult and if they bother to do that and express themselves, surely their input is going to be considered. And what we have found is that many of the park owners, even if they agree to meet and consult, would hear testimony without any response at all, and that's the problem. Because of that inappropriate response or lack of response by park owners, we need to amend this law so we have more equitable input into the process.

What we are proposing and suggesting is the right of mobilehome owners to vote upon proposed amendments to rules and regulations, and I'd like to develop this by responding to questions that Senator Craven has raised earlier with other witnesses. Right now in parks any developer or park owner has the right to put into writing basically whatever he sees fit. It is his development. It is his money. It is his expense, and he can state in black and white what terms are going to govern the operation of that park and what reasonable rules the people in that park are going to have to live with. He has that right to do it right now. And if people moving into that park are given a copy of those rules, they have a right to examine them and they should examine them to see what rules they are going to have to live with.

The problem that we have encountered is that even the people moving in, being aware of the rules and agreeing to abide by them, frequently find out that the essential components, the most basic rules stated therein, are subject to change without any input on their part at all. And that's really the crux of the problem. They could move in agreeing to be bound wholeheartedly by what's there, and what they don't often realize at that moment is those rules are subject to change by the whim of management or park ownership, and even if they meet and consult, by law that does not mean it is going to result in a changed amendment. So considering the fact that the park owners have the right to spell out exactly what is going to govern their park, we feel that once those original amendments - not the original amendments - but

when the original rules and regulations by the park owner are adopted and in place, any amendments to those original rules and regulations can go into effect only if approved by 51% of the homeowners.

Now this phase of it we are addressing to new parks that are developed, that are being developed in California. Once the original rules and regulations are in place, if they are amended at subsequent times, the proposed amendments must be approved by 51% of the residents in order to become effective.

Now in the case of existing mobilehome parks, once again considering the fact that whatever that park owner wants to put in place is there. Those are the starting rules. Those are the ground rules of the game. Considering that fact, we believe that in existing mobilehome parks, once there has been a 75% occupancy achieved in the park that any amendments to existing rules and regulations would also be subject to approval by ballot vote of 51% of the residents of that park and also in those parks 51% of the residents could initiate amendments to those rules and regulations. And we believe this is fair. We don't believe it is overreaching because most of those homeowners who live in the park were well aware of what the original rules were and agreed to abide by those rules, and they are not going to be interested in changing or playing games with the park owners and management and change rules that were fundamental and that they agreed to be bound by.

They are not going to play with those rules, but I think it is fair for them to have the right to amend existing rules

because I see the possibility, if the California Legislature considers a bill, that would give homeowners the right we are suggesting. By the effective date of that bill, using the sixty day notice and the six month notices in the current law, all kinds of havoc could be brought in mobilehome parks, and it would therefore be necessary in those parks where additional restrictions, unreasonable restrictions, are placed, it would be necessary to give homeowners in those parks the right to at least return and restore the rules to what they originally agreed to, and I don't believe this is an unreasonable proposal or an overreaching one on the park owner. I believe it would just be giving us equality with regard to what laws we are going to be governed by in the operation of the park. I'll be happy to address any questions you may have.

SENATOR CRAVEN: I have none, Maury, and we thank you very much for your testimony and being with us today. Once again, I would say to you as we have to Craig that you are always very accessible. That's very helpful to us. We need your counsel and we need that of Craig's to help us try to chart a course that will be the appropriate one to get through the rocks and shoals of this problem. It is not an easy situation. Equity, I suppose, is never easy. I suppose that is why they blindfold justice - presumably - there must be some reason for that. And that you try to strike a balance. John reminds me of something I was going to go into next, but we thank, you, Maury, very, very much.

We certainly would like to hear from any of you who have some comment to make, particularly if that comment is directed to the basic subject issue which has been discussed here today. But,

if not, if there is something you really feel very strongly about and would like to tell us, we would be very happy to hear from you - this would be the time. Yes, sir, come on up to the rostrum if you will and we'll see.

AL TANK: Senator Craven, the committee, and members here, the item that I'm going to address is harassment. We've talked much about what has happened to tenants in this park, and sometimes I wonder to what degree rules are imposed for the purpose of harassment or to show your authority, or like my neighbor said, "It's not because I hate you; I bait you just to show my authority over you." And I think this is one of the reasons it is happening in our own park. I live in the Ventu Estates; my name is Al Tank and I live at 136 Phyllis Way, Newbury Park 91320.

In your summary nothing was mentioned about harassment, and when management issues oral directives or written or so forth, we can see in them harassment purposes because it scares many of the little old ladies and widows out of their pants - if I may use this expression. They are afraid to talk; I've heard them say to me, and I'm President of the GSMOL Chapter. They say to me that they are afraid to say anything any more; that they are afraid to do anything any more, and this is not living any more either. They don't come to the clubhouse because of that. I notice that when I play pool there at night, they come to pay their rent in the slot in the door rather than to face up to management, and that's a sad case when you have a dictatorship of that particular sort. And I'd like to propose or ask if there is a possibility to set some kind of a regulation or rule by a power greater than the tenants themselves that something can be done about harassment of

of management or tenants.

SENATOR CRAVEN: Well, it's an item that we have discussed over a period of years, I guess. It's one that in effect relates, I think, in no small measure to the personality of the person who would be categorized as the manager. And that, I suppose, in itself creates somewhat of a problem. Dealing in a sense of regulation by statute as it is directed toward a personality is very, very difficult because, fortunately, I suppose we should say, each of us is different from the other. And that's in the personality.

Therefore - and also I might say - it has been my experience after 25-27 years in this business that if you direct legislation, either in the local sense by ordinance, or by statute in the state, or what have you, toward an individual, you may solve in effect that problem because it takes care of that individual. But what you may have done, unthinkingly and unknowingly or unintentionally, is that you have affected a whole peripheral group of people you didn't want to touch at all. So when you are trying to solve that problem, it becomes increasingly difficult.

You know, it has been my experience, that people who have never enjoyed authority, once they are vested with it, go absolutely amuck. Sometimes they are just absolutely awful, and they want to show how virile and strong they are against some poor defenseless woman, we'll say, who is up in years, and that is an indication of the idiocy which they have. I think many times the park owner and that side of the issue gets blamed for the actions really created by the manager. I don't know that the manager is always necessarily doing what he or she may have been instructed to do by ownership,

but once again, that's a little difficult because as Al or somebody was saying that in the State of Arizona 35% of the people live somewhere else - I mean the ownership - and it's never tied in closely. It's very difficult to put your finger on it or say, "Listen, let's sit down and talk about this." We've experienced that harassment is something that we have discussed and we can certainly add that to the list of things to look at. John? We have discussed that in times past?

MR. TENNYSON: Yes, concerning the meeting we had on mobile-home park managers - that item was discussed. It's a very difficult thing because most of your harassment cases, whether they involve mobilehome parks or other matters, are really matters that have to be dealt with in court. You have to get an injunction. I recall a case in Sacramento of a lady who claimed she was being harassed by a gentleman who had very amorous pursuits, and she didn't want to have anything to do with him. But it was unrequited love, I guess would be the description. And it got to the point where she finally went to a court of equity and got injunctive relief so he couldn't come within 500 feet of her. This would be a matter like Mr. Biddle was discussing, of declaratory relief; the courts would be the forum for resolving these kinds of problems.

MR. TANK: Isn't that dependent upon the age of the lady, too?

SENATOR CRAVEN: Not necessarily (laughter). Women always have a certain charm regardless of their age. There is no question in my mind about that.

LADY IN AUDIENCE: ...depends on income too. (laughter).

SENATOR CRAVEN: One of the ladies said, "Their income, too." That may be an influencing factor as well. We will, Al, certainly take your remarks under advisement and we will see what we may be able to develop along this line. As John said, we did discuss that at a hearing we had dealing with managers, basically.

MR. TANK: Was this the licensing of managers?

SENATOR CRAVEN: Well, that was a part of it, yes.

MR. TANK: If we had that, we could protest to the license bureau. Now I realize this, if I may add a last point. I realize that we have tenants who harass management; there's no question about that. And I think some of the meanness of managers comes from the initial harassment from tenants. I think it's a two-way street at times. Of course, they are in a position of authority whereas the individual is not so they can be the "city hall" that you can't fight once in awhile.

SENATOR CRAVEN: Yes, we understand. Well, again, when you set out rules and regulations, it's just like writing an ordinance, I suppose, in a local sense. You cannot always envision all of the things that may become involved, and once you get it in place, then you think, "Ah, why didn't we think of that?" And I suppose the same thing holds true, that you can't cover every given or specific situation in a mobilehome park. And as I said, as long as you are dealing with the personalities of people, you are going to have some problems. There is no question about it. But I think that in the main we do quite well. That is - you know - really, if it was not for the smallest percentage of the mobilehome park owners and the mobilehome park tenants, we probably wouldn't even have a committee. Because it is in those two areas on either side of the

issue that create the problem. I think, generally speaking, that both sides conduct themselves quite well, but there are exceptions and those exceptions are what create the problem and I suppose, to a degree, the interest as well.

MR. TANK: Thank you.

SENATOR CRAVEN: You're entirely welcome. Thank you, Al. Now, here's a gentlemen. Come on up, sir. This gentleman has been waiting. Mural? I think that's what it says on that badge.

MURAL TORRANCE: Thank you very much. My name is Mural Torrance; I'm Alternate Director of Region 8, GSMOL. Looking around the room here I think we could have a directors' meeting of the Golden State Mobilhome Owners League. I would like to assure anyone that is here who is not a member of the Golden State Mobilhome Owners League that if this looks like a meeting, we also have your interest at heart. Those people who are not members of the League, we do invite you but we want you to know that we have your interests also and all mobilehome owners in the State of California of which I believe this committee is a part. I would like to address an area that I don't believe has been covered today and I think it falls within the realm of the rules and regulations as such, and this is an area - a matter of policy - that has been followed by certain mobilehome parks, policy matters.

Now this happened particularly in our park. This is a matter where they wanted to move the trash receptacles from an area that was very convenient for about 3/4's of the residents of the park to an area that was more convenient as far as the trash collectors were concerned. A meeting was called by the

park owners about this proposal and asked what was the opinion of the residents of our park association and what they thought about this. When the opinions were given to the owners that the residents didn't think very much of this idea and had a various number of objections to it and the inconveniences to the people who were infirm and could not make the additional distance they had to go to as far as taking their trash to the new location, they requested that they be left where they were. So there was nothing done about this for awhile and we thought this whole thing had been settled.

There were areas there where some people could walk to these particular receptacles, but now they had to pay someone to take the trash up to the new place of disposal. The question was asked whether the management had made any arrangements to take care of these people. "Oh, no, this is their problem." I wrote a letter - now this has been going on for about nine years - I wrote a letter to then-Assemblyman Chuck Imbrecht requesting that he research this matter, and he came back and said that this was a gray area, and it would have to be settled in a court. At least, I said this is certainly a violation of the spirit of the rules and regulations and if we do not agree with it, it will be at least six months before this can go into effect. I was informed that this was a matter of policy; they were still picking up the trash, and this was a matter of policy. And so as long as they were picking up the trash within the park, they were meeting their requirements regardless of whether they moved the location. Now this is a matter of policy. They have since now just changed the policy again where we have been - and I imagine this has happened throughout other parks in California - where as individuals in the park we are required

now to send our rent to the home office, I believe it's in Garden Grove, where before we could take the rent and give it to the manager. The manager will not accept that rent any more; it has to be mailed to the main office. This again is a matter of policy.

So I think if a policy has been going on and existing for a number of years, it certainly then becomes a matter of fact, and it has set a precedent. So I think that if we're going to talk about changing any rules and regulations, there should be something in there which says if a policy has been in effect for a number of years, it becomes a matter of fact and is effective just the same as the rules and regulations.

SENATOR CRAVEN: Thank you, Mural, very much. Now, there was a gentlemen - there he is.

RON KIRBY: This will be very short. My name is Ron Kirby, Mr. Chairman and members of the committee. I am President of the organization known as GSMOL in our park, where we have 332 spaces in Rancho Santa Barbara. I am also the Associate Director for GSMOL for the South Coast area where you are. This matter we've thought about for a long time, but nothing has ever been done. In fact I have here a copy of the rules and regulations of 1971 when I moved into the park, and it says that all rents shall be paid two months in advance, first and last.

About four or five years ago we were talking to management about a possible lease, which was never adopted really, and we mentioned that that should be the last month's rent, which it had not been; they had merely given credit for the amount that had been paid. Or that we should be paid interest on the deposit, whichever

seemed to be fair. Well, nothing further was said except the next time we received our rules and regulations it was changed to read this way, "On moving into the park a security deposit equal to one month's rent is required." Well, it was very quietly done; nobody ever said anything about it. We're not sure - I'm not sure if I were to move from the park whether I could say, "Well, my agreement was that I paid you the last month's rent; therefore I'm not going to pay the difference between the current month's rent, which is considerable, and that." Well, I don't have that kind of money and I don't imagine you have either. But we are not clear on what the rights are there.

The other problem - many people in our park don't know about apparently - but there was a change in the law at the first of the year, as you know, which said that in the event of a transfer of a mobilehome to a third party the only requirements were that it must meet the health and safety standards and not be in a dilapidated, rundown condition. We discussed this with our park owner and manager and suggested an amendment prior to the time this was adopted which would make it possible for us to sit down with management and try to arrive at an agreement as to what is fair because we realize that our park, being a very nice park, that we probably as residents and the owners as well would not come up with the same rules and regulations regarding that sale as would happen to another park. And I think that's the proper approach, and I think that approach was suggested at one time but was not accepted. However, we were told - we said, however, with regard to this particular matter that we would try to help

convince people that they should update their coaches if it would help the park to do that. We will not tell them that legally they have to do it after that law is passed.

So what is happening is that the management has decided to ignore that change in the law and people in general don't know about this. They will ask me about it occasionally, and I will say, "Well, it's not the law." When they ask what they can do, I tell them to get in touch with the District Attorney. I'm not at all sure that is the right answer, but mostly they don't want to give them any trouble so they don't do this. But there is one party recently I understand who has gone to the District Attorney. I haven't heard the results. But having the rule there, the change in the code, doesn't always answer the problem unless there is some enforcement. I'm not sure who has that authority or disciplinary action or if it is divided among different people. Thank you very much, sir. Are there any questions?

SENATOR CRAVEN: Thank you very much, Ron. The initial point that you made was raised by another gentleman earlier. Between the two of us, we are going to do a little checking on that, too, about the first and last month's rent. I have no questions, have you, John?

MR. TENNYSON: On that question with regard to who has the enforcement authority. We go back again to one of the earlier gentlemen who spoke with regard to the Civil Code and needing to have a mandated enforcement by HCD. Under current law it is self-enforcing, and that means if the park owner is not abiding by the Mobilehome Residency Law, then you need to seek services,

either as an individual or as a class, of an attorney. Hopefully, someone who has some familiarity with the Mobilehome Residency Law, real estate law, or what have you. GSMOL statewide might be helpful in recommending somebody in that regard to take the matter up in court, and if they are requiring you to move the mobilehome out, which is in violation of this new change, the so-called "17-year old rule," then you ought to be able to negotiate that.

MR. KIRBY: Then going to the District Attorney is not the right thing?

MR. TENNYSON: No, the District Attorney does not really have any authority in this matter. It's a civil matter and he deals in primarily criminal matters.

SENATOR CRAVEN: You have a situation where you are going to the civil side, but, of course, if you really want my idea on how to proceed on that thing, go to your Supervisor. Do you live in the county area?

MR. KIRBY: Yes, sir.

SENATOR CRAVEN: Go to the Supervisor. Tell him what the problem is; tell him you want the County Counsel to give him, the Supervisor, an opinion and then he can give that opinion to you.

MR. KIRBY: Thank you.

SENATOR CRAVEN: OK. Anyone else? Fine, if you'd like to say something, why not?

MAE KNIGHT: I'm Mae Knight from Los Amigos Home Estates. Like Mr. Kirby said - now I didn't get in on that - but in the last five years, I'd say, newcomers were charged the first and

last months' rent. But just recently a man moved in there and he wasn't told. Then the manager went to his home and said he had to have another check for \$225. The man said, "What for?" The manager said, "Well, that's your last month's rent." The man hadn't been told this and he wasn't going to do it. Finally the manager said he had to have the check or he would have trouble with the owner. Then it was changed; it's not called last month's rent now; it is called a security deposit now. So I asked the owner why a security deposit was necessary. She said, "Well, if you move your mobilehome out and do damage to whatever, or if one is being put in, (inaudible), the man you sell your mobilehome to is insured. So why would she hold your money as a security deposit if a new homeowner coming in is also insured, and again she's got your security deposit and besides could sue anybody who moved yours out or one in so it looks to me like a double play thing.

SENATOR CRAVEN: Well, I understand what you're saying. This is, you know, it's used in other forms of rental activity, as you well know. But, in my judgment, it would be a lot easier to leave a furnished apartment, which you may do at 1 o'clock in the morning when, presumably, even the managers are asleep, than to move that mobilehome out of there. You know, that may create just a little bit of activity in the neighborhood when you do that and it becomes rather obvious that you are leaving. So I don't know that there really is comparability, but, as you said, we have now - is it pretty general, John, that we have gone to security deposits as opposed to that first and last months' rent?

MR. TENNYSON: In the mobilehome area?

SENATOR CRAVEN: Yes.

MR. TENNYSON: Not necessarily.

SENATOR CRAVEN: OK. Well, fine. Let us see what we can do and we'll talk to this gentleman who is rising - no, he is not rising. Did you want to say something on that? I think we have covered it, really. If there is no other person who wishes to offer some comment, we will just do so by saying how much we appreciate the fact that you took your time to be with us today. There is, I suppose, a theory that legislators by virtue of their position have a certain expertise. Well, that may be true to a degree, but they are not expert in all fields of endeavor and certainly they are not all expert in the area with which you are most familiar. And one of the unfortunate things that we have found, although we feel that it is changing rapidly, is there are many legislators who come from urban areas who are really not familiar with mobilehome parks or mobilehome people or mobilehome problems. They don't have mobilehomes in their area. They are solidly apartments or conventional-built housing. If you represent an area, like I have for years, or perhaps as Gary Hart does here with a lot of unincorporated area, then you have some people who fall into that category. You are more familiar with it and you are certainly, I think, a great deal more sympathetic than Art Torres, for example, who comes from downtown Los Angeles where a mobilehome is something that is somewhat unheard of. So, one of the things that we have to do is to convince our colleagues who are not exposed to the problems of the need to make some changes,

and one of the best ways for us to do that is to have the input from you, give us the benefit of your own experience, whether it be successful or problem-like, so we then become a little more expert and perhaps in time more convincing as to the efficacy of what you may suggest.

We have to, of course, always pit, for example, the GSMOL attitude against what obviously looms as the other side of the argument. Again, we try to strike the proper and appropriate balance. It's not always easy to do that, but we try at all times to provide that equity. But the people who are mobilehome residents have provided us with a great deal of support from the standpoint of telling us what the situation is and how they think it could be rectified, and we have found them generally to be very realistic. That we appreciate very much.

So, we thank you for your presence here today, and we want you to know that we stand ready to serve you. The fact that you are not in my district has no meaning whatsoever. We are there to try to help you. Mr. Tennyson and Mickey are in an office which is devoted solely to mobilehome activity, and we provide, I think, a great deal, if not most all, of the information to perhaps your legislator here on a local level because the committee office is kind of a point of information for others in the Legislature. So, feel free to call upon us or have your legislator do that if that be your desire, and we will be most happy to serve you as we best can.

Thank you once again for being with us.

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CONCLUSION

CONCLUSION

The issue of control, that is who controls the rules and regulations of a mobilehome park, has been the focal point of the testimony at this hearing.

Mobilehome owners living in parks feel that, in many cases, rules and regulations are adopted or amended arbitrarily by park managers/owners without consideration of, and sometimes in direct conflict with, their needs. They would like to have the power to ratify and control any changes in these rules.

Park owners, on the other hand, who own the land and improvements and provide the capital to build the park and facilities in the first place, feel they have the right to establish and change park rules which affect their property.

Present law tacitly recognizes the power of park owners, with some statutory restrictions, to adopt and change mobilehome park rules and regulations. Giving park residents the right to vote on or veto proposed changes in such park rules may remedy many of the problems in this area, although simply substituting decision-making by 51% of the park residents for that of the park owner or manager does not assure that changes in the rules will be any more just or any more satisfactory for the other 49% of the residents.

None of the problems in the area of rules and regulations are incapable of solution if the parties are willing to be

reasonable and cooperate. Without the investment of the park owner, residents would not have a space on which to put their coach. Without the mobilehome owner, the park owner would not have the income to make the mobilehome park venture succeed. Hence, in addressing the problems brought forth at this hearing, a balancing of the interests of both parties should be sought.

Since park owners presently have the power to adopt and amend park rules and regulations, any changes directed toward providing a balance of interests will probably require some diminution of this power. In this regard, the committee may wish to consider some of the following suggestions:

1) Article 3 of the Mobilehome Residency Law, dealing with Rules and Regulations, should be amended to specifically provide that park rules and regulations, and amendments thereto, must be "reasonable" and "enforceable."

2) The time period for which changes in park rules and regulations must be noticed and take effect under Civil Code Sec. 798.25 could be expanded from six months to one year for general rule changes, and from 60 days to six months for changes involving recreational facilities, unless pursuant to the "meet and consult" provisions of Section 798.51, written approval of 60% of the park residents can be obtained for the changes, in which case they could go into effect with a 60-day notice.

3) Where a mobilehome park is changed from a family or adult park to a more restrictive age limitation, the Code should specify that such change can only affect new residents who move

into the park after adoption of the change, not existing residents who moved in under the old rules.

4) Where a mobilehome resident is offered a long-term lease in a mobilehome park, the Mobilehome Residency Law should provide that a contract be offered for the same period of time for the maintenance of park rules and regulations, unless changed with the written consent of the resident.

5) Local government should be given specific authority by the Legislature to establish mediation boards at the city or county level to reconcile disputes between park owners and residents on such issues as changes in rules and regulations. The Department of Housing and Community Development could be empowered to provide technical assistance to local mediation boards in this regard.

These proposals will not remedy every problem or satisfy every homeowner or park owner. The only real solution to each problem can come about by a willingness to give-and-take on the part of both sides in each park on a case-by-case basis.

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APPENDIX

GOLDEN STATE MOBILHOME OWNERS LEAGUE, INC.

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Maurice A. Priest

EXECUTIVE DIRECTOR - LEGISLATIVE ADVOCATE - ATTORNEY AT LAW

October 26, 1983

Mr. John Tennyson
Consultant, Senate Select Committee
on Mobilehomes
1127 11th Street, Room 249
Sacramento, California 95814

Re: Meeting of Senate Select Committee on Mobilehomes
on November 21, 1983
Subject: Rules and Regulations in Mobilehome Parks

Dear John:

On behalf of Golden State Mobilehome Owner's League, Inc., I want to thank you, Senator William Craven, and the Senate Select Committee on Mobilehomes for the opportunity to address current problems involving rules and regulations in mobilehome parks in California. It is my understanding that the committee intends to address this subject matter by hearing public testimony on November 21, 1983.

Rules and regulations in mobilehome parks are governed under California law by two separate statutes. Civil Code §798.25 provides that:

"A rule or regulation of the park may be amended at any time with the consent of a homeowner or without his consent upon written notice to him of not less than six months, except for regulations applicable to recreational facilities which may be amended without his consent upon written notice to him of not less than sixty (60) days. Written notice to a new homeowner, whose tenancy commences within the required period of notice, of a proposed amendment shall constitute compliance with this section where the written notice is given to him before the inception of his tenancy."

Civil Code §798.51 provides that:

"The management shall meet and consult with the homeowners, upon written request, either individually, collectively, or with representatives of a group of homeowners who have signed a request to be so represented on the following matters:

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Re: GSMOL
October 26, 1983
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- (a) Amendments to park rules and regulations;
- (b) Standards for maintenance of physical improvements;
- (c) Addition, alteration, or deletion of service, equipment or physical improvements;

Any collective meeting shall be conducted only after notice thereof has been given to all the requesting homeowners ten (10) days or more before the meeting."

Our statewide membership is encountering serious difficulties with both of these provisions. With regard to Civil Code §798.25, although this statute provides for the amendment of a rule or regulation by consent of a homeowner, virtually no park owners in the State bother to solicit the consent of homeowners in the parks because Civil Code §798.25 provides a means whereby they can amend rules or regulations without anyone's consent.

When homeowners originally move into a mobilehome park, they are given a copy of the existing rules and regulations and are advised, prior to their tenancy, what rules and regulations apply to homeowners within that park. Assuming that a prospective park resident found certain rules and regulations objectionable, they could elect to not move into that park but choose to live elsewhere. However, many of our members have originally moved into a park, advised of, and willing to live by, existing rules and regulations, only to learn at some time after commencement of their tenancy, that significant rules and regulations of the park will be changed after receiving a sixty (60) day or six month notice pursuant to Civil Code §798.25.

Such changes range from a change of age requirements for residents of the park which directly impacts ability to resell, to significant and substantial decreases in availability of recreational facilities.

The unilateral right of park ownership to amend rules and regulations of the park pursuant to Civil Code §798.25 ignores the substantial investment which mobilehome owners have in their own homes and the responsibilities which they deserve as homeowners in mobilehome park communities.

With regard to Civil Code §798.51, the "meet and consult" provisions between homeowners and park owners, in application, is a complete joke. If homeowners in a particular park request a meeting in writing, by law management is

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required to "meet and consult" with the homeowners, but may then completely ignore any of the suggestions or concerns stated by the homeowners or their legal representatives. Even if the homeowners work to present the best possible case as to why an existing rule or regulation should be amended, park management could completely ignore such information and leave existing rules and regulations status quo.

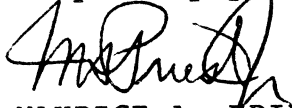
Similarly, if the homeowners meet and consult management to lodge protests or objections to proposed amendments to rules and regulations, existing statute places no obligation on management to act upon the legitimate concerns expressed by the homeowners.

GSMOL plans to offer testimony from our individual members who have encountered and are encountering at this time, problems with rules and regulations in mobilehome parks. Pursuant to the procedures established by your committee, we will advise you in advance, of our designated witnesses.

In order to adequately address this problem, we have requested from our statewide membership, copies of existing rules and regulations from parks throughout California. We are submitting with this letter, numerous rules and regulations which we have obtained from our members. Because many of these rules and regulations have only been received by our office within the last 48 hours, we have not yet had an opportunity to review them in detail. However, I intend to review copies of rules and regulations provided herewith and forward to you my specific comments and criticisms regarding provisions which are creating problems for mobilehome owners.

Again, your interest and assistance in addressing this problem is sincerely appreciated.

Very truly yours,



MAURICE A. PRIEST
Executive Director
GSMOL, Inc.

MAP:js
Enclosures



November 16, 1983

The Honorable William A. Craven, Chairman
Senate Select Committee on Mobilehomes
11th and L Building, Room 249
Sacramento, California 95814

Dear Senator Craven:

The City of San Juan Capistrano has been involved with the issues of mobile home park resident/landlord relations for many years. The outcome of our work has been a mobile home ordinance that has survived judicial testing at the highest levels.

Our City found it necessary to become a mediator between residents and park owners when communication broke down between them over issues of rents, rules, and park conditions. It would appear at this time that our efforts are succeeding, and people are beginning to work out their differences. Unfortunately, communication was made possible largely as a result of our ability to enforce our local ordinance governing mobile home space rentals.

There can be little question that mobile home parks present a different kind of tenant/landlord condition than most rental relationships. As such, it is a reasonable conclusion that legislative bodies must be brought into the relationship to insure fairness.

The City of San Juan Capistrano applauds your committee's interest and concern with a very real problem. However, it would be our hope that you remember the vital role that is played by cities in protecting the rights of their community members. Should you recommend special legislation to address mobile home issues, we would urge you to look at the process as one best addressed not at the State level, but rather at the local level.

Respectfully,

Anthony L. Bland
Mayor

ALB:ch

BONNIE VIEW MOBILE HOME PARK

THIRTY DAY NOTICE TO COMPLY
WITH PARK RULES AND REGULATIONS

TO: Mr. Jack Cole
14685 Oka Road, Space No. 53
Los Gatos, CA 95030

Date: Sept. 9, 1983

YOU ARE HEREBY NOTIFIED that you will be required to move from the mobilehome premises commonly known as Space No. 53, and you will have to deliver possession of said premises to the undersigned unless you comply with Bonnie View Mobile Home Park Rules and Regulations by removing permanently from the mobile home park premises your pet cat.

You have previously been notified of this requirement by delivery to you of a letter to all Bonnie View Park residents dated June 29, 1983, and telephone conversations with the undersigned regarding same.

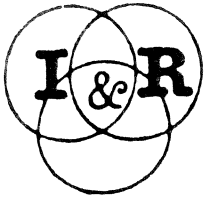
Bonnie View Mobile Home Park Rules and Regulations, Rule Number 1, provides, in part, "No children or pets are allowed". A copy of said Rules and Regulations were provided to you at the inception of your tenancy at Bonnie View, and you agreed to conform to and abide by same.

This is a courtesy notice provided to you pursuant to the provisions of California Civil Code Section 798.56 (c) to give you the opportunity to handle the above without the embarrassment of an eviction. If you fail to comply with this Notice within thirty days from your receipt hereof, legal action will be taken against you to obtain your compliance with Bonnie View Rules and Regulations and/or terminate your tenancy in the mobile home park.

BONNIE VIEW MOBILE HOME PARK

Dated: Sept. 9, 1983

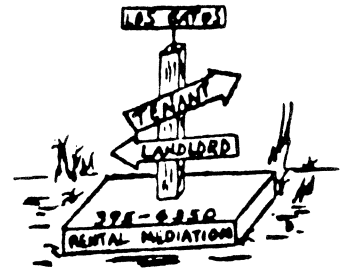
By Paul T. Jensen
PAUL T. JENSEN
Katz and Lapidés
Attorneys and Authorized Agents
for Bonnie View Mobile Home
Park



Santa Clara County
Information and Referral Services, Inc.

"Linking people to services"

3275 Stevens Creek Boulevard, #310
San Jose, California 95117



TOWN OF LOS GATOS

RENTAL MEDIATION PROGRAM

(QUESTIONS & ANSWERS)

1. What is the Rental Dispute Mediation and Arbitration Ordinance?

The Ordinance establishes a process for the resolution of tenant/landlord disputes concerning rent, housing services or proposed evictions. The Town, acting through mediators designated by the Town Manager, will provide conciliation/mediation/arbitration services to those tenants or landlords requesting them.

2. Who is eligible?

Anyone is eligible for information regarding their rights and responsibilities under tenant/landlord law by calling Los Gatos Rental Mediation Program at 395-6350.

However, only landlords and tenants of any complex of three (3) or more units within the Town of Los Gatos are eligible for mediation under the ordinance

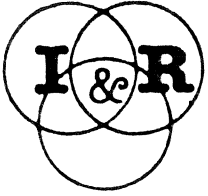
3. How do I file?

You may file by picking up a Written Petition for Conciliation from the Los Gatos Town Clerk, filling it out and returning it to her or mailing it to Los Gatos Rental Mediation. You will be contacted as soon as possible by Los Gatos Mediation Program.

Petitions regarding RENT INCREASES must be filed by 25% of those units affected. This can be done by attaching the names, addresses, telephone numbers, and signatures of those joining in the request for conciliation to one petition rather than each unit filling out their own petition. Make sure the person to be contacted as representative of the group fills out the petition completely with the contact telephone number noted.

4. Where do I get additional information?

For any question that you have on tenant/landlord law, the Ordinance, or the filing process, call the Los Gatos Rental Mediation Program at 395-6350.



Santa Clara County
Information and Referral Services, Inc.

"Linking people to services"

CASE # 095

LOS GATOS RENTAL MEDIATION
3275 Stevens Creek Blvd. #310
San Jose, California 95117
(408) 395-6350

Date October 4, 1983

TO: Name Jack & Julia Cole
Address 14685 Oka Road, Space 53
Los Gatos, CA 95030

FROM: Harryette Shuell

RE: NOTIFICATION OF MEDIATION HEARING

A Mediation Hearing has been scheduled concerning Thirty-Day Notice
issued to Jack and Julia Cole, Space 53 Bonnie View Mobile Home Park

You are required to be present at Los Gatos Neighborhood Center
208 E. Main St., Room 214, Los Gatos 95030

on October 18, 1983 7:00 p.m.
Date Time

Marge Bosetti will conduct the mediation.

Please bring with you any records/information relating to this Mediation Hearing.

This Mediation is authorized under Los Gatos Rental Dispute Mediation and Arbitration Ordinance 1477.

24.40.035 Conduct of mediation

The parties shall cooperate with the Mediator, stating their position on all issues, conferring with the Mediator and each other, and providing at the Mediator's request information and corroboration of their assertions of fact. If the parties agree, the Mediator shall reduce their agreement to writing and the parties shall sign it.

cc: Owner
Tenant

DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT



October 7, 1983

Jack R. Cole
14685 Oka Road #53
Los Gatos, CA 95030

Dear Mr. Cole,

You have requested a legal opinion regarding the legality of attempts by the mobilehome park management to force you to get rid of your pet cat. This opinion will be based on the following assumption:

1. No pets are allowed in park.
2. Birds are allowed.
3. You have a cat.
4. The cat never leaves your mobilehome.

Mobilehome park management has delivered to you a notice requiring you to move from the park unless you get rid of your pet cat. You state that the pet cat never leaves the confines of your home. You also state that the park allows pet birds, presumably because they also are confined to the interior of their owner's homes.

California law will allow an eviction from a mobilehome park only for violations of a "reasonable rule or regulation." The question in this case is whether a pet cat strictly confined to the interior of a mobilehome can be a basis for eviction of its owner from a mobilehome park. The answer is, No.

Under the express terms of the California Constitution, there exists an inalienable right to privacy. As construed by the California courts, the right to privacy within the confines of one's home is basically inviolate and cannot be intruded upon by anyone. In the present case, you have chosen to keep a pet cat strictly confined to the interior of your home. For anyone to force on you a choice of what you may or may not keep within the confines of your home is a violation of your right to privacy. This cannot be the basis for your eviction from the park since not only is the rule not reasonable, but under the facts of this case, it is downright illegal.

Sincerely,

A handwritten signature in cursive script, appearing to read "Edward M. Goebel".

EDWARD M. GOEBEL
Staff Counsel

RONALD C. LAZOF
C. BRENT SWANSON
GERALD G. WILSON
THOMAS A. GRECO
GREGORY M. BECK
ROBERT S. COLDREN
GARY B. ROSS
RICHARD M. BLUMENTHAL
RICHARD J. REYNOLDS
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OUR FILE NO. _____

July, 1982

MOBILEHOME PARK NEWSLETTER

INTRODUCTION

For several years we have talked about writing a regular newsletter to our clients and friends in the mobilehome park industry to address topics of current interest and concern. With ever increasing government regulations, changing tax laws, activist politicians and resident organizations, the need for such a newsletter has become increasingly apparent. We hope you will find the first of these newsletters informative and helpful. Your comments, suggestions and criticisms are solicited and should be directed to Brent Swanson who will be our newsletter's editor.

Each newsletter will contain articles relating to mobilehome management which are of interest to both owners and managers. For example, in this issue we feature a discussion of rental documents, one of the continuing areas of major concern throughout the industry.

We will also feature articles on real estate, business and tax planning which will be primarily of interest to owners. The article in this edition on the tax saving benefits of Management Corporations is only one example of a number of business planning ideas you will find in future editions.

RENTAL DOCUMENTS - YOUR BIGGEST ENEMY AND BEST FRIEND

The biggest problem we continue to see is poorly written, out-of-date rental agreements and rules and regulations. In a nutshell, what should be the single best tool you have to manage your park is often your biggest enemy.

The basic rule to remember is "You Have To Put It In Writing". Simply stated, if there is something you want your residents "to do" or "not to do" then you have to spell those "do's and don't's" out someplace in your rental documents. If you don't, then you simply cannot enforce these unwritten requirements.

EXAMPLES OF COMMON RENTAL DOCUMENT PROBLEMS

Ambiguous Rules: Often the only person who knows what the rule is intended to prohibit is the manager or owner who wrote it! To avoid ambiguities, try the following tips: (1) give your rules to someone else to read and let them tell you what they think the rules say; (2) use short sentences and paragraphs; (3) put yourself in the shoes of the typical resident and think about how he might misinterpret what you've written.

Unnecessary Rules: Do you really care if women wear bathing caps in the swimming pool? (The pool experts we talk to say the extra hair doesn't make any difference.) Is it reasonable to expect that guests will register before they use the pool? How many of the detailed billiard room, clubhouse, swimming pool, etc., rules do you really enforce?

The basic rule to remember is that you're operating a business and your primary objective is to make a profit. If the rental document provision isn't required by law, or doesn't help you make your park a nicer place to live, thereby permitting you to charge more rent and increase the value of your park, you shouldn't have it!

Architectural and Landscaping Specifications: How would you like to have an ugly old, delapidated single-wide move onto one of your empty spaces? Unless your rental documents specify architectural requirements for homes moving into your park, there's nothing you can do to prevent it!

You can't avoid the problem by simply saying "Subject to the park's prior written approval" or other similar words.

Remember, you must be specific - if you only want new double-wides moving onto empty spaces, then you have to say so. The same is true of accessory structures and landscaping - you have to be specific about your landscaping requirements, the type of permitted siding materials, minimum size of awnings, and porches, whether unitizing is required, the type of skirting, etc.

Age Restrictions: How many times have you heard a park owner or manager say "Everyone knows we're an adult-only park.". Well, everyone may know, but if you don't have your age restrictions in writing, then you can't keep the young couple with four small children out of your park. Another variation of this problem is where the park has an "adult-only" and "family" section - you have to define these separate sections by space numbers in your rental documents.

The recent California Supreme Court case regarding age restrictions continues to confuse many park owners and managers. Simply stated, our Supreme Court seemed to say that mobile-home parks: (1) may have a minimum age restriction of 18, and (2) may have an age restriction which limits residency to senior citizens (age 55 and older is probably OK). Any other age restriction - be it less than 18 years old or somewhere between 18 and 55 - is very questionable and you are inviting someone to sue you if you attempt to enforce questionable age requirements. In fact, we are seeing an increasing number of these types of lawsuits, so be careful.

Despite this new California Supreme Court case and other appellate cases which have followed, residents' attorneys continue to challenge all age restrictions as being unconstitutional. Therefore, it appears we are in for more litigation before it is finally determined whether mobilehome parks may have age restrictions of 18 or senior citizen age restrictions. (Remember: with the exception of senior citizen complexes, other types of rental housing may NOT have age any restrictions.)

Controlling Who Lives in the Mobilehome: Controlling who lives in the mobilehome - be it a guest, family member or roommate who just decided to move in without your permission or the new buyer you never met before - is difficult at best, but impossible without a tightly written rental agreement or rule.

Outdated and Incorrect Statements of Law: Misstatements of the law are another common problem which is of particular concern. For example, you are financially liable to your residents if they experience injury or property damage because of the park's intentional or negligent conduct. If your rental documents say, in effect, that you have no liability under any circumstances, then you are clearly violating the legal requirement that you not misinform your residents of their legal rights. Misstatements of the Civil Code and your lien rights on a mobilehome (you typically can't have any lien rights on the mobilehome) are other common problems.

Recreational Vehicles: Many parks have mix of "mobilehomes" and "recreational vehicles" which their residents live in. (A "recreational vehicle" is one which is not wider than 8 feet or longer than 40 feet.) If you have this type of park, then the "Recreational Vehicle Park Occupancy Law" which begins at Civil Code Section 799.20 is very important to you. This is particularly true if these recreational vehicles have remained in your park for 9 consecutive months since January 1, 1980 - if they have, then for most purposes they are treated just like a mobilehome and most of the requirements of the Mobilehome Residency Law apply to them.

For example, you are supposed to offer these long-term recreational vehicle residents the same type of long-term rental agreement we will discuss a little later in this newsletter. The "17 year rule" does not apply to recreational vehicles so you may require them to move when they are sold even though they are not 17 years old or in bad condition. If, however, your rental documents do not distinguish between recreational vehicles and mobilehomes, then you may find that the recreational vehicle residents will end up having all of the same rights as those occupying mobilehomes - something which is normally not to the park's advantage.

Fees and Charges: All of your various fees and charges must be specified in your rental agreement. If they aren't, then you may not lawfully collect them. Another problem is the "reasonableness" of the particular charge - excessive guest charges which are designed to discourage extra persons from living in the park are unlawful. Pet fees may only be charged if you have special pet facilities and the charge reasonably relates to the cost of maintaining the facilities or services in relationship to the number of pets in your park.

THE PARK'S LIABILITY FOR ITS RENTAL DOCUMENTS

Too few park owners and managers realize that their residents and the local District Attorney's Office have the right to sue them for rental documents that are ambiguous, incomplete or do not comply with all legal requirements. The potential liability can amount to hundreds of thousands of dollars in penalties and attorney's fees. Unfortunately, these types of lawsuits are becoming more popular throughout California and even if you are successful, the expense in defending them can be substantial. The moral of the story is that you simply cannot ignore your rental documents - a little time and money spent today may avoid you having to spend thousands of dollars in the future.

SINCE THEY'RE NOT ENFORCEABLE ANYWAY, SHOULDN'T I JUST THROW AWAY MOST OF MY RULES AND REGULATIONS?

Many of our clients ask whether they shouldn't "throw away" most of their rules and regulations as they "can't enforce them anyway". Our attitude is, "absolutely not". Simply stated, we believe many of you have misunderstood some of the concerns you have heard over the past year or two about the enforceability of your rental documents.

We agree that there are rules and regulations you can't enforce and really shouldn't care about anyway. We don't agree, however, that a well-written set of reasonable rules and regulations are not enforceable. Nor do we agree that you are subjecting yourself to a strong likelihood of a lawsuit if each and every one of your rules and regulations is not enforced to the "nth" degree every second of the day. It simply boils down to a question of "reasonableness".

Most importantly, keep in mind that a well-written set of rental documents is your best management tool. For example, most of the day-to-day problems our clients experience are solved by them, not an attorney. It is much easier to solve these problems and get voluntary compliance if you have a rule and regulation to point to. In effect, the owner or manager simply says to the resident, "Look here, the rules and regulations say you can't park in the street, let the weeds grow in your yard or disturb your neighbors. But you are doing all of these things, and I want you to stop." If your rules and regulations are incomplete or ambiguous, then what do you say? The point is that you can be 100 times more effective in managing your park and handling these typical day-to-day problems if you have written your rental documents properly.

SAMPLE RULES AND REGULATIONS

LOS AMIGOS MOBILE HOME ESTATES
296 HOPE AVENUE
SANTA BARBARA, CALIFORNIA 93110

RULES AND REGULATIONS

We, the owners and the management of Los Amigos Mobile Home Estates are determined to maintain a park that is of the highest quality, pleasant to live in, beautiful to visit, and as modern as the concept of mobile home living can be.

1. ADMINISTRATION AND MANAGEMENT:

- A. Resident mailing address:
YOUR NAME
296 Hope Avenue
Santa Barbara, California 93110
- B. Residents of Los Amigos are restricted to adults only. Minimum age of residents is fifty-five (55) years old.
- C. No pets will be permitted in the park.
- D. Speed limit within the park is restricted to a maximum of ten (10) miles per hour. All traffic signs must be observed.
- E. No commercial business shall be conducted in the park.
- F. Car washing shall be done only in designated car wash area, which is in the "NO PARKING" place in front of the park garage.
- G. Do not attempt to repair cars or other vehicles in the park under any circumstances. Any vehicle which drips oil, gasoline or rusty radiator water must be fixed to avoid any damage to the paving, car pad or the park's appearance.
- H. No campers, motor homes, travel trailers, boats, trucks, or any form of commercial vehicle shall be parked in the park
- I. Only one (1) vehicle may be parked in mobile home parking space unless home has room for tandem parking which does not extend over the parking space into the street. All extra vehicles must be parked out of the park. "VISITOR PARKING" is for temporary parking of visitors only. All other extra vehicles or longer term vehicles must be parked outside of the park.
- J. No parking is allowed in the streets within the park itself. This is in accordance with Santa Barbara Fire Department Ordinance 3942, Section 13.208.
- K. Refuse and garbage must be placed in a regulation can with lid and stored in such a place about the home so as not to become offensive. Please place the container in front of your space after dark the night before, or early in the morning on the day of pickup. Return container to storage area promptly after pickup.

- L. Certain garden tools, mowers, ladders, etc., will be furnished by the park and are stored in the tool room in the laundry building. These must be returned in a clean condition immediately after use. Equipment and apparatus furnished are solely for the use and convenience of the residents. All persons using same do so at their own risk.
- M. No additional person is to reside in any mobile home in the park for more than twenty (20) days in any calendar month, or a total of thirty (30) days in a calendar year in accordance with the California Civil Code. Any extension of these number of days may require the resident to pay guest fees.
- N. Solicitors, vendors, peddlers, and others whose presence and business activity may be considered an intrusion, are not permitted in the park. Necessary delivery people who are duly authorized by management may have access to the park. In the event of intrusion, the management should be notified immediately.
- O. Radios, television or stereo equipment must be turned down so as not to disturb neighbors. Quiet hours: 10:00 P.M. to 9 A.M.

2. REGISTRATION

- A. Resident application forms, registration cards, rental agreement containing reference to and understanding of Park Rules and current California California Civil Code, must all be signed in the presence of the management.
- B. It is the responsibility of the management and seller of a mobilehome to meet with all prospective tenants personally to make sure that they understand all of the park rules.
- C. All guests of residents of the park who will remain for twenty (20) or more days in each calendar year must be registered.
- D. Animal pets are not accepted in this park. Guests of residents must not keep dogs or any animal in this park when staying overnight.

3. RENT SCHEDULE

- A. All rents shall be paid in advance on the first day of each month. The office will be open on the first day of each month. Should the first day of the month fall on a Sunday or a holiday, the office will be open the following working day.
- B. Rental rates include mobilehome site equipped with individual gas and electric meters, water, trash pick-up twice weekly, use of laundry and drying area and use of recreational facilities. Cable television is available on each space with the choice of all options and is billed directly by Cox Cable TV.

- C. Electric and gas meters at each site are read four (4) to five (5) days preceding the rent due date and charges are added to the rent bills for the number of kilowatts or therms used by each mobile home in compliance with the Utility Company Rate Schedules for residential use, as approved by the Public Utility Commission.

4. MOBILEHOMES AND MOBILEHOME SITES

- A. Mobilehome sites will remain under direct control of the management.
- B. The owners and management will not be responsible for accidents, injuries, or loss of property by fire, theft, wind, floods, earthquakes, or any act of God.
- C. No violation of any law or ordinance, local or otherwise, will be tolerated. No acts of demeanor shall be permitted which would place the Owners or Management of these premises in violation of any law or ordinance. The right to evict any objectionable person or persons is reserved.
- D. In the event of a sale of an older mobile home, the management may require the home to be removed from the park, all in accordance with the Park Rules, the California Civil Code and the California Administrative Code, Title 25, Chapter 2.
- E. When any mobile home in the park is sold and is to remain in the park, it must conform to Los Amigos Mobile Home Estates Architectural Standards. Any new mobile home that is to be brought into the park must also meet the park Architectural Standards.
- F. Any mobilehome, regardless of age or size, which is in a state of disrepair (and this includes awnings, porches, sheds, landscaping, driveways) must make necessary improvements if requested by management. If improvements are not made, mobilehome will have to be removed from the park at the request of elected park representatives and park management.
- G. Residents shall maintain their lot in a clean and orderly fashion, and shall care for yard, trees, and shrubbery thereon. The management shall review the landscape plan before extensive work is done by any resident. Should a resident decline to landscape properly, or neglect to take care of the lot after having been notified by the management two times, the management will hire the work done and the resident will be billed for the actual cost.
- H. Permission must be obtained from the office before planting any trees or shrubs, and no large tree or shrub shall be removed from any mobilehome site without the permission of the management.

- I. When a resident is on vacation or leaving for any reason, it is the responsibility of the resident to have a neighbor, or to hire someone, to water and maintain his yard while away. If this is not done, the management will hire a gardener and charge the fee to the resident. Please notify the office of departure and expected return date.
- J. One storage cabinet of 100 sq. ft. or less, or two storage cabinets of 50 sq. ft. each may be installed, but in no case can two storage areas be in excess of 100 sq. ft., nor can the total of the storage area and the home cover over 75% of the of the square footage of the lot. The height of storage cabinets is limited to 8 ft.
- K. Fences around mobilehome sites will not be permitted.
- L. No storage of bottles, paint cans, trunks, boxes or equipment around or under the mobilehome will be permitted.
- M. All building, remodeling or alteration plans for a mobilehome or accessory structures must first be submitted to the management for approval. Garages and greenhouses are not permitted. Due to underground facilities, any digging must have management approval prior to digging. Any alteration to electrical, plumbing or gas systems must be approved by management. A building permit for building or remodeling must be obtained from the State of California and must conform to current Park Rules, Park Architectural Standards, California Civil Code and State of California Administrative Code, Title 25, Housing & Community Development, Chapter 2, Mobilehome Parks Act.
- N. Any installation of water heaters, air conditioners, stoves, refrigerators, water softeners, washers, dryers, or any type of electrical or gas equipment must be approved by management before it is installed. This is to insure that power and gas services are not overloaded. This is also to make sure any equipment meets safety standards for mobilehome use.
- O. Extension cords to sheds may not be plugged into the mobilehome except for temporary use.
- P. Motorcycles will be permitted in park only when walked in and out.
- Q. Excessive use of intoxication liquor, boisterous and needless noise, substantial interference or annoyance of neighbors, unreasonable disturbance of peace and quiet, and willful and careless destruction of, or injury to property in any manner on these premises will result in immediate eviction proceedings. The offenders will be required to pay for any damages resulting therefrom.

5. SALE OR REMOVAL OF A MOBILEHOME

- A. Before a mobilehome is put on the market for sale, the management must be notified.
- B. If a mobilehome is going to be sold and is going to be moved out, whoever is moving the mobilehome out must give the management a minimum of sixty (60) days notice.
- C. Mobilehomes which are going to be sold must conform to park Architectural Standards if the mobilehome is going to remain in the park. The work may be done by either the seller or the buyer, but in either case the work requested by management to be done must be detailed in writing, with a detailed site plan, a scale drawing of building elevations, a report on colors and materials being used and complete landscape plans which includes all plants and materials being used. A completion date in writing must be included in the discription of the work to be done. All of this must be submitted to the management of the park prior to the sale of the mobilehome if it is to remain in the park.
- D. If a realtor is involved in a sale, they must come into the office and understand what they can and cannot do uner our park rules and under the current California Civil Code. This includes a listing realtor or any realtor involved in any way with a prospective sale of a mobilehome on this property. Any misrepresentation of any rules of the California Civil Code or of anything regarding our park rules by any realtor may be dealt with in legal action and proper regulatory authorities.
- E. A buyer of a mobile home is not a tenant of Los Amigos Mobile Home Estates until he has signed the "Application To Rent" form, the "Registration Form" and the "Rental Agreement" form. A buyer of a mobile home is not a tenant of the park until he has paid an application fee of \$25.00 and a refundable security deposit of \$250.00.
- F. All mobilehome charges for site, electricity and gas shall be paid in full before moving out of the park or removing a mobilehome. Residents shall notify the management sixty (60) days before vacating. If mobilehome is to be removed, lot is to be left completely clean and free of any debris.
- G. The assignment of the mobilehome site in connection with the sale of a mobilehome in the park must have written approval from management.
- H. Sub-letting or renting a mobilehome in the park is not permitted under any circumstances.
- I. Any advertising giving the park address must be first cleared with the management.

6. LAUNDRY

- A. Instructions for operation of washing machines are printed on each machine. Do not overload or abuse the machines. Washing mashines and dryers must be cleaned inside and outside after use. This includes cleaning the lint screens in the dryers.
- B. Anyone using machines must sign up on proper calendar in laundry room.
- C. Laundry must be removed from washers and dryers as soon as it is finished. Laundry must be removed from the lines in the drying yard as soon as possible.
- D. Laundry room must be left in a neat and orderly condition.
- E. No laundry of any description is to be hung outside of a mobilehome or any other place except drying yard.
- F. Residents should report to management any use of laundry room and drying yard by non-residents.

7. RECREATION

- A. The Owners and Management will not be responsible or liable for accidents or injuries from the use of recreational facilities in the park.
- B. The recreation room is available for use of all residents. For reserved use for private parties or for park functions, management should be given a minimum of a week's notice. Room to be left clean. No alcohol may be served in the recreation room.
- C. Swimming Pool: Note posted regulations at pool site. California State law requires that you shower before entering swimming pool. Please remove bobby pins, band aids, suntan lotion, etc., before entering the pool. Anyone entering the pool with long hair MUST wear bathing caps. Do not throw refuse in pool. No food, drinks or glass objects such as drinking glasses or bottles are allowed in the pool area. The pool is equipped with modern mechanisms to protect your health and to provide safe and pleasant swimming for you.
- D. The swimming pool may not be used by children under fifteen (15) years of age unless accompanied by a park resident.
- E. The pool will be heated May through October. If the weather permits, the pool will be heated for a longer period.
- F. The number of guests a resident or resident couple may bring to the pool shall not exceed six (6) persons in any one day, unless given permission from the management.

G. POOL HOURS

Resident Pool Hours: 8:00 A.M. to 10:00 P.M.

Guest Pool Hours: 8:00 A.M. to 10:00 P.M.

Children under 18 years of age: 8:00 A.M. to 1:00 P.M.

8. COMPLIANCE

A. Failure to comply with Park Rules and Regulations will terminate the tenancy on sixty (60) days written notice.

9. ARCHITECTURAL STANDARDS

A. The Los Amigos Mobile Home Estates Architectural Standards are a part of and included in these Los Amigos Mobile Home Estates Rules and Regulations.

10. COMPLIANCE

A. Failure to comply with Park Rules and Regulations and/or the California Civil Code and/or any law or ordinance (local or otherwise) will terminate the tenancy on sixty (60) days written notice.

11. AMENDMENTS, ADDITIONS OR DELETIONS TO THESE PARK RULES

A. Amendments, additions or deletions to these rules may be added or deleted at any time, with the agreement of elected park representatives and park management.

PARK TERRACE MOBILE HOME PARK

12177 Third Street
Yucaipa, Calif. 92399
714/797-1060

1. Park Terrace is an adult park with space rental limited to two adult persons per mobile home space.
 2. No pets are allowed on the Park premises at any time.
 3. State Law requires that guests must register at the office on the first day of their stay in the Park. This rule does not apply to visitors.
 4. All guests and visitors must park in the visitors' parking area near the entrance.
 5. Guests may remain for one week without charge. Children are limited to visits of no more than five (5) days and must be supervised by an adult at all times.
 6. ALL rent and other charges are due on the first day of each month. If not paid by the 5th, a 10% late charge may be added plus \$1.00 per day until paid.
 7. Tenant must give Management 30 days' notice prior to moving. Rents will not be pro-rated on a partial month basis.
 8. Tenants are strictly prohibited from renting or leasing their mobile homes and must secure Management's approval before buying or selling mobile homes in the Park, as lot spaces are not transferable.
 9. Speed limit is 10mph. Tenants' units such as boats, campers and travel trailers are to be kept in the storage area.
 10. Awnings, fences, structures, etc., must be checked and approved by Management before installing or erecting. Spaces must be kept neat and clean by Tenant, or Management will see that it is done and charge Tenant accordingly.
 11. Remove clothes from lines or machines when finished. No clothes may be hung out on individual lots. No washing hair or dyeing clothes in laundry rooms, please.
 12. Recreation Hall is for all to use and enjoy. Please do not monopolize facilities (observe 3 game pool limit if others are waiting). Please use ash trays when smoking in recreation area. No alcoholic beverages in or around recreation area.
 13. No vehicle repair or mobile home painting will be allowed without permission of Management.
 14. No parking on the streets at any time!
- ** These rules & regulations may be altered or changed by Management.
- Thank you for your cooperation.

The Management



RESIDENCE POLICIES

MARINERS COVE MOBILE HOME COMMUNITY

1. This is a family community, however, children are permitted to reside only in specific areas of the Park and only with their parents or legal guardians. There is a maximum of one (1) child allowed in a single wide home and two (2) children allowed in a double wide mobile home.
2. Guests and visitors are the responsibility of the resident with whom they are visiting and must be accompanied by their host when using the recreational facilities. Overnight guests staying in excess of thirty (30) days are subject to prior written approval of the management and may be additionally subject to a charge pursuant to the California Civil Code. Visiting minors must be accompanied by an adult resident at all times. Residents are responsible for damage caused by negligence by themselves, by their guests and/or pets. Guests are required to comply with all of the Park's rules and regulations.
3. In order to protect the appearance of the community, homes must be attractively maintained and comply with all laws and ordinances of the City, State and County.
4. Changes in space layout, structural additions or fencing must be approved by management in accordance with existing codes. After approval by management, changes or additions must be commenced and, if possible, be completed within sixty (60) days after approval.
5. To protect the community's atmosphere it is necessary to insist that no major vehicle repairs be made within the community. Automobiles should be washed at special facilities when provided. Recreational vehicles must be stored in the storage area. Vehicles leaking fluids must be immediately removed from the park.
6. Laundry and restroom facilities are for everyone's convenience. Please leave them as clean as you found them. Remove clothes from machines as the cycle has ended so they will be available to others. At no time are clothes to be hung up to dry except in specific area provided.
7. The community and its address may not be used for the purpose of advertising the sale of automobiles, recreational vehicles, homes or any other merchandise. Furthermore, no mobile home or mobile home space may be transferred, rented or sub-let without the prior written consent of management. No "For Sale" signs will be allowed other than provided under California Civil Code Section 798.7.
8. Small pets existing prior to March 1, 1983 will be allowed, however, they may not be replaced. In addition, all existing pets must be registered prior to this date. Dogs must be kept on a leash at all times and taken off the improved premises for exercise. Permission granted for a tenant to keep a pet may be revoked by management at any time. No pets will be allowed upon resale of home.
9. Continual disturbing of the peace or other actions detrimental to the reputation or operation of Mariners Cove Mobile Home Community or any violation of the Residence Policies or posted Rules and Regulations shall constitute a violation of the Rental Agreement and will be a basis for termination of all of the residency rights of the resident.
10. Residents are asked to park in their own driveways or under their carports. Residents will be allowed only two automobiles per homesite.
11. A suggested speed limit of 10 miles per hour applies throughout the community. Residents are asked to carefully observe all posted signs. No parking is allowed on streets. Residents may not park in visitor parking area except while visiting clubhouse.
12. Motorcycle or moped operation is not permitted unless approved, in writing, by the management.

ARCHITECTURAL RESTRICTIONS

MARINERS COVE MOBILE HOME COMMUNITY

Mariners Cove will maintain rigid architectural standards to ensure the beauty of our community. These standards are set forth below. Please read all of them so you may fully understand the requirements and standards of the community. Residents shall maintain their home, accessories, lot, driveway and landscaping in a clean, safe and attractive appearance at all times. Disrepair, faded or chipped paint, broken screens or windows, dented awnings, posts or skirting must be replaced or repaired.

1. Any home to be installed in Mariners Cove must be approved by management, in writing, prior to entry into the community. Homes coming into the community must meet these minimum architectural restrictions.
 - A. House type siding.
 - B. Composition roof.
 - C. Fully unitized awnings.
 - D. Skirting to coordinate with siding of home.
2. All steps and porches must be built to conform with the Department of Housing and Community Development (HCD) requirements. They must coordinate with the home and be skirted with the same material as is used for siding on the home.
3. Carport awnings must meet HCD codes and must coordinate with the home. A minimum 10 x 35 carport awning and 8 x 20 patio awning shall be installed on all homes.
4. All hitches must be covered or removed (in the case of new homes they must be removed).
5. All fences must have approval, in writing, by the manager.
6. All homes with air conditioning or cooling equipment shall have such equipment installed at ground level rather than roof top installation. No window air conditioning shall be allowed.
7. No outside TV antennas shall be installed. All spaces are provided with commercial cable TV.
8. No "ham" or "CB" radio antennas shall be installed except for a 5 foot whip antenna at the rear of the home.
9. No large electrical appliances will be permitted outside of the individual mobile homes.
10. Landscaping of the homesite must be completed within 90 days and must be continually maintained to reasonable standards. All plants, trees and shrubs planted on the premises, as well as structures permanently attached shall be maintained by the tenant and shall become the property of Mariners Cove and may not be removed by the resident without prior written approval of the community. Management may, however, require tenant to remove unsuitable trees, shrubs or structures at tenant's expense.
11. Homesite drainage within Mariners Cove has been designed to allow the flow in a specific direction. Any disruption of the flow by landscaping or other construction is not permitted.
12. Underground utilities have been installed and easements granted throughout Mariners Cove. Check with management before digging or driving rods or stakes into the ground as this may damage the underground facilities and could result in injury and expense to tenant. No planting of trees, installation of storage sheds or other encroachments are permitted over easements. The resident shall be responsible for any cost incurred in repairing damage to the underground facilities by the resident.

079-S

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