

CALIFORNIA LEGISLATURE
SENATE SELECT COMMITTEE
ON
MOBILEHOMES

**Transcript of a Hearing on
Mobilehome In-Park
Inspections**

OCTOBER 22, 1985

ESCONDIDO, CALIFORNIA

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Senate Select Committee on Mobilehomes

SENATOR WILLIAM A. CRAVEN
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TRANSCRIPT OF HEARING

ON

MOBILEHOME IN-PARK INSPECTIONS

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iii.

California Legislature

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INFORMATION PAPER

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Background

The Mobilehome Parks Act, commencing with Health and Safety Code Section 18200, is the legislative authority for the Department of Housing and Community Development to regulate the construction, use, maintenance, and occupancy of mobilehome parks and the installation, use, maintenance and occupancy of mobilehomes.

Specific requirements are spelled out in the Department's regulations, Chapter 2, Part 1, Title 25 of the California Administrative Code, also known as the Mobilehome Parks Act, detailing specific requirements which both parks and mobilehome installations must meet.

The regulations are quite specific and - among other things - cover the following areas:

- I. Administration and Enforcement: plans, applications, permits, fees.
- II. Park General Requirements: lot identification, roadways, park lighting, occupied area of a mobilehome, among others.



- III. Electrical Requirements: distribution systems, overcurrent protection, equipment grounding, design requirements, etc.
- IV. Fuel Gas Requirements: installation, plans and specifications, shutoff valves, outlets, connector meters, etc.
- V. Plumbing Requirements: sewage disposal, installation, drains, traps, venting, pipe size, shutoff, water service outlets, etc.
- VI. Fire Protection Standards for Parks: interface with local regulation, lot installations, hydrants, hose couplings, etc.
- VII. Mobilehome Installations and Facilities: foundation systems, utility connections, roof load, wind loads, leveling, clearances, exit facilities, installation permit and acceptance, space requirements, etc.
- VIII. Permanent Buildings in the Park: construction, plumbing, electrical, fire, etc.
- IX. Mobilehome Accessory Structures: space requirements, cabanas, awnings, carports, porches, stairways, ramadas, storage cabinets, fences, and closed buildings.
- X. Maintenance, Use and Occupancy Requirements: manager available, animals, lot occupancy, driveway access, emergency information, rubbish, substandard installations, abatement, hearings, inspection, notice, etc.
- XI. Actions, Procedures, and Penalties: notice, responsibility, suspension of permit to operate, notice, hearing, penalties.

The Department of Housing and Community Development (HCD) licenses some 5800 mobilehome and travel trailer parks in California and issues, for an annual fee, an annual permit to operate. State regulations are enforced by inspection at the time of construction of the park and as a condition of granting the initial permit to operate. Inspections are also carried out periodically on the basis of the number of complaints registered with the Department or local government concerning any one park or on the basis of individual complaints.

HCD regulates mobilehome installations in parks through inspection at the time of initial installation on the park space, or as the result of a request for inspection of a mobilehome to ensure that it meets state standards and requirements at the time of resale. There are an estimated 630,000 mobilehomes registered in California, approximately 75% of which are located in parks.

Inspections are carried out either by HCD or local government, where local government, such as in San Diego County, assumes the inspection duties. The Department of Housing, however, has the largest share of inspection responsibilities in terms of the number of parks and mobilehomes it must cover. The Department has 55 inspectors statewide operating in coordination with eight field offices and two main offices, one in Northern and one in Southern California.

Mobilehome park inspections based on a complaint are triggered by the filing of a complaint on forms provided by HCD (sample attached). The complaints are reviewed at the field office level where they are prioritized on an urgency or non-critical basis. Where there is a life-threatening situation, complaints may often be taken over the phone.

After complaints are reviewed and prioritized, they are assigned to an inspector, who makes an appointment to inspect the facility, normally within five days of the complaint. Urgent, threatening health and safety problems are often inspected the same or following day.

Upon the determination of a violation, the park owner, unless an emergency situation requires immediate action, is normally given 30 days in which to comply, after which there is a re-inspection. If the violation is still not corrected, the Department will usually, as the first approach, attempt to have such a willful violator prosecuted under misdemeanor provisions of the code. The response of local district attorneys in this regard varies, but misdemeanor cases are often a low priority in most counties.

Ultimately, if the violation is not corrected, after a notice and hearing, the Department may revoke the permit to operate the mobilehome park. However, this is a course of last resort, since closure of the park often does not punish the park owner as much as the residents who live there and must now move out.

Jurisdiction over mobilehome parks, while primarily vested in HCD, must also be shared with other government agencies in some areas. Local government may zone or otherwise issue land use permits for the building or construction of the mobilehome park to begin with. Additionally, under the State Building Standards Act, building standards for permanent buildings, such as a clubhouse or a recreational facility, in a mobilehome park must comply with regulations established by the State Building Standards Commission. Fire regulations promulgated by local government and administered by the Fire Marshal may prevail over state fire standards for mobilehome parks where local standards are stricter.

In responding to mobilehome complaints, particularly as they concern parks, HCD and local government are responsible for enforcing violations relating to code standards - as outlined above under Title 25. Neither is responsible for enforcing civil code provisions of the Mobilehome Residency Law (Civil Code Sections 798 and 799.51), dealing with the legal relationship between park owners and park residents, the provisions of which are self-enforcing.

Inspection Issues:

During the past year, the Senate Select Committee on Mobilehomes has received complaints directly from mobilehome residents, as well as through various legislators' offices, concerning several inspection problems.

Spotty Enforcement

With regard to mobilehome parks, the most frequent complaints concern violation of park health and safety standards and deteriorating facilities in the common areas. One problem, for example, dealt with subsidence of a mobilehome on the space due to improper drainage around the space, which the park owner was unable or unwilling to repair. Complaints often involve allegations that the Department of Housing or local government is either slow to respond to such problems or unable to bring about corrective action.

Lot Lines and Space Requirements

There have been a number of complaints involving lot line disputes resulting from the installation of a new and larger mobilehome in a space previously occupied by a smaller unit. The installation of the new unit sometimes encroaches upon the lot of, or the space requirements for, adjacent and neighboring homes. The Senate Select Committee on Mobilehomes dealt with similar lot line complaints at its hearing on June 18, 1984. Subsequently, SB 1321 (Craven) was introduced, passed by the Legislature, and signed by the Governor. The bill, effective January 1, 1986, will prevent either the creation or change

(usually by the park owner) of a lot line separating adjacent mobilehomes if such results in a violation of state distance requirements between the homes. Additionally, under the bill, either the creation or change of a lot line by the park owner will require the written approval of both the local planning agency as well as affected residents.

Mobilehome Inspections on Resale

In some parks, park owners may require - by park rule or regulation - that mobilehome owners obtain an inspection of the mobilehome by state or local government when it is put up for resale.

Prior to 1984, owners wishing to sell their mobilehome on its in-place location in the park were subject to the so-called "17 year law." In essence this Civil Code provision was interpreted to mean that a park owner could force most mobilehomes upon resale to be removed from the park, unless they were between 10 and 20 feet wide and less than 17 years of age, in order to "upgrade" the park. A 1983 legislative change, AB 1324 (Floyd), provided that in addition to the 17 year standard, most mobilehomes could not be forced from the park upon resale unless the park owner could show they did not meet health, safety, and construction standards required of such mobilehomes.

Legislation now pending, SB 873 (Robbins), would require that any mobilehome inspection, for purposes of determining whether a mobilehome should be removed from the park, shall be paid by the individual requesting the inspection. The bill has passed the Senate and is awaiting a hearing in January, 1986 before the Assembly Housing Committee.

Aside from the issue of who bears the cost of the inspection, depending on who requests it, some mobilehome residents are concerned that inspections, even those resulting in a finding of minor non-compliance of some items or appliances, will give park owners a pretext on which to eject mobilehomes put up for sale from the park.

These are just some of the inspection issues which have been brought to the attention of the Committee. The Committee will entertain testimony from various witnesses who care to testify on these and other inspection problems. Representatives from the Department of Housing and Community Development will be available to detail procedures undertaken by the Department upon receiving a complaint concerning mobilehome parks, as well as upon the inspection of individual mobilehomes.

IV.

TESTIMONY

SENATOR CRAVEN: Good morning, ladies and gentlemen. We will call this meeting to order. It's a meeting of the Senate Select Committee on Mobilehomes. I'm Senator Bill Craven, and I'm very happy to have you here with us here today. I hope you have not been too inconvenienced by the parking situation here in this vicinity. We weren't aware of that when we scheduled the meeting here. Also I'm so sorry to find, much to my chagrin, there is no smoking in here. There is a purity about this community that, hopefully, will do well as years progress. If you have the urge to smoke, if you will just go out those doors where a sort of pall hangs over the place, that's the smoking area out there - with the flora and fauna.

The Senate Select Committee on Mobilehomes was established almost three years ago to provide the members of the State Senate with a forum for resource information on mobilehome issues and problems. Prior to that time, the Legislature had never given recognition to the importance of mobilehome issues - affecting perhaps as many as one million mobilehome residents in California by establishing such a committee.

This committee is composed of six Senators from different parts of the state, and I would like to introduce to you my colleagues with us this morning. On my far left is Senator Dan McCorquodale, who represents Santa Clara County and other portions of the state in the general San Jose area. Dan has had a very distinguished career prior to his service in the Senate

as a County Supervisor. He is also Chairman of the Senate Committee on Elections and Reapportionment, which is a very, very important committee, to say the least. Those of us in the political arena pay very close attention to the Elections Committee.

The next gentleman, to Senator McCorquodale's right, is Senator Bob Presley, who comes from Riverside County, and he is one of the more senior members of the Senate. He is known as the gentleman who has carried more successful legislation than any other legislator that we have. He has this past year and years prior had a great and abiding interest in corrections and prisons, and he also has a very facile mind. He has developed legislation to provide for the expansion of the prison system to take care of a growing problem, and it has all been under his leadership.

Both of these Senators have been very, very active in helping support mobilehome legislation and with their votes, consistently on the issues, we have managed to get what we have gotten to this time.

At the extreme left is Lucio Lopez, who is a Sergeant-at-Arms and behind us is Keith Edwards, who is another one our Sergeants who maintain good order and discipline for us in Sacramento and on the road. They are responsible for the recording of the session so that we have a complete and total record of what we

we say and do here today. If you have any questions that they may help you with, please feel free to ask.

Bill, why don't you sit up here with us? I would like to also introduce an old friend and a colleague from the Assembly. This is Assemblyman Bill Bradley, who also has a very great interest in mobilehome issues. He represents a good portion of Riverside County, which is kind of the capital of mobilehomes, I think, and, of course, portions of this County, including the City of Escondido.

On my right is John Tennyson, who is the Consultant to the Senate Select Committee on Mobilehomes, and on my left is Mickey Bailey, who is our Committee Secretary. Have I covered everybody?

The Committee is primarily a forum for looking into and researching mobilehome problems. In addition to monitoring mobilehome and related housing legislation in each session of the Legislature and publishing periodic reports, the Committee staff assists Senators with mobilehome legislation and constituent mobilehome problems. Since late 1982, the Committee has also held numerous hearings on various mobilehome issues throughout the state - including the issues of mobilehome taxation, mobilehome park rules and regulations, and adult only problems, just to name a few.

Today, we will be hearing testimony concerning mobilehome inspections - inspections by the state and local government of mobilehome parks as well as on-site inspection of the mobilehomes themselves.

Over the past year, the Committee has received complaints from a number of mobilehome residents - both directly as well as through various legislators' offices - concerning different aspects of mobilehome inspections.

The information paper prepared by staff - of which I hope there are enough copies for each of you - briefly describes the background and procedures of park and on-site inspections and summarizes some of the most frequent complaints.

Three of the problems which have received the most attention in this area are:

1. The alleged spotty enforcement by the Department of Housing or local government of park facility and maintenance standards, established by state law and regulation.
2. Inspection of new, double-wide installations in older spaces where complaints of inadequate or unsafe distances between the new and neighboring home arise.

3. Inspection of a mobilehome on resale as the basis for determining whether a home continues to meet state health, safety, and construction standards and will be permitted to remain in the park

These are the inspection issues which have most frequently been the subject of complaints brought to our attention.

The purpose of the hearing today is to hear from you - to hear from mobilehome residents, park owners, state and local government personnel entrusted with enforcing the regulations, and other persons concerned with these and other inspection issues which you may wish to bring to us.

We have published an agenda for those who wish to speak on these inspection topics - but time allowing - we will permit others from the audience to testify after those who have been pre-scheduled have had a chance to make their presentations

We are also going to try something a little different than we have in past hearings. Normally, we attempt to focus on one generic issue at a time - such as inspections in this case. But we have been asked so many times to let people address other mobilehome issues at our hearings - that we have decided - after all the testimony and comment on the inspection questions have been completed - to hear from those who want to tell us about other mobilehome problems as well - again, of course, time allowing.

Now, let's take a look at the agenda. We will begin with testimony on mobilehome inspection issues and will begin with Leonard Wehrman of the Naational Mobile/Manufactured Home Owners Foundation.

LEONARD WEHRMAN: Good morning, ladies and gentlemen and Senators and Assemblyman, John and Mickey. I appreciate the opportunity to be here today. The purpose of my testimony and remarks today are to bring to the Senate Select Committee on Mobilehome and to the California Legislature, and to the mobilehome owners in rental parks in California, and to the general public some of the key issues that I think are profound and are making a profound impact on the mobilehome lifestyle and peaceful enjoyment of this form of community living as they relate to the subject matter of mobilehome inspections.

At the outset, may we express our appreciation to you, Mr. Chairman, and each of you for your outstanding work this year and for your staff work along these same lines and in scheduling this hearing and providing a forum to present our viewpoints on the particular events, and may we commend each of you - particularly you, Mr. Chairman, for your legislative efforts in the 1985 session. We are indeed grateful for this voice in Sacramento.

SENATOR CRAVEN: Thank you very much.

MR. WEHRMAN: Now, I just might add to Senator McCorquodale here that it has been suggested because of the success of this type of forum that, perhaps, a meeting of this similar nature be conducted in Northern California and, as suggested, it might be in Senator McCorquodale's area - the San Jose area - because the same problems are existing there that you just described. They are prevalent in Northern California as well.

SENATOR CRAVEN: We will give that every consideration.

MR. WEHRMAN: Thank you. As announced in your information handout for this hearing, we want to present this testimony and other general subjects of mobilehome inspections. This is a very significant and timely series of issues because of what is happening today or, more importantly, what may be happening in the very near future that will continue to have a long-standing impact on the future of mobilehome communities and, frankly, how some of the investors and financial corporations and others may no longer be interested in pursuing and exchanging rental parks and helping the owner perceive mobilehome parks as a sound investment. That is not to exclude the residents' side, but to include the other side

The mobilehome park industry of existing communities and real estate investment groups for some time have been pursuing and

conducting workshops and through publications have been advocating a course of action that has caused these key issues to come to the surface. So far it appears openly that the prime motivation behind such a pursuit is to enhance the profit margins and inflated property values for the investor groups at the expense of the homeowners in the State of California.

As I view this, and I will not dwell on all of these subjects, of course, but as I view it, some of the key subjects today include:

- a. Mobilehome inspections at "resale" time.
- b. Mobilehome inspections at "pre-sale" time
- c. Mobilehome inspections at "installation" time.

A lesser item I will touch on briefly is:

- d. Fuel burning appliances, especially hot water heaters.
- e. Inspection of mobilehome park premises plus the homes and the lots on a "surprise and unannounced" basis.
- f. Inspection of mobilehome dealer/salesperson licensees having an established place of business within mobilehome parks especially those operated by management personnel and park employees on a "surprise and unannounced" basis.
- g. The relationship between HCD and local government on all of the above issues.

- h. What is sometimes referred to as "security deposits." I prefer to call it something else. Just what the title would be I can't say, but for lack of a better way I say "Mobilehome lot occupancy deposit." It's almost a park entrance fee as far as I'm concerned.
- i. Insurance policy beneficiaries to the park owner and other insurance disclaimers written into leases and rental agreements, which is getting to be a current subject and will be more prevalent in the near future.

In addition, Mr. Chairman, as you know, the general matter of rent control and, specifically, the topic of "price fixing on rental housing" by local government in California will receive oral arguments before the United States Supreme Court on November 12, 1985, in Washington, DC, with a decision published sometime during the first half of 1986.

Plus the topic of "family versus adult" mobilehome parks will be heard by the California Supreme Court probably within the next three months. They may also be waiting for decisions coming through the Appellate Courts.

On several of the above topics, it is our belief that HCD is caught in the crossfire of competing interests, as an administrative and enforcement agency, and still tries to be sensitive to the needs and concerns of the mobilehome owners.

Over the years, the Department has been cooperative and generous in their assistance to the mobilehome matters, but with new issues that have arisen over the past year or so, at least thus far, the administrators and management of HCD have not recognized the existing situation and have not sought out alternatives and workable solutions in concert with the affected homeowners. And I commend you, Mr. Chairman, in this regard, because this provides that forum.

This has, in part, brought us to this public hearing seeking the format to pursue many of the issues and to find the answers. It appears that much catch-up and an extra effort is necessary to address and resolve the issues.

As a starting point, Mr. Chairman, I would like to take on the issue of what is commonly referred to as "resale inspections," because it has a very significant impact on the mobilehome owner's lifestyle, and perhaps how HCD, local government, and the mobilehome park industry are treating it. To be very specific I want to talk about those areas that are strictly at resale time. In addition to the Health and Safety Code, I would like you to bear in mind that those provisions of the Mobilehome Residency Law, in particular Section 798.73, was

being addressed in the 1985 legislative session by Senate Bill 873 which, as we all know, didn't quite make it. As part of the background of this, here is the way I perceive it to be and the way it was explained to me. The park managements are demanding that the homes being sold be subjected to a thorough Health and Safety inspection, not only for the exterior features, utility hookups, and accessory structures, but also the complete interior of the home for health and safety purposes also covering structural and utility systems, and a public report to be prepared on the violations. In many parks this is an arbitrary and blanket requirement directed to the homeowners regardless of the home's age, general condition, or overall appearance.

Often the demand is made verbally either directly to the homeowner or to the selling agent at a time when the pressures of selling, their upcoming relocation, and mostly by senior adults, are at the high point. At this time the homeowners are quite vulnerable and nearly defenseless - and the management pounces on it - and HCD is an unwitting participant to the game about to be played out.

The park management next places the full responsibility and burden for the inspection scheduling, costs for HCD personnel and the actual inspection, and naturally the ultimate expenditures

to abate the violations noted on the inspection report, onto the selling homeowners.

In a letter I wrote to Ms. DeSantis, here is my comment to her: "Unfortunately, when your Department is called to perform the inspection, HCD is now caught in the crossfire and whatever happens next only adds to an already existing dilemma of the homeowner. When the HCD inspector arrives to perform the inspection, it is a sensitive and anxious period for the typical homeowner as they have no concept of what the inspector is looking for, or what to expect, or what the consequences may be. The Department is looked upon as being allied with the park management and a negative attitude and general distrust develops all too quickly."

Might I add in this regard how this really happens is: as the homeowner calls for this inspection, the inspector sends out the forms stating this is a paid service, and when the inspector arrives on the scene, he comes in hand with a clipboard and identification, etc., and the first question he generally asks is, "May I come in?" The response of the typical homeowner is, "Of course, you can." What happens then is something I want to describe to you - because when the inspector does get inside, occasionally the violations cited are technical in nature, involving precise standards, dimensions, or requirements. These make it difficult for the homeowner to understand the true value

of the violation. Does it really make any difference or is it a violation because it does not conform exactly? Remember, we are talking many times about what is perceived to be low-cost housing in a rental mobilehome park. Does it have to be up to a uniform building code standard merely because an inspector is doing it on a health and safety basis? Can a variance be granted? If not, why not? Is the citation truly consequential?

For example, according to my investigation for this inquiry and the information from the management inspection staff at HCD, some of the violations that are being cited, from both outside and inside the home, and shown on the inspection report, may be considered as "existing non-conforming," or to be "advisory only," and are for the "general guidance of the homeowner." However, perhaps at HCD, but to the general public, the homeowner and others, these are not identified as such on the inspection report - also, bear in mind, this is a public report - that leaves all parties to believe that each violation is subject to either abatement within 30 days or possibly administrative action as a misdemeanor.

On the subject of exterior versus interior inspections, in this section we are presenting a serious and significant procedural question as to whether park management (including real estate agents and mobilehome dealers acting as a selling agent) can legally demand that a homeowner submit to a "top to

bottom" exterior and interior health and safety inspection by HCD or any local jurisdiction or, as far as that goes, by any private contractor.

I'd like to call your attention next to Civil Code Section 798.73, previously mentioned. I'll quote, if I may, from subparagraph (d) of that code which states, "It (being the home) is in a significant rundown condition or in disrepair, as determined by the general condition of the mobilehome and its acceptability to the health and safety of the occupants and to the public, exclusive of its age. The management shall use reasonable discretion in determining the general condition of the mobilehome and its accessory structures. The management shall bear the burden of demonstrating that the mobilehome is in significant rundown condition or in disrepair."

Taking the above wording literally and each sentence individually and the sub-section in total, we believe that the park management itself has the full burden of responsibility to demonstrate that the home is in a "significant rundown condition or in disrepair" and not force it onto the homeowner or onto HCD. Secondly, that the homeowner has a protected right to refuse entrance to your HCD inspector, or any person as far as that goes, to go inside the home to perform any inspection procedure unless there is a valid and probable cause to do so and then only for that one single item. As I mentioned before, the way

inspectors gain access to the inside is that as they knock on the door, they ask if they can come in. Every mobilehome owner, being as trusting as they are, invites them in. Once inside, they inspect the home on the inside. Little does the homeowner realize what they are going to get involved in when they do so. Now, I also have to state that if there is indeed a violation, I don't believe there is any mobilehome owner who lives in a home who wants to live in those health and safety conditions. Likewise, they certainly don't want to sell the home to someone else, an unsuspecting person, who is buying this particular unit to get caught in that crossfire or conflicting interest between the seller and the buyer.

We are also trying in some sense to justify the fact that park management also plays a role. So somewhere we are going to have to strike a balance on getting this particular action done.

On the subject of HCD versus local jurisdiction, on these particular resales, our chief concern in this area is that all mobilehome owners involved in the selling of their homes are being afforded precisely the same and equal consideration on the inspection process, whether under HCD or local government jurisdiction assumed under Health and Safety Code 18300. We have been told that HCD is performing the resale inspections even though the local government has jurisdiction. Sometimes this does not please local government and many times they are glad to do it,

but the point being is that the individual mobilehome owner and others sitting out there are not familiar with what HCD's policy is. Anyway, it does not seem to be consistent.

On the subject of shortage of inspection personnel, the mobilehome owner population has been advised that there is a budgetary limitation and a shortage of HCD inspection personnel throughout the state. On the other hand, there appears to be an increase in the number of resales and inspections. The resale inspections seem to be taking a higher priority. How can HCD justify all of this if, indeed, there is supposed to be a shortage or limitation of personnel? Are other types of inspections being putting off, ignored, or, perhaps, neglected?

Finally, we believe that any resale-type inspection that is demanded by the park management, either directly or indirectly, to the homeowner or selling agent, and performed by HCD personnel should be particularly limited to the outside only, such as exterior structures, utility hookups, and accessory structures, etc. In my opinion, the park management has no legal or administrative standing to require HCD inspectors to enter or inspect the home on the inside. Nor, in fact, should the homeowner allow them on the inside. I say, in that regard, for the purpose of the committee, HCD should have a very clear policy. Should the homeowner or anybody else ask the HCD inspector to leave the premises, it is my understanding, and I firmly believe this, that

the inspector indeed will leave. He will make a report of such and report it to his superiors either in Sacramento or Santa Ana or wherever they are operating out of.

I also want to touch on several other things. Just taking one single issue as a case in point and that is the policy and practice regarding the type of hot water heater appliances that are installed in mobilehomes in the State of California. Without going through the whole process - as most of you know, the mobilehome is manufactured at the factory site and you never know where it is going to be sited, particularly whether it is going to be sited where it uses propane gas, natural gas, or perhaps all electric. So let us isolate our subject matter to natural gas and liquid gas.

When that hot water heater is installed originally at the factory under HUD's standards, that home has to have a propane kit in it because, primarily, you don't know where it is going to be sited. Remember, we are talking about a national standard, not a California standard, so we are talking about federal regulations versus state regulations. However, once that is in under the HUD code, California has adopted and said in essence if you change that hot water heater or replace it for any reason whatsoever, you must replace it with an equal kind, meaning that it must be the homeowner.

Again, the mobilehome owner is caught in a dilemma because what really happens in this particular instance, and according to my survey, first of all, a hot water heater for a mobilehome costs about \$40 to \$60 more than one for the conventional type household appliance. Warranties are of a much shorter nature. Hot water heaters for conventional housing are usually 5 to 10 years and a mobilehome heater 1 to 2 years. There are some definite and profound reasons for this, and one of them is that the Underwriters Laboratory third-party inspection systems and others subject those things to height and travel, but most of us know that once a mobilehome is hooked up in a park or any place else and hooked up to natural gas, it is not likely that it is going to be moved. If it is, it has to go through another installation process inspection anyway.

Because of the lower volume of sales in certain areas, many suppliers do not supply mobilehome only hot water heaters so if you walk into a Sears or Montgomery Wards or plumbing outfit that doesn't carry those, they convince the mobilehome owner that there is no difference between the two appliances. Therefore, they install what is called a conventional house hot water heater. But in this inspection process, as I was explaining here, once the inspector arrives on the scene, he looks to see if it has a mobilehome hot water heater, and if it does not, then he cites that homeowner. What happens then, of course, is that the

mobilehome owner has to take out the old hot water heater, regardless of how old it is, a few months, few years or whatever, and replace it with a mobilehome only hot water heater. This seems to be a ridiculous requirement. That is one of the issues we are going to be discussing in the future with HCD. How we get out of the dilemma I don't know.

If you are asking for numbers of units that are out there, at this time your guess is as good as anybody else's because if you take all central appliances, in addition to hot water heaters, ranges, ovens and furnaces, we think there is something like 100,000 sitting out there right now. So as we go through all these inspection processes that people are doing, on one side of this we open up a keg of worms because the mobilehome owner is going to be very upset over the fact he has these violations in the home and, most important, he is going to have to cure these and, perhaps, he sees no reason for doing this because he says he has been living there for five years, ten years, or whatever and nothing has happened.

So one of the challenges before HCD on this particular thing, as Mr. John Ventura of HCD says, we don't believe the Department can pinpoint a document where there have been significant consequences from the installation of a regular appliance in a mobilehome. We do believe there should be a moratorium on the current citations already issued and the homeowner so notified and a current decision be available at the earliest date on an

emergency basis. Frankly, at this time we can find no justifiable reason why a homeowner cannot install either type of appliance in a mobilehome when it is connected to natural gas.

The last issue that I want to touch on, if I may, because I brought up several topics. There was another letter I sent to HCD that involves this whole inspection process, but it takes on another thing. It is the publishing of disciplinary action taken against - I've been saying mobilehome dealers and salespersons although that can be expanded to parks. I think one of the failures we have in this whole system is that we have developed a rather closed society in this whole process. HCD does not really communicate with the mobilehome owners. HCD does not communicate with the industry part, nor does it, in the other direction. There was a point in time prior to the present Administration, that indeed there were open sessions and educational meetings, and HCD met with homeowners in groups. They don't do that any more. That's not of their own accord that they are not invited to do so.

So what we are going to have to get in this whole process is a forum to be figured out and some method as to how we can better communicate with our state agency that has such a lock on the mobilehome community. They really control everything from titling and registration to occupational licensing, home inspections, park inspections, use tax and just everything, and yet we're really not getting a two-way communication back and

forth so what I see growing out of this forum is that participation level where we are able to sit down and resolve all of these issues. I see some of them as purely an administrative process where the Director of HCD and the Chief of the Division of Codes and Standards will have to take a more personal interest in what is going on and, at least, direct their staffs to work with the various groups in California to resolve these issues. I realize there are a lot of abuses going on, but I think this is the one easy method that we can get at and resolve some of our differences that seem to be going on in the state.

I would reserve, if I can, Mr. Chairman, at the conclusion of this hearing, some rebuttal time, if I may, because some of these things are controversial items. They were controversial going in and what I would like to do is come back and comment, if I can, again later.

I do have some other topic matters that I will defer on, those areas of relationship between HCD and local government, but this is not the forum to resolve that because that will take literally days of consultation on how to resolve those issues.

I think the key thing of all these issues is that the mobilehome owner out there is becoming very frustrated with his homestyle and his lifestyle. One of the reasons is that there

is really a lack of communication at all levels, every level, and if we could start with some kind of a rallying point or forum, whether it be the Senate Select Committee, HCD, or whatever else it takes, I think we should sit down and resolve some of these issues. That's why I think that your hearing today provides that kind of forum.

SENATOR CRAVEN: Thank you very much. Any questions from the Senators? Senator Presley.

SENATOR PRESLEY: Mr. Chairman, in listening to all of these problems, it sounds like this committee might meet all over the state instead of just in the north and south. One of the things we plan to do in Riverside County is to hold some kind of informal educational forum with HCD and the committee staff here just to help everybody have a little better understanding. A couple of points you brought up - the one about entrance by the inspectors - it seems like that is kind of a "Catch 22" situation. We're all nice, courteous people - I guess we are - and if people come to the door, we usually say, "Come on in." We even offer them a cup of coffee or something. Then they proceed to inspect your place inside and out, I believe you said.

MR. WEHRMAN: That's correct.

SENATOR PRESLEY: Then, on the other hand, if you didn't invite them in, and if you were uncooperative, you run the risk of a very critical report, I suppose.

MR. WEHRMAN: You may get a critical report and, unfortunately, if you are involved in selling your home, with some of the park managements it would be very difficult to sell that home because they would hold that over your head.

SENATOR PRESLEY: With regard to the hot water heater appliances, I guess there must be some kind of safety factor involved. I've heard of this issue before. Well, it is strange that it costs more and the warranty is less.

MR. WEHRMAN: It's a long process, but the simple part of it is that on these third-party inspections where they use Underwriters Laboratory, etc., a mobilehome hot water heater is tested under conditions of a mobilehome environment, not those of a conventional home. Therefore, Underwriters Laboratory and third parties will not certify this to be done. We are talking about National Fire Protection Assn. regulations, American National Standards Institute, and all these other various technical national and technical publications that say in essence you should do that. The question arises, however, particularly here in California, that we don't think, even though that might be a fact, we don't believe that HCD can substantiate even one single case of - take a hot water heater - that they can pinpoint one home even that has had a consequence as the result of installing a conventional hot water heater.

SENATOR PRESLEY: What if there was some kind of exemption in the law that says if a homeowner wants to - just thinking out loud - file an affidavit that this mobilehome is going to sit here for five years or ten years, then they are authorized to get a conventional hot water heater.

MR. WEHRMAN: Senator, in this letter I sent to HCD, HCD has prepared a response to this in writing, I'm told. Knowing that this meeting was going to be held, I asked HCD if they would not commit that to writing at this point in order to crystallize their opinion. It is my belief and understanding that in the very, very near future those subject matters will be addressed and that the Senate Select Committee will have, perhaps, John and others as participants in this so that we can resolve that and see what the best approach would be. In the meantime, I'm not so sure that we won't have to declare to some degree a moratorium out there, and I know that that is kind of contrary too because if it is a violation, it is a violation. But we are going to have to resolve something to put a moratorium to stop this because as these inspections go, the homeowners are having to replace these units, particularly at resales time, because if that report is made, then it goes down again. That is a public report.

I might just comment on the public report, one of the issues that should be addressed to this and HCD might want to

respond to this. It's my understanding that under any normal health and safety inspection done on any normal business premises, that it is technically a confidential report. Unfortunately, what HCD does is make this a public report. So, Senator Presley, if I may, if I can use that as an example, if a home was inspected and I happened to live next door and an inspection report was made, or anybody else on the premises as far as that goes, was to phone HCD and say they would like a photocopy of the inspection report that was just made on my neighbor next door, HCD will provide that. As a matter of fact, free of charge. You would then know what kind of violation that person has. It may be - I don't say it could be used - but supposing that ten violations were written on that particular home and under this existing non-conforming, which is really not identified, maybe to HCD but it's not to others. Supposing the homeowner decided not to do items 2, 4 and 6, either being too expensive or what he thought wasn't necessary, and a new homeowner went down to the park management and said in essence, "I'm buying a person's home in here and those particular things were not done." That person would be denied access until those things were cured. Unfortunately, this tool, this public report tool, is very dangerous as far as I'm concerned. It can be used very openly, and in some instances can be used very flagrantly.

SENATOR CRAVEN: Dan.

SENATOR McCORQUODALE: Do you think the law is clear enough on who has the responsibility when there is a violation, whether it is the homeowner or the park owner?

MR. WEHRMAN: Well, I'm sure HCD does, but I would say that of the 380,000 mobilehome owners and the 45,000 RV owners sitting in mobilehome parks, I doubt if more than half a dozen or a handful of them know. That's the dilemma we're in right now.

SENATOR McCORQUODALE: There's a park in San Jose that has threatened to be converted to a shopping center, and the city council has always resisted that, but then discovered the homes are over a gas line, which is a violation. It appears that the owner is on a course to ultimately have - since the city council won't allow him to close down the park - to allow HCD or some state agency to close the park because it is in violation. It is his contention that the homeowners should change those lines, and that's his basic position. Then the homeowners, I guess they're just not sure about the law to know who is responsible.

MR. WEHRMAN: Yes, as I expressed all the way throughout here, and I want to make it very clear, that, unfortunately, the way the statute is written, the way the law is written, almost the full power is given to HCD. They are indeed caught in a crossfire and what I see happening - at least potentially - is as we go through all these inspections is that those very things can happen. I did put in my agenda a couple of items that I should kind of clarify, at least briefly.

SENATOR CRAVEN: Could you do it briefly, please?

MR. WEHRMAN: Yes, just a wrap-up. One of those is what I call surprise and unannounced inspections. There is a feeling out there that mobilehome parks are deteriorating. For whatever reasons, they are deteriorating: absentee landlords and investor groups who really don't have an investment interest and not an interest in long-term ownerships, etc. They are using HCD instead of making any requirements out of their own corporations or their own management. They are making those kinds of demands of HCD. These are enforcement agencies for health and safety, and they are using that method. Many times, unfortunately, the cure extends to the homeowner. Not that it is not a violation, but the homeowner doesn't know what in the world to expect out there.

SENATOR CRAVEN: Bill, do you have a comment?

ASSEMBLYMAN BRADLEY: I was curious about what kind of citation is issued on a mobilehome? Some of them have a fireplace - (inaudible) - what kind of citation?

MR. WEHRMAN: Structural problems and accessory structures, utility hookups. . .

MR. BRADLEY: Because of a change in codes?

MR. WEHRMAN: No, not a change in codes. If it is an appliance on the inside, unfortunately, the homeowner or most of the people can't afford to go out and hire a contractor at

\$50 an hour and sometimes they allow appliance dealers and others who install some of these things in homes who most times don't know how to do that. They might install it incorrectly. Some handyman may install some of them on occasion. A private contractor might install it and not know the difference between a mobilehome connection and a conventional connection, and then, unfortunately, the inspector will pick up most of these. So the problem is not that we have these violations out there, it is how do we now get out of this dilemma of the thousands and thousands that are sitting out there that the homeowner may be ultimately cited for.

MR. BRADLEY: Is aluminum wiring still a problem?

MR. WEHRMAN: My personal opinion is that it is, but we can't resolve that one at this point in time.

MR. BRADLEY: So they don't cite a coach because it has aluminum wiring?

MR. WEHRMAN: No, definitely not.

SENATOR CRAVEN: Thank you very much.

MR. WEHRMAN: Thank you.

SENATOR CRAVEN: I want to just digress a moment here to recognize the presence of one of the Councilpersons here in the City of Escondido, The Honorable Doris Thurston, Councilwoman. Doris, it is nice having you here with us today.

COUNCILWOMAN THURSTON: Thank you very much. It is nice to be here today.

SENATOR CRAVEN: Thank you very much. Ms Thurston is very active in the mobilehome field here within the city and maintains a very constant interest and tries her very, very best to resolve so many of the issues you run into here at the local level. Next we have Mr. Ed Evans of the Western Mobilehome Association. (No immediate response. Mr. Norm McAdoo of WMA spoke from audience stating that Mr. Evans couldn't make it but Mr. McAdoo would speak in his place later in the agenda).

SENATOR CRAVEN: All right then, how about Darrel Klein?

DARREL KLEIN: Good morning, Senator Craven, Senators, gentlemen and Mrs. Bailey. My name is Darrel Klein, and I reside at 1537 Rancho Ramona Park in Ramona, California. Rancho Ramona Park was recently an all-adult park until an additional section of fifteen spaces was added as a family section of the park.

After moving in on August 10, 1985, I contacted a private contractor about pouring a cement slab for a shed. We were informed by the contractor, who has 30 years experience in the business, that we had a drainage problem. The contractor also stated that he would not work in the park, put his work in the park, because he did not want his name associated with the poor workmanship which had already been done. He could not understand how this new section passed inspection.

The road running through the park is higher than all the lots, approximately 3" to 4". My lot is the worst, where there is a drop from the road anywhere from 11" to 27" in places. There is no proper drainage for water except for it to go under the home. We have contacted numerous departments all the way from state to local departments. During my efforts in calling all these different departments, I have talked to San Diego Public Works, because I was informed that the problem lies in the grading and that Public Works is responsible for this to be done. I was informed by Mr. Dick Bunch of Public Works, after going to see him in person, that there never was a grading permit filed. Mr. Bunch checked back as far as three years and informed me that there never had been a grading permit filed on the above-mentioned section of land. Due to this fact, Mr. Bunch said that Public Works is out of it and is not responsible for any wrongdoing and that my problem lies with the County building inspectors.

I, therefore, contacted a Mr. Snow of the County building inspectors, and after a number of times being told that the problem would be looked into, and never anything done about it, Mr. Snow informed me on October 15, 1985, that - and I quote - "There is nothing he can do seeing how the property already had passed inspection." I then asked Mr Snow for the name of the inspector who passed the property, and he refused me this

information. So, as you can see, Senator Craven, I have seemingly come to one of two alternatives. The last alternative, of course, is to file a civil lawsuit with the District Attorney, and my second to last alternative is to inform you, Senator Craven, of the problem at Rancho Ramona Park.

Despite all that has taken place these past couple of months, I still have faith in the system and that it still works for us middlemen, or else I wouldn't be standing here today. We need your assistance in helping us solve this problem that has stemmed from nothing more than greed and wanting to keep costs down and obtaining a profit faster. I'm referring to the companies that are involved in preparing the lots, road and drainage system of Rancho Ramona Park and the inspection of the above-mentioned section of land.

The new section of Rancho Ramona is privately owned by W. E. Lade, and it is leased to Ramona Mobile Home Park, Ltd., and the spaces are rented on a monthly basis to myself and presently ten others, many of whom are here today. Rancho Ramona Park, Ltd., from whom we rent the land, admits that there is a problem but that it is not their fault but the fault of the contractor who put the black-top road in the park because he stole dirt from some of the lots to complete his work. Rancho Ramona Park, Ltd., plans on putting up retaining walls which, as

I understand, but I only have hearsay on this, would be put one foot in the ground, and they are going to dig drainage ditches around our homes. Now I personally do not agree to this as it never was part of my contract in the purchasing of the home. I also understand from what I found out, and it bothers me, that if they go down that footage, it isn't going to do any good anyhow. Now I've just heard this from the people I've talked to in the GSMOL organization. Also, what little lawn space I do have, which is specifically for my children to play on, I really do not want it taken away from them for drainage ditches around my home.

I am also concerned about the selling aspects of my home if this happens, the cause and effect upon that if I should decide to try to sell, but my main concern is that I'm going to have problems down the road with moisture under my home if I agree to Ramona Mobile Home Park's remedies. I have stated this to one Mr. Jerry Bittner, who is the company's representative, and requestsed that my home be moved off the lot it was put on, bring in fill dirt and granite and prepare the lot as it should have been before they put my home on it. But due to obvious expense reasons, they have refused me this primary solution and seem to do just what they want despite the fact that I may still have problems down the road with moisture settling under my home.

I also must bring up another subject concerning the questionable sales practices of the company from whom we bought our mobilehome. We, as buyers, were manipulated and misled by California Escrow into releasing our individual funds that were held for us. We were told by MGA to sign a statement provided by California Escrow that we were satisfied with the skirting, awnings, porches, and steps and how they were set up. We, on an individual basis, signed this paper before any of this work had been done. We did this because MGA informed us that - and I quote - "should tell the finance company that we are happy with all these services or else California Escrow will not release our individual accounts, and, therefore, we could not move into our homes." Now, we were put in a position where we had given notices - notices at our previous places - and because of this, we as individuals signed this paperwork as the last paper presented to us before closing escrow.

We realize that we are at fault for signing this paper before the above-mentioned services were completed, and now we are at the mercy of the contractors who provided these services, and have had very poor workmanship done on the sidings of our homes and have had very unsatisfactory work done concerning these services, some of which have not been completed yet. It seems apparent that once MGA gets the escrow funds released and get

their commission and pay the contractors who they hired to put up the skirting, steps, awnings and porches, we, as buyers, become secondary in consideration as far as services paid for. There are many remaining lots that are still empty in Rancho Ramona Park that are the main concern of MGA's sales personnel and the contractors they hire. It is our misfortune that we put our trust in MGA to have these services completed to our satisfaction, and we really have no recourse and we don't expect any now because we know we were at fault in signing this piece of paper before the services were done. But what we would like to do is draw some attention so that doesn't happen again to future buyers of mobilehomes.

So in summary, Senator Craven, I really feel that it is not more rules, regulations and inspections that we as tenants of mobilehome parks need right now because the present ones are being bent and, obviously, are not being followed. What we, as owners of mobilehomes and renters of park spaces, need is enforcement of the present rules and regulations and inspectors with 20/20 vision.

I have enclosed a packet with pictures. It has all the information about the departments that I contacted. It has letters that we have written to the two companies that I mentioned. We are going to have a meeting with them to discuss

this and get a fuller understanding because all we've had is hearsay thus far. On this we are talking about myself and my wife as a younger couple and a majority of the other people who have moved into this new section, who are younger couples also.

We purchased a mobilehome because we couldn't afford a house, and we are comfortable with our home. We like our home. But we are having some real difficulty with the lots and how they were prepared. We are not the type of people, as a group, who want to cause anybody any trouble, any one person or any one company. We just want what was guaranteed to us in the contract, and thus far we haven't received it. One of our recourses was coming up here and talking about it. So I appreciate your time in allowing me to talk about this.

SENATOR CRAVEN: We appreciate your testimony. Dan, do you have a question?

SENATOR MCCORQUODALE: Well, that's just another area of the previous picture of who is responsible for this? It seems to me that when you read the code that the park owner is responsible for the ground and the land and ensuring that it is not against regulations. I have a similar situation in my district where the responsibility is being put on the homeowner, and there they were offered their 60-day notice that they should vacate the space because the situation violated the state law. I guess your park owner hasn't offered your moving out at this point.

MR. KLEIN: I have been offered that situation where they wanted to buy me out, but I really do not want to sell. I mean I just moved into the place. I can only speak for myself. I have a newborn. I'm not in a position to move. I'm really happy with where I'm living; that's why I moved into that area. Being unfamiliar with some of the problems of mobilehome living, I did not stop to realize the serious problem of park preparation until it was too late.

SENATOR MCCORQUODALE: Maybe HCD, when they come up here, can respond to this.

SENATOR CRAVEN: Let me ask you, Mr. Klein, are you still engaged in any dialogue with the County of San Diego?

MR. KLEIN: No, I'm not. The last time I talked to them was on October 15th.

SENATOR CRAVEN: When you contacted them, did you ever speak to your Supervisor, a County Supervisor? Did you do that?

MR. KLEIN: Not that I know of. The direction that I took was that I started from Sacramento. I called up there first and they directed me to go local, and I have directed all my attention to the local people. . .

SENATOR CRAVEN: The only reason I mention that is sometimes it is very, very easy for the Department to kind of give you the fast shuffle, but when they hear from one of the elected officials of county government, they may take a bit more interest

in responding to you. I think you have a very real and legitimate problem which deserves some better treatment, in my judgment, than you have received thus far. If there is anything that we can do to assist you, we will. But it is basically a local issue. Is George Bailey your Supervisor?

MR. KLEIN: Yes, he is.

SENATOR CRAVEN: We may get in touch with George for you to see what we can find out.

MR. KLEIN: Well, I'm new at this so I don't really know how to approach it so I appreciate any information you can provide me.

SENATOR CRAVEN: By the time you finish you're going to be an old hand. Thank you, Darrel.

MR. KLEIN: Thank you very much.

SENATOR CRAVEN: You're entirely welcome. I would like to welcome another one of our colleagues just arriving, and sitting here with us now is Assemblywoman Sunny Mojonnier, who represents basically the coastal area. As she says, and so many of us say, it is "Sunny" along the coast. She represents - do you come back into Escondido at all, Sunny?

ASSEMBLYWOMAN MOJONNIER: (inaudible)...the unincorporated area.

SENATOR CRAVEN: Yes, the unincorporated area. Very good. She stays close to the water areas obviously. It's nice having you here with us. Now let's see, we have Roy Smart and/or Chris Anderson from HCD.

ROY SMART: Good morning, Senator and fellow committee members. My name is Roy Smart. I'm with the Department of Housing and Community Development and currently responsible for our inspection efforts of mobilehome parks throughout the state. I have some notes prepared, but I would like, first of all, to comment that I believe Len Wehrman has made an important point. He has re-emphasized the line of communications that you are trying to establish with your constituency in mobilehome parks, and Len is correct in saying that our Department used to be more on call with mobilehome park residents, park operators and also special occupancy park owners. I see representatives of all three segments of that industry here today. I feel we could resolve a number of the problems if they would extend an invitation to us to attend their meetings. We're quite responsive to those types of invitations.

Our Department has approximately 3300 of the 5800 mobilehome parks statewide under our jurisdiction. We have reassumed approximately 1500 mobilehome parks since 1979. It has impacted our workload tremendously during that five-year period of time. During that time period also we were facing what was called a downside swing because we were going through reduction, and the number of mobilehomes being manufactured were seeing an upswing in the production of mobilehomes, and we have had to transfer field staff. But our routine activities in mobilehome parks

concerning mobilehomes, commercial coaches and recreational vehicles were also delayed. Recognizing that we do have a shortage, we have lost people within the program, we have asked for additional staff, primarily to work in the mobilehome park program.

One of the things mentioned this morning was that the Department does make unannounced inspections. We, traditionally, have made maintenance inspections or responded to complaint inspections within the parks in an unannounced fashion. In the park that we have reassumed from cities and counties, we have offered to meet with the park managers and the residents to explain what they could expect in terms of our inspections. We deal with mobilehome installations. We deal with the construction of parks or additions to parks. We deal with the installation of accessory structures, awnings, storage cabinets, decks, and those things that are the amenities of the mobilehomes. And we do make routine maintenance inspections within those parks, looking for health and safety deficiencies.

It was mentioned that we would make an inspection on the sale of a mobilehome that it be permitted to remain in the mobilehome park. The interesting thing about that type inspection is that the provisions of the Civil Code that we're normally not involved with do limit the authority of our inspection to unsafe items. We're dealing with not routine maintenance items. We're not dealing with non-conforming items, but we are dealing with unsafe conditions, and the criteria for that is very clearly spelled

out: unsafe electrical, unsafe plumbing installations or unsafe structural installations such as leaky roofs, the obvious things like broken windows, things of that nature. I am just giving you an overview of what our responsibilities are - and I will make myself available to the committee members for any questions you might have.

SENATOR McCORQUODALE: Mr. Chairman?

SENATOR CRAVEN: Yes, Dan, go ahead.

SENATOR McCORQUODALE: Why make unannounced visits? What would be the rationale for making unannounced visits?

MR. SMART: It's a traditional thing. Certainly, if we are going to make an inspection on a mobilehome, for example, if we have a complaint, and we are checking that complaint from a mobilehome owner, then we would go into the mobilehome park. We would announce ourselves to the mobilehome park operator, but we would go in and survey the area. One of the common things that we deal with are the depressions in the street where we have water puddling and all. We would just go into the park and let ourselves be known without having made arrangements for such inspection.

SENATOR McCORQUODALE: Human nature being what it is - though - regarding the depressions in the street, I know that it's going to get caught at some point, you know. Chances are that I'm going to wait, and if you announce to me that you are coming and allow me to take care of this, then when you come, it's all OK.

Then you don't have to come back again to check and see if it has been done. But if you come in and make an unannounced visit, then it certainly seems to me all the reasonably insignificant items that you would pick up that ought to be picked up and ought to be taken care of, then you have to go back a second time to check and see if they were done. It seems to me it would be a real value in saying you were coming and if nothing else, doing it the other way - announcing you were coming in July to take a look at the park. Then maybe you won't show up until September or so, but it would seem to me that the unannounced visits don't serve any purpose as there is no real rationale for them.

MR. SMART: All right. I agree with that, sir, and I think probably what I should do is talk to Mr. Wehrman and see what his particular concerns are. Is he referring to an unannounced visit to a residence within a mobilehome park or unannounced visit to the park. . . .

SENATOR McCORQUODALE: . . .unannounced visit like to a nursing home, then you are able to tell whether it is an ongoing thing or whether they keep things in good shape. You have a different licensing responsibility there than you do with a mobilehome. It would seem like no matter what is wrong with the park, if the greatest safety hazard in the world is there, the person has a chance to do something about it. You're not going to walk right in and tell everybody they have to move out of the park that day

and so it would seem that there is very little purpose served in the unannounced visit. It's much better to let people know you are coming, and they take care of all the details. Maybe everything's fine when you get there.

MR. SMART: We certainly will reexamine that policy. Thank you.

SENATOR PRESLEY: John, you have a question?

JOHN TENNYSON: Yes. Mr. Smart, regarding unannounced inspections, I assume you are talking about park inspections, not mobilehome resales? When it is requested by the homeowner on a resale, then it is not an unannounced surprise - that type of situation, is it? They know what the inspector is there for.

MR. SMART: I appreciate your clarifying because we do make those on an appointment basis.

MR. TENNYSON: Are the majority of complaints from parks on the mobilehomes themselves on a complaint basis?

MR. SMART: The majority of complaints that we receive and process are those filed by the residents against the park, some form of the park operation. Depression in the streets is one of the most common.

MR. TENNYSON: Your unannounced inspections are of the park rather than of the mobilehomes themselves, in your opinion?

MR. SMART: Yes, sir. That is correct, yes.

SENATOR PRESLEY: Mr. Bradley.

ASSEMBLYMAN BILL BRADLEY: How is your Department funded? The reason I ask is I was wondering why local government is not doing these inspections?

MR. SMART: We receive our funding through the fees. We have what is called the Mobilehome Park Revolving Fund and our source of revenue comes through a permit to operate that is issued annually for each mobilehome park. We also receive fees for construction inspection.

MR. BRADLEY: At that point, why is local government doing the every day inspection of stick housing?

MR. SMART: Well, it's optional, sir. Under the provisions of the law, any local government may elect to enforce the Mobilehome Parks Act.

MR. BRADLEY: They don't have access to that same fee?

MR. SMART: Yes, they do. They get the annual permit to operate fee, and they also get the construction permit fee.

MR. BRADLEY: Why did 1500 of them turn this back to your Department?

MR. SMART: There is no single answer to that, but, generally, what I hear is that they feel the amount of work involved is not supported by the revenue generated.

MR. BRADLEY: Does your Department have a surplus revenue? I have found that some departments have plenty of money, but because of the Governor's freeze on hiring, he is not utilizing the funds that are available, like the Contractors' License Board, which has a \$10 million surplus and yet we can't seem to get any action from the staff. Is that true in your Department? Do you have excess funds that are not being utilized?

MR. SMART: Well, I don't have exact figures, but I would say that our request for the five additional positions, field positions, is within the monies we now have available. So we do have revenues available to put on the additional staff.

SENATOR PRESLEY: What happens - out of curiosity - and if what Mr. Bradley is saying is true, where the departments have excess money that is paid into those departments by, in this case, a homeowner in a park, if it isn't used, what happens to it?

MR. SMART: We are permitted to carry a one-year surplus. When we reach that point, we have to reduce the fees to. . .

SENATOR PRESLEY:. . .it doesn't end up in the General Fund?

MR. SMART: No, sir.

SENATOR PRESLEY: It is used ultimately to pay back to the people who paid it?

MR. SMART: That's the intent, sir.

SENATOR PRESLEY: Ms. Mojonnier.

ASSEMBLYWOMAN MOJONNIER: I would say - you said you would get a request from a mobilehome owner, and you do, then find a violation, you cite the park owner? Is that correct?

MR. SMART: Well, I would be interested in what type of inspection you are talking about. Is this an inspection of a mobilehome or one of the parks?

ASSEMBLYWOMAN MOJONNIER: I understood most of your complaints come from mobilehome owners in regard to things such as roadways there in the park.

MR. SMART: OK.

ASSEMBLYWOMAN MOJONNIER: Then, in that case, do you then cite the owner of the mobilehome park, or what kind of follow-up do you do?

MR. SMART: OK. I should clarify at this point that under any circumstances we issue orders to the person responsible. If we are talking about a roadway, for example, that's part of the park facilities so we would issue the order to the mobilehome park owner in that case. If we were talking about an awning, for example, that had broken columns and was in danger of being blown away or falling, in that case we would issue the order to the mobilehome owner because they own that structure and are responsible for it. The law does provide that the person responsible is the recipient of any of our orders. Ultimately, however, if it is a nuisance and is extremely unsafe, then we do hold the mobilehome park operator responsible for correction of that. So we do cite both the mobilehome owner and the park owner. An example of that would be a broken gas connector, something that is leaking. We would want immediate action on that, so we notify both the mobilehome owner and the mobilehome park owner that it is a very unsafe condition. We want someone to do something about it immediately. This is defined as a nuisance.

ASSEMBLYWOMAN MOJONNIER: And you follow up on that?

MR. SMART: Yes, mam.

SENATOR CRAVEN: Thank you very much. Thank you, sir.

SENATOR MCCORQUODALE: Mr. Chairman.

SENATOR CRAVEN: Yes, Dan.

SENATOR McCORQUODALE: What about the gentleman who complained about the depression under his mobilehome? What would you do about something like that?

MR. SMART: If we were the enforcement agency, one of our people would investigate that and would follow through. It would be very difficult for me to evaluate his situation without having seen it. I would suggest that we could assist the committee by dealing with the County of San Diego. We're acquainted with their enforcement department. The man obviously has a problem. We've dealt with this situation many times.

SENATOR CRAVEN: Very good. Mr. Tennyson has a question.

MR. TENNYSON: That's the point I was going to ask you - if I could talk to you about that problem after the hearing and see if you would look into for us?

MR. SMART: Be glad to do so, sir.

SENATOR CRAVEN: Next is Mr. Norm McAdoo of the Western Mobilehome Association.

MR. NORM McADOO: Good morning, Senators and members of the committee. I wasn't sure of the subject matter so I don't have anything prepared. I'll just be impromptu.

SENATOR CRAVEN: You're very good at speaking extemporaneously, Norm.

MR. McADOO: As I listened to this about the inspections, I have personally called the state Department for three inspections

of homes on resale. I called, primarily, because I was concerned about what was going to happen with a new buyer who bought that home because I was well aware that the woman who had been living there in excess of twenty years had an oven that continually exploded because it didn't have a pilot that worked. In none of those inspections was anything found wrong with those homes so, apparently, Mr. Wehrman has a different inspector than I had.

Actually, I was trying to get homes out of there. I really was. That's the reason I called for the inspection. When the "17-year old rule" was redone about three years ago, I think, it wasn't redone correctly. Many people are being disserved by the present legislative enactment that is there. There comes a time when things do, in fact, wear out. They really do. And I'm talking about these old homes that are 20 and 25 years old that were not built to any construction standards, none at all. They had electricity and plumbing and over a period of time those things have worn out also. I have no problem with someone living there wanting to sell that home to get money to go to a retirement home. I do have a problem of the heirs coming in when everybody who lived there is deceased and making demands for unrealistic values for that home. I have personally paid \$12,000 to \$14,000 for homes to get them out of my park and junked. I got \$2500 out of it because I did not want to allow that park to deteriorate.

And when we have the present statutes on the book that we have, that is exactly what is happening. The people who are getting hurt - really - are the people who are buying those homes. I had one the other day, people paid \$20,000 for the home, junked it and put a new home on it. It didn't cost me, but it sure cost that new buyer. He wanted to live in that park. He didn't want to live in that old home. Now I'm not in any way saying that when homes are 17 years old or 20 years old to junk them. I'm saying that we need to take a hard look at that rule and make it so it works for everybody. It just doesn't work now, and that's why you are getting - you know, people come up for a lot of rule violations so they get rent control.

They speak of rule violations, but they are really talking about rent control. We come up with a lot of inspections because we are trying to correct a bad situation and it's the only handle we have to get onto it. There is a reason for these stoves - not the stoves, but the furnaces and the water heaters. With the ability of designing better homes, they now leak air so they are safe. But the old homes had gaskets around the doors, interlocking windows and the special feature of a mobilehome furnace or a water heater is that it has an outside source of combustion air and eliminates the draft deburner. What was happening with those appliances that were designed for those old homes was that if the furnace or water heater came on in the

middle of the night, it exhausted the oxygen out of the air. It made a negative pressure in the mobile, and the products of the combustion instead of going out through the atmosphere, spilled through the draft deburner back into the home and killed people at night. So that is why and, again, it is an old problem. We don't have those problems with today's homes. But those old metal homes with the gasket doors and tight windows were killing people because of the water heaters and the furnaces doing that. They had a hard time finding it because when they came and opened the door, the pressure equalized. The plumbing industry worked on that for several years before what we found out was really killing the people in the middle of the night. That's what it was and that's the reason for those particular appliances.

I think another problem that we have with inspections, not so much at the county level - boy, this is hard to say and not make somebody mad. . .

SENATOR CRAVEN: Don't let that worry you. It never has in the past. (laughter).

MR. McADOO: Well, some of the city inspectors aren't too bright about what is going on in mobilehome parks, and it's not their fault. They haven't been taught. Senator Presley's people in the County of Riverside know what is going on because it is a big enough government function and they have enough parks that

those people know what is happening, but there are some cities that I have parks in where the guy can hardly find his way through the park and he doesn't know the ordinances; he doesn't know the statutes. He's a nice guy and he's smart; he can inspect sticks and stones and conventional structures because he was taught how to do that. In the late 1950's or perhaps early 1960's the Department of Housing and our trade association held seminars throughout this state instructing local enforcement officials about Title 25, and it made a vast improvement in our inspection performance for a number of years. But I think those guys have all retired and gone. Now we have a new bunch who haven't been taught properly, so maybe that would be something you could do - appropriate some funds to give these guys, and have them teach those local inspectors who need to be taught, and they know who they are.

There's a reason some counties - and Orange County did the code for years - but so many cities developed there that the county itself only had a dozen parks left in the whole county under county jurisdiction, so they gave it back to the state. It wasn't economically feasible for them to do it any more. My biggest suggestion, though, is that we sit on a subcommittee, a workshop, or something to solve the old home problem - they do wear out. For the people who buy them, No. 1, they are not

with us as always.

SENATOR PRESLEY: I have one question. About what age are you talking about?

MR. McADOO: I'm talking about 20 years; I'm talking about 10 wifes primarily.

SENATOR PRESLEY: 20 years or older?

MR. McADOO: Or older, yes. You see, 10 wifes didn't arrive until about 1954 or 1955. Prior to that it was 8 wifes. We still have old 8 wifes. I have one of them sitting around, and that's just fine as long as that lady is there. And she's still walking pretty brisk; she'll be there another ten years. But I can rid of it when she is gone. Like I say, if the people are living there and they want to sell it and get the money, that's fine, but I think it's a real bad thing that when they die, kids come into the park. They haven't been there, you know, and they are just out for the buck and care nothing about anything else.

SENATOR CRAVEN: Bill, you have a question?

MR. BRADLEY: You say these coaches aren't usable. They were built in accordance with HUD standards even back in the 50's, weren't they?

MR. McADOO: No, they weren't.

MR. BRADLEY: You're saying there were no standards then?

MR. McADOO: In 1958 the State of California adopted electrical, plumbing. . .

MR. BRADLEY: . .There were no structural standards. . .

MR. McADOO: That's correct. Those three items had to work but the walls didn't have to stand, the roof didn't have to stand. The first structural requirements were adopted in the State of California in 1971, and those requirements were then largely adopted by the federal government in 1976.

MR. BRADLEY: (inaudible). . .You could replace a heater, but what you are telling me is that in spite of that structure. . .

MR. McADOO: . . .no, I didn't say they were unsafe. I said it was not built to a code. I did not say they were unsafe although some of them may not be safe. You know, the other thing that has happened in these homes - and I could show you some of them - is that through the years they have cut the whole side out of that home. They left the whole thing open. Now there is no structural integrity left in that home. Maybe they put a header across and maybe they didn't, but it sure wasn't engineered. That's it. Thank you.

SENATOR CRAVEN: I knew you could extemporize very well. He's never disappointed me yet. Thank you, Norm. Sophie, are you ready? This is Sophie Howard, who is with GSMOL.

SOPHIE HOWARD: Yes, and I represent San Diego and Imperial Counties. I was kind of taken back by Mr. McAdoo on the age of

a home. I can't understand this. I was brought up in a home that is still standing, and I am now 68 years old and no one has said you have to condemn that home. There's nothing wrong with it. Of course, this is not what we're talking about today, but this suddenly struck me. Why, because it is a mobilehome, is there a different criteria? I don't understand that.

Now, problems, inspections. Yes, we are having problems. We have problems where septic tanks overflow, and when you go into the park, the odor is terrific. Inspectors are supposed to have come out, and when I have asked about the water supply, we have been told, "Well, they didn't come out here to inspect the water supply." There is another park - and you now have a letter on that from one of the residents up in that park - where the septic tank, the sewer, is overflowing, the person has gotten so sick they have now put a notice they are going to move their home out of that park. That park is filthy. I can't understand how the inspectors allow the spaces to be filled in there. It is beyond my understanding. There is another park where you own your own space. These people are waiting for the inspector to show up so their homes won't be tied up and they can move in. Now they have waited so long they have broken the law and moved inside and are still waiting for an inspection. The one that you just heard about - I have received calls from up there and I have advised them what to do. Friday, I took the time to sit down and find

out myself the routines you have to go through. This is Tuesday, and I'm still waiting for the illegal grading inspector to call me, and this was Friday when I was told that the person was still in the building and they will call you back.

There is something wrong when HCD has told us that when you have a sewer problem, they run. We don't walk; we run to correct this. I don't know where HCD is now because they are not running. I don't think they are even crawling. For the life of me, I cannot figure out why inspectors should be so late in coming around. Now it never used to be this way. I know that my home was put on a space in 1973; the inspector was there; it was all tied in, and I could move in. Today people are asking for inspections, and they are moving in and they haven't been given the clearance to do so but they are. What is happening on inspections is something I cannot understand. We keep getting Proposition 13 thrown at us for the lack of inspectors. I don't think that's so. Somebody is not going out there and taking care of what is happening in the field today.

SENATOR PRESLEY: Can we make a distinction here? I understood earlier that in some locations the county does the inspections, and you are from Imperial County?

MS. HOWARD: I'm from San Diego and Imperial. I represent the mobilehome owners in both counties.

SENATOR PRESLEY: Apparently here in San Diego County, I guess the county does it. How about Imperial?

MS. HOWARD: No, well, let's back this up. I have had people call me regarding inspections on homes for resale so they try to find out where to start. Finally, they call the city. The city inspector says it is not our job; it's the county's job. The county says it is not our job; it belongs to the state organization. The state has been called and they say it is back at the city level. This is the kind of runaround we have been getting now. The inspection is not happening.

SENATOR PRESLEY: Your answer, then, is that you don't know who is responsible, right?

MS. HOWARD: Not any more. This is what happened to me Friday when I tried to make the call to correct what is going on in Ramona.

SENATOR PRESLEY: If it is the state, then I guess it gets back to whether or not they are authorized to hire additional inspectors because according to Mr. Smart's remarks, the revenue is there. So you want to determine if it is the state. It sounds like something we might be able to work on. If it is the city or county, why. . .

SENATOR CRAVEN: . . .this is one of those things that we should try to work toward and that is get all monies back to the local level where I think the inspections could be expedited.

You mentioned Proposition 13. That's a rejoinder that we hear often. Whenever something goes wrong, they say Prop. 13. . .

MS. HOWARD: . . .I realize that.

SENATOR CRAVEN: I do think the county is short of funds, and they do defer a great deal of their inspection process. I have a note here from Ms. Mojonnier's administrative assistant saying that he, through Sunny's office, had discussions with George Bailey's staff - that the Supervisor - and the County Health Department. The county gets complaints about infrequent inspections, but can't afford to do more with the revenue they get under current law, and I'm sure that that is a very correct statement. So, maybe, we, as Senator Presley suggested, and as Mr. Smart said there is money, but we haven't utilized that money by hiring more inspectors. We have that same thing happen in other areas, and I think we can certainly check into that and see what we can do to shake it up, and perhaps get some of that loose and put it where it belongs.

MS. HOWARD: I think what is happening, Senator, is that when these people call for assistance - just as I did Friday - I started out Friday morning and went from one department to another; I went on down the line because it's not my department. I stopped at 11:45 AM at the "Illegal Grading", and I was advised then that the person was in the building but would call me back. Here it is Tuesday. The point is that this is not only happening

to me, but it happens to the people out in the field. This is what hurts.

SENATOR CRAVEN: Yes. Ms. Mojonnier has a question.

ASSEMBLYWOMAN MOJONNIER: Ms. Howard, did you call the Health Department in regard to the overflowing septic tank?

MS. HOWARD: Yes, we called everybody.

MS. MOJONNIER: You did call. . .

MS. HOWARD: . . .we called them all. The Health Department will come out there and say, "Yes, there is a septic tank that is leaking." But that's it and they cite the owner. Now, we asked one other thing: what about the water? They told us they didn't come out there to check the water. So it seems that even though you and I may look at it and say, "It does look like the water supply; why aren't you checking it?" Uh-uh; they have to be told. There's something wrong somewhere.

MS. MOJONNIER: It's called bureaucracy.

MS. HOWARD: That's true. In this particular park it was a gentleman who was making the complaints to me, and we were following up. The owner of the park bought him out so that he would shut up. Now there are other people moving in who do not know about the problem. You can smell it, but they are unaware of what is going on. So somewhere along the line we're talking about the health problem. This is a family park that I'm speaking about. Now you mean to tell me you want your children

running around in that kind of a condition? You can smell it. And yet the inspectors did not do something, even close it down until it was corrected. Even to the wiring in the boxes - you'll have to forgive me, I'm not that up on mechanical things. The electrical boxes are snapping and cracking and catching on fire, and you mean the inspectors don't see that? This is what I don't understand. When they go out and look and inspect, what do they really go out and look at and inspect? These are the things that are wrong.

SENATOR CRAVEN: Sophie, I was just wondering. Have you talked to Mr. Smart at all?

MS. HOWARD: No, I haven't.

SENATOR CRAVEN: Roy, that's in your purview, is it not?

MR. SMART: I don't believe it is, Senator. I believe San Diego County (inaudible as speaking from audience). . . unincorporated. . . Imperial County also.

SENATOR CRAVEN: Sophie, are you referring to a park in. . .

MS. HOWARD: . . .they are all over - in the county and in the city - in the area of San Diego and Imperial Counties. I mean I represent the two counties, but this involves city and county people as well.

SENATOR CRAVEN: I see.

MR. SMART: (inaudible from audience).

SENATOR CRAVEN: Where is that, Sophie?

MS. HOWARD: Gunahay. It's way out in east county.

SENATOR CRAVEN: What's the name of the place?

MS. HOWARD: If I'm spelling it right, sir, it's
G-U-N-A-H-A-Y. It's a little town off the side of old Hwy. 80.

SENATOR CRAVEN: You know, I used to represent that area, and
I never heard of it. No wonder the inspectors can't locate it.
(laughter).

MS. HOWARD: They had even allowed new construction for
mobilehomes to come in. This is what alarms me when they can't
take care of what is already there. And the septic tanks are
overflowing in that area.

SENATOR CRAVEN: It isn't Guatay, is it?

MS. HOWARD: No, no.

SENATOR CRAVEN: It's spelled G-U-A-T-A-Y and pronounced
"What-Tie."

MS. HOWARD: Is that what it is? But, actually, this is what
I mean. Even at the other end of the spectrum here about the
sewers running over, she has given you a letter on that, hoping
that something will be done. . .

SENATOR CRAVEN: . . .yes, Sophie, it will. . .

MS. HOWARD: . . .she has given it to the Supervisor as well. And this is sad. OK?

SENATOR CRAVEN: Yes, Sophie. It's nice seeing you again. Thank you very much. Now, we have finished those scheduled to appear. I'd like now to get to those others of you who may have something to tell us about. I particularly want to hear from Don Olmsted, who brought to my attention a problem created by legislation - my legislation. Don, would you offer some comment on that? Just lay it out as you see the problem.

DON OLMSTED: Thanks. I'm Don Olmsted of Vista. I became very disturbed when the value of land (inaudible). . .tried to research all the protection that mobilehome people might have in those kinds of things and I thought I had the problem solved because the Subdivision Map Act requires that where anybody applies for a change of use of these properties that it is pretty well prescribed. Suddenly the park owners came forward - and I quote from the legal report from the legal staff at HCD - a fraudulent proposition that they were going "no use" - and it's pretty obvious they weren't going "no use." They issued a fraudulent claim they were going "no use" to get rid of the people, and they don't like the wording, "official change of use."

Now it's my perception that SB 316 came forward and tried to address that kind of problem. And I've been trying to negotiate with certain city governments, trying to get them to come forward

with certain guidelines for both the land owners and the homeowners so there is not all this public debate and a lot of anguish in this situation. I have been successful in some cases in negotiating situations whereby the park owners would recognize what mitigation means. To me, paying the first and last months' rent, security deposits and hookups, and moving somebody's personal belongings to an apartment defies the actual term mitigation, and, as we all know, there aren't any relocation places for people.

In talking statistically, we might find an odd one here or there, but there are no relocation places for mobilehomes in the State of California. So when a park closes under those kinds of conditions to require that only the relocation costs mitigate the circumstances, I think is drastically wrong. I would just like to tell you a little story about a neighbor of mine whose wife died and he was quite elderly. He decided he had to move to be near his children, and he put his home up for sale previous to the issue where we repealed the 17-year bill, where the park owners had an opportunity to say, "Get out of the park upon resale." He had a qualified buyer for \$16,000. The park owner said, "No, get it out of here." The highest price he could get, desperately trying, was \$2,600.

So the loss of your home under these conditions is in the thousands of dollars. Now I wouldn't expect any kind of

legislation to come forward and prescribe exactly how this is done, but I've been trying to work with local cities and communities - for instance, Sophie Howard and myself have been working very diligently trying to get help for some parks that are under threat right now.

I've worked in the City of Lomita and in Vista. We've got certain proscriptions there that can help these situations. But with SB 316, where they are only allowing the cost of relocation, the hotshot lawyers come forward saying, "OK, I have a park three blocks over here and it will cost \$3,000. Here's your \$3,000; now get out and junk your home." And I really think there should be some kind of redress in the future so that these dictates can either be decided on the local level or there will be some kind of guidelines for both the land owners and the homeowners when these conditions come forward.

SENATOR CRAVEN: Is what you are saying, in essence, the fact that the park owner mitigates - that is, in effect, to pay - for those relocation costs is not sufficient by virtue of the fact that in many instances there is no land available to which that coach may be moved? Is that correct?

MR. OLMSTED: That's correct. So they lose the entire value of their home.

SENATOR CRAVEN: Don, what do you offer as an alternative to that?

MR. OLMSTED: I would suggest that - I think the state's position is right. They don't prescribe what mitigation is, and I think every local jurisdictional group has different problems relating to this. Some of them will have the ability to develop relocation centers for these people. I think that some park owners are recognizing that they are treating the problem and they will assume the fiscal impact upon those homeowners and proceed to redevelop their property. But I would like the kind of conditions so that it is not restricted. This restricts it to just relocation costs, which completely eliminates the loss of their home.

SENATOR CRAVEN: Dan?

SENATOR McCORQUODALE: But I don't see that you are any worse off. Some of the people in my area think this is a very good piece of legislation. It at least calls attention to the problem. Before that there was nothing other than what was a general plan change which happened five years ago when no one was paying any attention - just maybe a zoning change a year ago when no one was paying much attention. And now the notice says the property is for sale and is going to be reconverted to some other use. At this point the city council is not terribly worried because they know that the change is going to take place before the next election so you really don't have much chance to have an impact on it. This requires all that up front earlier and at a

time when you still have a chance to - you know, 200 to 400 people, especially in a town like Vista, ought to be able to have some impact on the city council.

MR. OLMSTED: I would agree with you if they were asking for an official change. SB 316 goes past that point because they had a whole rash of them in Mono County, and I'm sure - whether it's available to you or not - that all counties developed an ordinance with park owners coming forward saying, "We're going no use; we're just going to close the park; we're not asking for an official change of use." So therefore they are exempt from the qualifications of the Subdivision Map Act, which require the filing of a report and mitigate the circumstances.

I've got my particular city of Vista to come forward and say, "No use is a change of use." I think it very obviously is, and I think the proscriptions of 316 are good, and it's not a problem if the park owner goes bankrupt. But if he isn't going bankrupt, I think he has the same responsibility to mitigate the circumstances if he is asking for an official change of use for that property. So, therefore, if the actual proscriptions of the Subdivision Map Act, where they were asking for a change of use for the park were to come forward, whenever they closed the park, that would solve the problem for us.

SENATOR MCCORQUODALE: This bill isn't law yet, is it?

SENATOR CRAVEN: January 1, 1986.

MR. TENNYSON: It becomes effective January 1, 1986, and I might point out that the Subdivision Map Act is a separate situation from Sec. 65000 of the Government Code that you are talking about. We're talking about situations other than the Subdivision Map Act proceedings that don't involve the division of a land into five or more parcels.

The reason that a lid was put on mitigation, as far as allowing local government to do whatever they want, is a give and take situation. Your advocate, Mr. Priest, agreed to it in three or four sessions of bargaining on this issue, because there was opposition to this bill from the realtors, park owners and other groups, and in order to be able to get something for "no use" and some of the things that Senator McCorquodale is talking about, we had to, of course, give something also. There was a total agreement on that. It was part of the give and take.

MR. OLMSTED: I understand those legislative processes. I'm just trying to address the issue of the loss of the value of these people's homes which I think is considerable. We're not talking about a few hundred dollars; we're talking about thousands of dollars, and it completely eliminates any protection for the homeowners - the value of their homes - this condition - because I happen to be working right now with the City of Lomita,

not with the city, but defending some people, and I convinced their counsel that they should draw their guidelines and they were about ready to come forward and recognize the fact that an independent appraised price, cost of severance allowance, or relocation costs. If it was possible to relocate, then when an attorney brings up this, it eliminates their possibility to do that because they can say, "Well, I have a park three blocks over here and it will cost me \$2,000 to move them over there and that's all you can get; get out!"

Thank you very much.

SENATOR CRAVEN: Thank you, Don. Next, Mr. Henry Wright.

(speaking from audience and inaudible).

SENATOR CRAVEN: Well, why don't you come down and you don't have to have anything formally prepared. You just wing it, and it will be fine. State your name, please.

MR. HENRY WRIGHT: Henry Wright. I live in Thousand Palms in Senator Presley's district. I live in a mobilehome park where you own your own lot. I would like to know when does my mobilehome become a manufactured home, and the minute I put it on the block by myself, where does the HCD inspection stop? Where is the county building inspection? Can the county supersede HCD's ruling and vice versa?

SENATOR CRAVEN: Do you want to answer that, John?

MR. TENNYSON: Well, it's my understanding that if you are placed on a permanent foundation, you become subject to uniform building code requirements. If it is not on a permanent foundation, then you are still subject to state requirements.

MR. WRIGHT: Well, that's another thing.

MR. TENNYSON: I beg your pardon?

MR. WRIGHT: What constitutes a permanent foundation? I am apparently bored into the ground - on pilings like the others. .

MR. TENNYSON: Is this permanently affixed?

MR. WRIGHT: No.

MR. TENNYSON: These pilings?

MR. WRIGHT: No, instead of skirting, I have a brick wall and it's dirt after that. I would call that a permanent foundation.

MR. TENNYSON: Well, it's on pilings or. . .

MR. WRIGHT: . . .installation. . .

MR. TENNYSON: . . .not bolted down, then it's not on a permanent foundation.

MR. WRIGHT: No. So it's not considered a permanent foundation?

MR. TENNYSON: Well, I'm not a technical expert. Maybe Mr. Smart or Mr. Anderson could answer your question more specifically. Maybe you would have to have it looked at, but my understanding is that a foundation permanently attached to the ground is the key.

SENATOR CRAVEN: Roy, based on what you've heard, could you add a little information on that?

MR. SMART: No. 1, you live in a subdivision?

MR. WRIGHT: Correct.

MR. SMART: If you're a subdivision within a subdivision, you are subject to the same requirements as a foundation system. (inaudible). . .then the connection, the electrical, gas, plumbing, those connections are the same as would be required under the Uniform Building Code.

MR. WRIGHT: Well, they said that I had a choice. I could dig out, put a wall around, with dirt up to the wall. My responsibility . . .(background noise). . . that's the only inspection I really require.

MR. SMART: Well, HCD makes no inspection on subdivisions. They are all performed by a local building inspector.

MR. WRIGHT: Maybe that's the reason I've had a complaint for many months. . .(background noise). . .One other question, where does Consumer Affairs come into this with respect to the Contractors' License Board? This is something else. I've had two in there now, one for over 14 months that's not settled yet. And so far I've had two men come out from the State Contractors' License Board - haven't heard a word - nothing from HCD.

SENATOR CRAVEN: This has to do with a complaint against a contractor?

MR. WRIGHT: The first one, yes. The second one is for some work done on the outside, which HCD tells me they have nothing to do with that now because I'm on a permanent foundation. So who is responsible? What is a permanent foundation?

SENATOR CRAVEN: Well, John, based on what Mr. Wright has said, I don't envision that as a permanent foundation. Am I wrong?

MR. TENNYSON: Well, no, I'm not sure it is a permanent foundation. But as Mr. Smart indicated, they do not have jurisdiction in "subdivisions" regardless of. . .

SENATOR CRAVEN: Which you are in, of course?

MR. TENNYSON: Now with regard to the contractor who put up the awning or what have you, you should have recourse through the Contractors' State License Board. That's correct. Not the Department of Housing and Community Development unless it is a dealer who is doing the work that was part of the original contract. Then they might have some recourse against the dealer's license if you can show fraud or something of this nature, but an installer or contractor would not be under the jurisdiction of HCD. At least that's my understanding. You would have to go through the Contractors' State License Board.

SENATOR CRAVEN: But if it's a complaint about a contractor, I think a comment was made earlier today, that there is such a backlog of people waiting to get answers after having filed complaints, that this is not unusual. I would say it is abhorrent, but not unusual. We may be able to assist you if we might have the opportunity of speaking with you after the meeting, and see what we can do.

MR. WRIGHT: Senator, I appreciate your letting me talk here, but I've been waiting now for 11 months for someone from HCD to come out. I've got cracks; I can't clean the carpet; I can't do anything until something is done.

SENATOR PRESLEY: Mr. Wright, after you speak to Mr. Smart and you resolve whatever you have with HCD, then whatever Mr. Smart says is outside of their jurisdiction, if you will let me know, and if it involves the Contractors' State License Board, then I'll see what I can do to help.

MR. WRIGHT: Thank you, Senator. Thanks to all of you.

SENATOR CRAVEN: You are entirely welcome. Thank you, sir. Next, we have Mr. Cliff Rowland regarding residency code enforcement.

MR. CLIFF ROWLAND: I also want to express my heartfelt thanks for you and your staff and the work you have done for us. You have listened to our complaints and have tried to assist us. I want to thank you.

SENATOR CRAVEN: Thank you.

MR. ROWLAND: I live in Chula Vista. My name is Cliff Rowland. As I sat here, I have learned a great deal this morning. I want to talk to you some more about the County of San Diego and the inspections they do. Almost four years ago I got a call from a mobilehome park in Spring Valley that had a drainage problem. Every time it rained there was about 3 feet of water caught there, and there were four mobilehomes that had to leave the area because they were flooded all the time. One lady even lost the skirting from her coach because of the water. To this date that problem hasn't been taken care of. Rick Ramirez, the second in command in the Health Department for the City of San Diego, saw me some time back and he said, "Cliff, it looks like we're going to get that taken care of." Now that's been four years, and the condition still exists. Something like that is ridiculous.

Now the reason I'm here today is to talk about the enforcement of the residency code. I'll briefly state what I want to state. Because of the relatively permanent nature of residents in certain parks and their substantial investment which a mobilehome represents, residents of mobilehome parks are entitled to live in conditions which assure their health and

safety, their welfare, and a decent living environment, which protect the investment of their mobilehomes. Now beyond the responsibility for the enforcement of the Mobilehome Park Act, the owner or operator of a mobilehome park shall abate any nuisance in a mobilehome park within five days or within such longer period of time as may be allowed by the enforcement agency. After he has been given written notice to remove the nuisance, if he fails to do so within the time, the District Attorney of the County in which the mobilehome park is situated shall bring a civil action to abate the nuisance in the Superior Court in the name of the people of California.

This is something that I've gone to the District Attorney about, and they say they don't have the money to do it, and it isn't their responsibility. You have to file a claim in the civil court. This comes from the residency code that is mandated by the State of California. Well, a citation has been written, and it isn't abated. I can cite cases where - the one I did cite about the drainage - and I can cite another one where for three years the streets were in such deplorable condition, the people couldn't even walk in the park. No lighting - lighting is something that's very scarce.

As a mobilehome park gets older, problems crop up. The park that I live in, because of a gas leak and because of the reluctance of the manager to take care of it, we lost a mobilehome. Finally, the inspector in our city - there was

another gentleman who had a gas leak, they kept smelling gas - came out and they hired a plumber who dug up the gas lines and said there was no leak. It got so bad that finally we had San Diego Gas and Electric come out with their sniffer. They have a machine to locate leaks. They found a leak. They contacted the inspector for the City of Chula Vista, who came out and said, "If you don't fix this immediately, we are going to shut down this park."

These are the things we have to have. These are the responsibility of our officials. I'm not - I don't want to sound bitter - yet when we go into these parks and see the conditions like Sophie was talking about - the sewage or the septic tanks - why doesn't the inspection department write a citation and if it isn't abated, turn it over to the District Attorney when the state mandates that the District Attorney shall step in and handle the case?

A mobilehome park out in Lakeside, I don't know how long they fought, but they finally got a \$3.4 million settlement. But if the District Attorney had done their job, or the inspection department and the District Attorney, had done their job, this civil action wouldn't have been taken. So please look very carefully into the fact of the responsibility of officials in

handling citations. If the citation hasn't been abated, then it should be turned over to the District Attorney. Thank you.

SENATOR CRAVEN: Thank you very much, Mr. Rowland. Next we have Mr. Peter Quercia. (no response). How about Mr. or Mrs. Leonard Fidlton?

MR. LEONARD FIDLON: (inaudible from audience).

SENATOR CRAVEN: Yes, sir. Would you please come up to the microphone, Mr. Fidlton? I think your wife delivered a letter to the committee earlier. Is there anything you wish to add to that?

MR. FIDLON: Yes, sir.

SENATOR CRAVEN: All right, whatever you feel is appropriate.

MR. FIDLON: My name is Leonard Fidlton. Again, I would like to compliment the Senators and the committee on behalf of the residents in our park. We have observed your efforts over the past years, and we approve of them highly. We are here to continue to seek your cooperation.

SENATOR CRAVEN: Where do you live, Mr. Fidlton?

MR. FIDLON: We're at the Desert Sands, an adult community park in Cathedral City.

SENATOR CRAVEN: Yes, you are in Senator Presley's district. Also, probably, Bill Bradley's district.

MR. FIDLON: Yes, sir. We brought a contingent of a few people who are representatives of our park. I have nothing prepared except that I want to emphasize, if I may, the primary

item on the letter we delivered pertaining to adult parks. We have been quite unclear as to what the meaning of SB 213 would be if it were enacted. However, we believe that it would help clarify the positions of parks, such as senior parks, family parks and adult parks. Our main concern pertaining to adult parks is that when we purchased our park, and we did 5-1/2 years ago, we were given a brochure by R. C. Roberts, who has a number of parks in the state, and in his brochure he refers to not only secure entries, etc., but adult living - nothing about creating a family park atmosphere.

Lately we have seen children in the park, pregnancies occurring, and it is rather frustrating where we picked a community of this type so that after a number of years of being away from families with children and having the right to have grandchildren visit, for example, in the park, we still are facing the insecurity of having families with children around us. You can understand that. We were just hoping that with your legislation we could continue to enjoy our homes. Most of us were kids ourselves, and we have no right to talk about children in that manner, but there comes a time when you find you are living in a space where things are truly not conducive to family-type living. That is the primary reason for this statement.

We've heard a number of other items pertaining to inadequate maintenance in other parks. I think we are quite fortunate although we have some water puddling in our streets. We have walkways that were created where it is awfully dark at night, and some of the walkways have lights that have not been maintained. Other walkways have no lights whatsoever. We have no sidewalks so we have to resort to using the parkways. In that respect we also have to protect ourselves either with flashlights or whatever with oncoming traffic in and around the park. The park management has been most inadequate over the years. There has been a great change of management, and I think the responsibility lies with the park owner and not the managers. Some have been adequate and some have not been qualified. In fact, many of them have not. Consequently, we, as residents in the park, have been suffering.

I don't want to belabor the point, but in talking about maintenance, we have had a number of complaints registered with the local authorities in the county pertaining to pools, lack of chlorine, tiles falling off, dogs running around unleashed, or even walking in the park with leashes, when they are strictly told not to walk their dogs in the park in accordance with the restrictions set down by the park management. They said take your dogs outside.

Now, these are violations, and there have been a number of them violated by the park manager, or he has just been inconsiderate of the tenants. I don't know what else I could say. I think it is apparent as to what our intent is.

The fifth item here referred to is that the residents have been asking they have the right of first refusal, should the owner want to sell his property, so that we would be able to purchase same. I think we could then enjoy our home as we do now and we wouldn't have to be concerned with park closures. We wouldn't have to be concerned with moving our five-year old homes to another area at a great cost, and I think this is about all I have to say. I want to thank all of you.

SENATOR CRAVEN: You are entirely welcome. We appreciate your being with us today. Bill, you represent Cathedral City, do you not?

MR. BRADLEY: Yes.

SENATOR CRAVEN: That gentleman is one of your constituents. Let's see, next I believe we have Marie Malone, who is Vice President of the Golden State Mobilhome Owners League. It's nice to have you with us again, Marie.

MS. MARIE MALONE: Thank you, Senator, and thanks to all of you for taking the time to be down here this morning. Now you understand we do have some problems in the inspections of parks. I'd like to put the topping on that story, if I may. In 1978 a park had sewer running down the streets. In 1983 the same park

had sewer running down the streets. In 1984, I am finally glad to say, that that particular park won a judgment of \$4.3 million. I think perhaps part of it should have been aimed at the County of San Diego for not enforcing the code. That one has a happy ending.

In 1978 or 1979 Sophie and I were out in a park here in San Diego, east county. She said, "You have to see this, Marie." I went with her, we looked at it, and I was afraid to have her drive through the park because I thought the car was going to disappear in the holes, and I'm not exaggerating. It was very unsafe. You had to skirt the edges to get around. She wondered what happened because we had asked for the inspection of that park. About four weeks ago we were back at that park. She said she wanted to come with me, so we went down. We were coming into the park, and it was all dark, and I said, "Well, where is the meeting?" She said it was to be at the clubhouse and we would be there in just a minute, and we were at the clubhouse in just a minute. But the clubhouse was locked. The owner had decided - this is an adult park - this is the same park with the holes in the street before - this is an adult park and anyone who was going to have a baby would have to move out of the park - to close the recreation, giving them a written notice that he was turning the recreation area - was going to fill the swimming pool

with cement - now, you won't believe this as I couldn't either - was going to fill the swimming pool with cement and he's turning the clubhouse into a day care center.

I was horrified, but I was more horrified when Sophie finally ran down the letter from HCD, which is now over a year old, that said you don't really have to repair the streets. You just have to put a little gravel in the holes, and it is perfectly all right. And, ladies and gentlemen, we have that in writing. That horrifies me. And this is one of the problems that is ongoing. We have had marvelous cooperation from the County of San Diego with inspections up to the last two years. Now, I don't know what has happened. I do know that two years ago we fought like crazy to keep inspections at the local level, rather than the state, because they had responded so beautifully to any calls we made. It is probably something internal that has been happening within the county. We're not sure, but we won't let up on it. We will see the Supervisors.

But what I would like to add is something else entirely different from inspections. As you know, last year and the year before, I think two years running now, in the Legislature we have asked for legislation where the people in the park may participate in forming the regulations of the park - the regulations by which we must live. What we have asked for in the past is that 51% of the park concur with major changes in the

regulations. Then the regulation could take place. We lost those bills both times. I want to announce that we will be back in January, and we will be back on the premise that a contract is a contract and when you enter into a mobilehome park, you make a contract with that owner and he makes one with you, and the rules are part of that contract.

We feel that when a contract is to be changed, it should be changed by mutual agreement. Now, there is real serious foundation for the reason we are coming back. Right now in many of the parks here in Southern California - and I have understood it is beginning to reach Northern California - we have a very serious problem where the homeowner is between the devil and the deep blue sea. The park owners are coming out, both in leases and in regulations, and stating the fact to the individuals in the park, individual homeowners, some of them saying you will have a minimum of \$100,000 liability insurance. OK. No problem on that score. The problem that we face is this: the park owner says he wants to be listed as an insured on your mobilehome policy. Now we went to our insurance companies. Our insurance companies tell us they will not write that type of insurance for us. They will not put the park owner on, and there is a reason. The park is commercially insured; the homeowners' insurance comes under a completely different set of rates. Now, by the fact that we no longer have the ability to have any input in our

regulations, here is the position we are in. The park owner in regulations says we must have this. We cannot get the insurance to fulfill that. The park owner has every right under the code, because if we break the regulation, we can be served eviction notice. We think the time has come for us come back and ask for participation on the regulations in the park.

We will be back again this year on the security deposits. They are now reaching the level of over \$1,000 a year. Perhaps we can find a way that will satisfy and protect the park owner and also satisfy the mobilehome owner.

We would not have any objection - and I hear the park owners saying this today - that look - somebody can leave the park, and where you are on master meters, you can leave the park and your utility bill then falls in our laps. What we say is that we would like to do the same thing that they do in home residences. If your San Diego Gas and Electric says, for example, that you have to make a utility deposit the first year you hook up, we'd make a utility deposit. After a year or two years in the park, whatever the date may be that you would want to set, we have proven ourselves that we are not going to skip out overnight and not pay our utilities. Then that utility deposit would be returned.

Right now your security deposits are getting over \$1,000. When you multiply that by 200 spaces in one park, and this money

goes to the park owner, he can keep it maybe 18 or 20 years, as long as you are in that park, and it is an excellent source of funding without any interest. The interest is being lost by the homeowners.

ASSEMBLYWOMAN MOJONNIER: How much deposit? \$1,000?

MS. MALONE: \$1,000 when you come into a park is the security deposit. Some of the park owners are coming back to people who have lived there five to ten years and are now asking for security deposits from them too.

SENATOR McCORQUODALE: I have a bill which did that, and we have a park in my district that if you talk to them about the bill, you get no interest at all because they all figure they live there, they don't have to worry about that and they are not going to be subjected to it. Recently that park owner instituted on the anniversary of their being in the park, they now have to come up with it. So three people so far have said they had to pay a security deposit, so I got a command performance to come down to their park. They want to rent buses; they want to go to Sacramento; all at once they are taking a whole new interest in this area. I suspect it's not going to be as difficult next year as it was this year because a lot of parks evidently are being affected by this.

MS. MALONE: OK. My one last item - and others mentioned briefly by the gentleman from Cathedral City. Two years ago,

when we asked for the first right of refusal, Mr. Costa then was Chairman of the Assembly Housing Committee. I remember very well what he said to me. He said that with an organization like GSMOL, why don't you go out and organize those people to buy the parks and compete in the market? We took him up on what he proposed. This year I would like to return for a very, very serious reason. We are up against the most brutal competition you could encounter in the purchase of our parks. Right now in the individual purchase of the Wilks parks, which number around 25 in the State of California and which most are available for purchase, we are competing with the DeAnza Corporation. Now I don't know whether you are familiar with the DeAnza Corporation, but we in the mobilehome parks are. So is E. F. Hutton, and they are now sending us all brochures in case we would like to triple our money in seven years, we can become a member of the DeAnza Corporation. We're up against very real money. We're up against more than that. As we work through our regulations and that, there is a time gap for the people to purchase the park. We cannot snap and do it overnight, no matter how well we are organized, because of the regulations that we come under from government, which are placed there for our protection, and we're not complaining about that protection.

But we would like to have - we'd like to come back - not for the first right of refusal. In spite of the competition, we are

willing to compete in the market. So what we would like to know from the park owners is, prior to the time they place their park on the market, that the residents of that park be notified they intend to sell their property. This gives us that step ahead for our finances, for our getting through the red tape that we must go through in order to buy. This gives us the opportunity to immediately get back to the person who is selling the park and let him know that we want to purchase that park, and that we will compete in the market to get it.

We have lost some very, very sad cases because of the length of time involved. We have lost two parks, for example, in Los Angeles County that were purchased while the residents were trying to purchase them. Somebody came along with the greenbacks in their hands. They purchased them, and they turned right around and told the people they would sell it to them in six months at \$1 million more. We lost a beautiful park in Palm Springs just the other day that only sold for \$1/2 million less than the residents of the park had offered, and they had the money and they were ready to go. So we are getting into some very serious problems in the time element of being able to purchase a park. Of course, we do believe that this is the lasting solution.

Thank you, Senator Craven.

SENATOR CRAVEN: Thank you, Marie, very much. Loyd, would you like to say a few words? Give us the benediction or whatever strikes you as being appropriate. This is Loyd Zimmerman, ladies and gentlemen. He is the President of GSMOL.

MR. LOYD ZIMMERMAN: I would like to answer one question that was brought up on the subdivision. I live in a subdivision, one of the oldest subdivisions in the State of California. In our mobilehome park we are under the city building department for all changes in construction. The matter of the foundation - we do not have foundations and you do not have a foundation unless you have a perimeter of concrete and steel, and that in turn is fastened to the mobilehome, and it must be prepared to receive it. The skirting of brick or whatever you put around the outside does not act as a foundation. Anyway, we have lived there for, let's see, we started in 1962 and the only changes that you have to go through HUD or HCD is if you change the construction or if you do something to that mobilehome which adds weight to the roof or any of the other rules concerning the construction of that mobilehome.

I would also like to answer one little thing that one of our present directors brought up. All these people dying in these old mobilehomes. I've never seen very many laid out. I lived in one at the beach 25 years ago. At that time the widest thing you could get was an 8 wide. If that was still in position today, it

would have regular upkeep, and I would say it was probably in better condition than my 1975 mobilehome. He talks about a furnace and all these things. Now if you live in a house, don't you upgrade it and the equipment occasionally? I think that people living in mobilehomes, if something happens, they call in a maintenance person and have that fixed. I don't believe people move into their mobilehomes and just let all the equipment go to pot over 20 years. They don't do that. I think that any mobilehome that is in position and has been there and in most parks you will find they have been there - there was a 1960, most of them were 1960 to 1965 - I think - those can be in just as high a condition today as a stick home can be, provided they have had regular maintenance. And that is the thing that I've seen happen so many times in Hemet. Before the 17-year law, they'd go in and say you had to move out. The lady moves out. She finally gets a bid from a dealer of \$2500 and the park manager says he will give her \$3000. She comes back a few years later and that mobilehome is still in the same position. He turned around and sold it for \$12,000. Now if there was something wrong with that mobilehome, why would he allow it to stay in that park? That was the reason we fought so hard to get this 17-year bill. And all these horror stories we have about people dying and mobilehomes falling down, which I don't believe ever happens, because I can take you into parks where - well, Marie, you recently had some

where they were updating them. You can drive through and they are terrific. Sure, they are older but they are well kept and they can be exceptionally good housing for our people. That's what we want.

I want to thank you for all of your work. This may be your last time to hear me talk to you because, as you know, I'm not running for president again but I may be in the background. Thank you.

SENATOR CRAVEN: Thank you very much, Loyd. I'm confident that you are going to be around. I don't know that "background" would be appropriate, but I'm sure you are going to be hovering around. Kind of like the Holy Spirit.

Do we have anyone else in the audience whose name I don't have on our list?

(Mrs. Fidlon inaudible from audience).

SENATOR CRAVEN: Sure. I thought that the gentleman to your right, who I presume is your husband, made a statement for the team, but if. . .

(inaudible)

SENATOR CRAVEN: He didn't, huh? Well, we're not going anywhere. Why don't you come on up and give us your name?

MRS. LUCENE FIDLON: My name is Lucene Fidlon, and I'm from the Desert Sands Mobilehome Park in Cathedral City. I have two inquiries to direct to you, Senator.

I'd like to know just where your bill, SB 213, which deals with adult parks, is at this time, and the second point of my question is what can we do to speed it up, to get people involved so they will know there is an answer to our problem?

SENATOR CRAVEN: Is it in Assembly Housing, John? The Senate. - The bill is in the Senate Housing Committee. Go ahead, John. John is the consultant.

MR. TENNYSON: For the benefit of the audience, the measure to which Mrs. Fidlton is referring is SB 213, which would authorize mobilehome park managers to have, not adult rules but instead, senior rules for persons 55 or older in the event the court outlaws adult only parks. The measure is in the Senate Housing Committee. There is quite a bit of opposition to it. There is not unanimous support even from the mobilehome residents for the bill, and we have not been able to assess - which will be done in January - what can be done with the bill because the whole issue is now before the California Supreme Court where the issue will probably be decided.

MRS. FIDLON: Would it be of any help for us to write to whomever we can? Is that Senator Greene who has it?

MR. TENNYSON: Senator Greene is the Chairman of the Senate Housing Committee. He would be one person you could write to. But the court really has taken the issue at this point, and I don't mean to say that any efforts that you would undertake would

be of no avail, but it has gone beyond the point where, frankly, unless there is a quick decision by the court or there is some facet we haven't considered, that the adult only question will not be decided by the Legislature, but instead will be decided by the California State Supreme Court, which now has jurisdiction on that issue.

MRS. FIDLON: And when will they convene?

MR. TENNYSON: Well, the courts are - I don't know how to say this judiciously - rather slow in taking up things. It could be decided - I believe Mr. Wehrman said he thought the consideration of the brief would take place in three or four months. The issue could be decided within a year. That would be my guess. But I'm sure there will continue to be some concern about the issue of what do you do with the rules that are now in existence in parks, particularly senior citizens or retired persons, and that issue, even if the court rules against adult only, which many people think it will based on prior decisions, that issue will probably come back before the Legislature. Whether it is in the form of SB 213 is another issue with regard to the protection of those who have already established an existing retired lifestyle. So that issue won't go away, but I can't guarantee it will be addressed this session.

MRS. FIDLON: In other words, it wouldn't help us to write at this point?

MR. TENNYSON: I think it would probably be helpful to write to the Chairman of the Committee, Senator Leroy Greene, and alert him of your concerns, but I can't say that that would be crucial in moving the bill out of that committee.

MRS. FIDLON: Yes, I understand. Thank you very much.

SENATOR CRAVEN: You're entirely welcome. Thank you. Anyone else? Yes, mam.

MS. CHRISTINE EVERITT: My name is Christine Everitt, and I would like to know - this is just a suggestion, food for thought - I would like to see a meeting of the minds or coming together of WMA, GSMOL, HCD and consider the possibility of developing a code of standards - whatever you care to call it - or licensing with educational programs for those who wish to be managers of mobilehome parks. Mr. McAdoo talked about the training program they had for those who were inspectors, and it works very well. I think if managers had more training, more education and training, they could be helpful in eliminating - perhaps not eliminating but alleviating is perhaps the word - some of the problems that I've heard discussed today. So many times we have managers who have no idea whatsoever of what a mobilehome park or mobilehome living is all about. And I think it would be worthy of consideration. Thank you very much.

SENATOR CRAVEN: Thank you very much. We appreciate the suggestion. Anyone else? Yes, sir?

MR. JIM MANN: Senator, I feel like I know you as I get letters from you. My name is Jim Mann and I happen to live here in the City of Escondido, and I would like to ask a question. People in our park who have mobilehomes older than 17 years and you talk about the electrical wiring and stuff. I do have a master's electrical license and my home does have good wiring in it. If I didn't think that was safe, do you think I would live in it? OK. Now, some people do want to sell and then we have a manager who has put restrictions on that you couldn't live up to and still sell your home. He wants new roof, new siding, vertical siding, and he wants it off of there. You couldn't rent a space in our park for a billion dollars because he is getting them off and putting his own trailers in and selling them. Now I want to know if that's legal to force somebody with an older home off, fixing this whole thing so you can't sell it?

SENATOR CRAVEN: John.

MR. TENNYSON: There are several questions here. First of all, under the law that Mr. McAdoo referred to that was passed a few years ago, the mobilehome now would have to meet inspection criteria. If it failed to meet that criteria, then it would have to be moved. To answer your second question, I don't believe there is any law that restricts a park owner or anyone else from moving a mobilehome onto an existing vacant parcel, whether the parcel originally contained your mobilehome which was removed because it didn't meet these standards or not

MR. MANN: Well, I was just wondering about these standards they set up that you couldn't meet?

MR. TENNYSON: Well, they can't force you off - at least that's my understanding - upon the sale or resale of a mobilehome - they can't require that you remove the mobilehome because it doesn't have any new features or what have you unless it doesn't meet certain standards upon inspection.

SENATOR CRAVEN: Well, John, I would interpret your remarks in relation to what Jim said as to say that there is no way, really, that they could force the construction of a new roof, new siding, or something like that as long as the unit meets code and standards.

MR. MANN: Thank you, Senator. That's just what I wanted to hear.

SENATOR CRAVEN: Anyone else? Yes, sir?

MR. ELMER ANDERSON: My name is Elmer Anderson, and I am here as an observer for the California Travel Parks Association, and we come under the provisions of Title 25. One of the things I would like to bring to the attention of the committee is that in the travel parks there is a community of long-term people. We have the snowbirds who come down from Canada and Northern California and spend the winter months in California, which represents a considerable population. We also have considerable pressure in the campgrounds to accept permanent residents. Most

campgrounds and most RV parks of this type do have people with less than mobilehomes who are on a long-term basis. We find that in many cases the law doesn't acknowledge this, and I think that in your deliberations and work that you want to keep in mind that in many RV parks there are people who have to be covered. For example, we are having a problem about submetering electrical bills. The law just is not clear, is not positive, that we can submeter electrical charges in the same fashion as mobilehome parks. So the point I would like to make is there should be a consideration of the RV parks and their specific problems in the deliberations of your work.

SENATOR CRAVEN: Yes, sir, we get more inquiries about your people all the time. Where do you live?

MR. ANDERSON: I'm on Palomar Mountain. We're getting on an average of two or three calls a day from people who are looking for campgrounds, places to put a trailer and stay.

SENATOR CRAVEN: Thank you, Mr. Anderson. We appreciate it very much. There's another gentleman over there. Yes, sir? I think this is going to be the anchor speaker here.

MR. JAKE JACOBSEN: Senators, fellow guests, it's a pleasure to be here. I happen to be a neighbor of Mr. Mann. We have a situation that is rather unique. I have experienced people in the concentration camps in Europe who had their fingers broken. In our camp, in our park we have a concentration camp. They just

break hearts every day. There's a gentleman over here, 95 years of age, another neighbor of mine, who will tell you the whole story. I came to this park two years ago, and I thought I had reached a point where I could relax. After I had been there about a month I realized I had made a fatal mistake. Now all I'm trying to do is correct my own mistakes. I have here a letter where this man absolutely sets up criteria that no one could possibly live with, and then he comes in and with a variance which isn't in accordance with the code of the City of Escondido does anything he likes. If he wants to make lots larger, he makes them larger. If he wants to make them smaller, he makes them smaller. If he wants to build within three feet of the building next door, he does so. Now, I don't understand this. I've been a developer for 16 years, and I don't understand all the California laws, of course. . .

SENATOR CRAVEN: We have a new law that will take care of that problem. . .

MR. JACOBSEN: What's that?

SENATOR CRAVEN: We have a new law that will take care of the problem you just. . .

MR. JACOBSEN: Oh, I know what that is. I tell you I would just like to give this to you. Another thing they are renting the ground - and I see that park owner left - and I believe they are discriminating against the people who are renting. We own

our homes, and here he puts out a regulation to qualify somebody for a \$50,000 loan on a mobilehome that he put in that cost him \$15,000. I don't understand that kind of justice, but I guess if that's California justice, I'm going back to where I came from. Thank you.

SENATOR CRAVEN: I think that we have -- have you not spoken already, sir?

MR. ROWLAND: I just want to say something about inspections. I know we're all tired. My name is Cliff Rowland. I live in Chula Vista. The City of Chula Vista contracts with the state to inspect mobilehomes. I got a call from a gentleman who wanted an inspection in his park so I gave him the name of the building department, the head of the building department, and told him to call him, and he'd get an inspection. Later I stopped by the building department, and I was informed by the inspector that they were no longer going to inspect mobilehomes. Now maybe this will do for the people who live in the County of San Diego. Having been told that, the following Tuesday night under oral communication we had a pretty fair sized group of mobilehome people there, and you know mobilehome people have a loud voice. I got up under oral communication, and I was very unfriendly in what I had to say. At the end of my oral communication, the City Council once again is inspecting mobilehomes. I made the county do that.

SENATOR CRAVEN: Thank you very much, sir. Ladies and gentlemen, all of us here want to thank you very much for your attendance. I particularly want to thank Assemblywoman Mojonier and Assemblyman Bill Bradley and my Senate colleagues, Senator McCorquodale and Senator Presley, for joining with us today. I think by their presence you could very easily discern that these legislators are very interested in that which you have to say, and I think that they, along with myself, will work unceasingly to try to rectify some of the wrongs and to solve some of the problems and perhaps come up with some innovative thoughts which you alone, really, I suppose, could help us with. That has to come from you, the people. That's why we heretofore have been very close to GSMOL, also very close to WMA, because I don't think it is a singular track we travel. I think it has to be done in tandem. You can't talk about one without including the other, either by insinuation, or inference, or whatever. It's very, very important that we cooperate, and one lady, Christine, as I recall was her name, said about getting together. We're going to have to have a sort of summit somewhere, I guess, and perhaps that is not a bad idea.

We'll pursue all of the things that you have told us today, and we want you to know, those of us representing you in various areas of the state, that if there is something you are interested in, and you think we could be of assistance, please let us know and let us see what we can do to help you.

For all of us, thank you very much.

#

APPENDIX

PUBLIC HEARING

SENATE SELECT COMMITTEE ON MOBILEHOMES

OCTOBER 22, 1985

TESTIMONY

Topic: Mobilehome In-park Inspections, et al

Presented by: Leonard G. Wehrman
161 Franciscan Drive
Daly City, CA 94014

Place: City Council Chambers
Escondido, California

PURPOSE OF TESTIMONY:

The purpose of my testimony and remarks today are to bring to the Senate Select Committee on Mobilehomes and to the California Legislature, to the mobilehome owners in rental parks in California, and to the general public some of the key issues that are having a profound and deteriorating impact on the mobilehome lifestyle and the peaceful enjoyment of this form of community living as they relate to the subject.

BACKGROUND:

At the outset, may we express our appreciation to you, Mr. Chairman, and the Members of the Select Committee and your most outstanding staff for scheduling this hearing and for providing a forum to present our viewpoints on the particular events happening in the mobilehome communities in California.

May we also commend you, Mr. Chairman, for the legislative efforts and successes during the 1985 legislative session. We are indeed proud and grateful to have such an articulate voice in Sacramento. Thank You, Senator Craven.

Topic: Mobilehome In-park Inspections, et al

TIMELINESS OF TOPIC:

As announced in your Information Paper hand-out for this hearing, we want to present testimony on the general subject of "Mobilehome In-park Inspections, et al". This is a very significant and timely series of issues because of what is happening today, or may be under consideration in the near future, that will continue to have a long-standing impact on the future of the mobilehome communities and how some of the high rolling investors and financial corporations no longer may be interested in purchasing or exchanging rental parks and how they may no longer perceive them as sound investments.

The mobilehome park industry of existing communities and the real estate investment groups for some time have been pursuing and conducting workshops and through publications have been advocating a course of action that has caused these key issues to come to the surface. So far it appears openly that the prime motivation behind such a pursuit is only to enhance the profit margins and inflated property values for the investor groups at the expense of the homeowners and residents of mobile home parks.

GENERAL TOPICS:

Some of the key topics today include:

- a. Mobilehome inspections at "re-sales" time,
- b. Mobilehome inspections at "pre-sales" time,
- c. Mobilehome inspections at "installation" time,
- d. Fuel burning appliances, especially hot water heaters,
- e. Inspection of mobilehome park premises plus the homes and the lots on a "surprise and unannounced" basis.
- f. Inspection of mobilehome dealer/salesperson licensees having an established place of business within mobilehome parks especially those operated by management personnel and park employees on a "surprise and unannounced" basis.
- g. Relationship of HCD and local government on above inspections.
- h. Mobilehome Lot Occupancy Deposit - aka - "Security Deposits",
- i. Insurance policy beneficiaries to the park owner and other insurance disclaimers written into leases and rental agreements.

In addition, Mr. Chairman, as you know, the general matter of "rent control" and specifically the topic of "price fixing of rental housing" by local government in California will receive oral arguments before the United States Supreme Court on November 12, 1985, in Washington, D. C. with a decision published during the first half of 1986.

Plus the topic of "family versus adult" mobilehome parks will be heard by the California Supreme Court probably within the next three months.

Topic: Mobilehome In-park Inspections, et al

A-3

ROLE OF HCD AND LOCAL GOVERNMENT ON SELECTED TOPICS:

On several of the above topics, it is our belief that HCD is caught in the crossfire of competing interests as an administrative and an enforcement agency and still try to be sensitive to the needs and concerns of the mobilehome owners and the communities they reside in.

Over the years, the Department has been cooperative and generous in their assistance to the mobilehome matters, but the new issues that have arisen over the past year or so, at least thus far, the administrators and management of HCD have not recognized the existing situation and have not sought out the alternative and workable solutions in concert with the affected home-owners.

This has, in part, brought us to this public hearing seeking the format to pursue many of the issues and to find the answers. It appears that much catch-up and an extra effort is necessary to address and resolve the issues at hand.

REBUTTAL TIME:

Mr. Chairman, may we request rebuttal time at your discretion, if it be necessary for me to respond to any issue raised in my presentation and challenged by other speakers. Thank You.

KEY ISSUES AND TOPICS:

As a starting point, may we commence with the current topic that triggered my coming here today:

August 3, 1985

Susan A. DeSantis, Director
 Department of Housing and Community Development
 State of California
 921 Tenth Street
 Sacramento, CA 95814

(916) 445-4775

Re: Health and Safety Inspections on the Resales (only)
 of Mobilehomes and Manufactured Homes.

Dear Ms. DeSantis:

This is an inquiry of significance that centers solely around the administrative and legal impact relating to the Health and Safety Inspections performed by the Department personnel exclusively at the time of resales of a mobilehome or manufactured home by the homeowner to a third party and whenever the home is sited in a rental type park. To narrow this point, we do not want to convey or include any other issue except the home inspection at resales time.

In addition to the current Health and Safety statutes and administrative regulations relating to the subject matter, we are mindful of the Mobilehome Residency Law, especially Section 798.73 (being amended by SB 873 during the 1985 session).

BACKGROUND OF CURRENT SITUATION: The park managements are demanding that the homes being sold be subjected to a thorough Health and Safety inspection, not only for the exterior features, utility hookups, and accessory structures, but also the complete interior of the home for health and safety purposes also covering structural and utility systems, and a public report to be prepared on the violations. In many parks this is an arbitrary and blanket requirement directed to the homeowners regardless of the home's age, general condition, or overall appearance.

Often the demand is made verbally either directly to the homeowner or to the selling agent at a time when the pressures of selling, their upcoming relocation, and mostly by senior-adults, are at the high point. At this time the homeowners are quite vulnerable and nearly defenseless - and the management pounces on it - and HCD is an unwitting participant to the game about to played out.

The park management next places the full responsibility and burden for the inspection scheduling, costs for HCD personnel and the actual inspection, and naturally the ultimate expenditures to abate the violations noted on the inspection report onto the selling homeowners.

INSPECTION BY HCD: Unfortunately, Ms. DeSantis, when your department is called to perform the inspection HCD is now caught in the crossfire and whatever happens next only adds to an already existing dilemma of the homeowner. When the HCD Inspector arrives to perform the inspection

Re: Health and Safety Inspections (Cont'd)

it is a sensitive and anxious period for the typical homeowner as they have no concept of what the inspector is looking for, or what to expect, or what the consequences may be. The Department is looked upon as being allied with the park management and a negative attitude and general distrust develops all too quickly.

NATURE OF VIOLATIONS: Occasionally the violations cited are technical in nature involving precise standards, dimensions, or requirements. These make it difficult for the homeowner to understand the true value of the violation. Does it really make that much difference or is it a violation because it does not conform exactly? Remember we are talking about low-cost housing in a rental type park! Can a variance be granted? If no, why not? Is the citation truly consequential?

According to our investigation for this inquiry and the information from your management inspection staff, some of the violations that are being cited, from both outside and inside the home, and shown on the inspection report, may be considered as "existing non-conforming", are to be "advisory only", and are for the "general guidance by the homeowner". However, they are not identified as such on the inspection report - a public report - that leaves all parties to believe that each violation is subject to either abatement within 30 days or possibly an administrative action as a misdemeanor.

EXTERIOR VERSUS INTERIOR: We are presenting in this section a serious and significant procedural question as to whether the park management (or including Real Estate Brokers and Mobile Home Dealers acting as a selling agent) can legally demand that the homeowner submit to a "top to bottom" exterior and interior home health and safety inspection by your state agency or the local jurisdiction or by any private contractor!

Civil Code Section 798.73 (d) states "It is in a significant rundown condition or in disrepair, as determined by the general condition of the mobilehome and its acceptability to the health and safety of the occupants and to the public, exclusive of its age. The management shall use reasonable discretion in determining the general condition of the mobilehome and its accessory structures. The management shall bear the burden of demonstrating that the mobilehome is in significant rundown condition or in disrepair."

Taking the above wording literally and each sentence individually and the sub-section in total, we believe that the park management has the full burden of responsibility to demonstrate that the home to be in a "significant rundown condition or in disrepair" and not forced onto the homeowner or onto HCD. Secondly, that the homeowner has a protected right to refuse entrance to your HCD Inspector, or any person, to go inside the home to perform any inspection procedure unless there is valid and probable cause to do so and then only for that item.

Re: Health and Safety Inspections

HCD AND LOCAL GOVERNMENT JURISDICTIONS - ON REALES: Our chief concern in this section is that all mobilehome owners involved in the selling of their homes are being afforded precisely the same and equal consideration on the inspection process whether under HCD or the local government jurisdiction assumed under Health and Safety Code 18300. We have been told that HCD is performing the resales inspections even though the local government has jurisdiction. This does not seem to be consistent - would you please clarify?

SHORTAGE OF INSPECTION PERSONNEL: The mobilehome owner population has been advised that there is a budgetary limitation and a shortage of HCD inspection personnel throughout the state. On the other hand there appears to be an increase in the number of resales and inspections. The resales inspections seem to be taking a "priority". How can HCD square all of this? Are there other types of inspections being put off, ignored, or neglected?

FINAL COMMENTS AND ANALYSIS: Ms. DeSantis, we firmly believe that any resales type inspection that is demanded by the park management, either directly or indirectly, and performed by your HCD inspection personnel must be limited to the outside only, such as the exterior structure, utility hookups, and accessory structures. In our opinion, the park management has no legal or administrative standing to require your HCD inspectors to enter or to inspect the home on the inside. Nor should the homeowner allow them inside!

This letter has raised a series of points that are a significant concern to the mobilehome owners in California and the continuation of the lifestyle.

May we respectfully request a written response to the issues at hand?

If we may be of any assistance in any manner, please feel free to contact us. Thank You.

Sincerely



Leonard G. Wehrman
 Manufactured Housing Consultant
 161 Franciscan Drive
 Daly City, CA 94014
 (415) 992-7470

Copy to:

John Ventura
 Senator Craven
 GSMOL

August 19, 1985

Robert Keefe
 Manufactured Housing Program Manager
 Department of Housing and Community Development
 6007 Folsom Blvd
 Sacramento, CA 95819

Re: Consumer Resales Packet Provided To Homeowners.

Dear Bob:

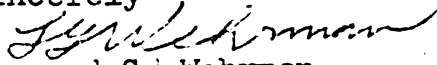
We believe there is a demand in California, and probably across the nation, for the individual homeowner of manufactured housing and mobile-homes, that are sited in rental type mobile home parks, to transact the actual resales of their home to a potential purchaser without the need for a third party licensed selling agent, be it mobile home dealer or real estate broker, etc. In this letter we will make that case and accomplish that task, see exhibit "A".

NEEDS OF THE HOMEOWNER - BOTH SELLING AND PURCHASING: What the selling and purchasing homeowner desperately needs is a professionally prepared resales packet of instructions and advisory containing the information to prepare the entire home environment and the lot for the best possible presentation to a potential purchaser, basic appraisal techniques, how to make the exterior and interior home features attractive, repairs to be considered or made, upgrading the features of the home if necessary, and a myriad of helpful suggestions. The package should also contain the basic understanding of escrow, written or implied warranty, financial options, use tax formula, advertisement methods, basic legal requirements, and the general liability and responsibility of the seller and purchaser. Seminars and Conferences may be conducted to explain and provide park homeowner groups with the material. In short, a complete "How to sell or purchase a manufactured home" packet.

PREPARATION AND PROVIDING THE PACKET: Someone like a manufactured housing consultant or a course preparer would develop such a packet and make it available to either the selling or purchasing homeowner. The packet would contain the forms, documents, and information to complete the home resales. If requested by either the seller or the purchaser, may "consult and advise" on the preparation of any form or whom to contact to complete the transaction and close the sales.

QUESTION: The central question for HCD to respond is: "Would this activity require a Mobile Home Dealers or Salesperson Occupational License"? If yes, please fully justify! Thank You, Bob.

Sincerely


 Leonard G. Wehrman
 Manufactured Housing Consultant
 161 Franciscan Drive
 Daly City, CA 94014

(415) 992-7470

EXHIBIT "A"

A-8

BACKGROUND: In most instances, and unlike other types of property, the activity involving mobilehome resales requires little or no professional selling experience or an agent. This is because the homeowner is showing and selling their own home and who knows that better than the owner - and what is not known can be easily learned. We would agree it may not be for everyone, but it should be a personal choice, made simple to perform, and supported by those willing to try.

It should be noted that many dealers in California do not prepare a bulk of the forms and documents in the resales, but instead establish a series of fee structures onto the homeowner and turn that activity over to a title and escrow company for the preparation, control of documents, record keeping, disbursement of monies, and the final disposition of the transaction. They also handle the title search thru HCD and complete the escrow documents, plus determine the amount of use tax and obtain the title and registration documents, etc. Generally the dealer has a working agreement with one or more lending agents who will perform all of the functions relating to credit background and prepare the loan papers on the home resales.

In addition to the above document preparation and fee structures, most dealers charge a commission fee between six and twelve percent of the selling price, or take a flat dollar amount for commission, or many take a net listing and make no disclosure of the commission, fees, selling price, or other monetary arrangements.

The "average range of costs" to the homeowner using a selling agent to transact the resales of their home in California today to be about \$1,500-\$3,500 for commissions, the document fees for \$300-\$500, plus the points on obtaining the loan papers - with the usual rebate to the selling agent. This is even if the homeowner shops around. The selling homeowner could save well over ten percent of the selling price by knowing what to do and how to transact most of their sales activity using an informational and document packet.

DEALER MULTIPLE LISTING AND PURCHASE ORDER DOCUMENTS: The typical multiple listing, purchase order, or equivalent type documents utilized by the dealer and presented to the homeowner contains numerous "sold as is" and "disclaimers" and "hold harmless clauses" and "release of total responsibility" provisions. They want no liability whatsoever, but will require the seller to sign such a document. Multiple listing contracts are most often of an exclusive nature and will not allow the sharing of sales and commissions except with their membership and the listing board. All too frequently dealers share listings and/or commissions with real estate brokers and salespersons either above the board or under the table. Some street dealers use the park managers as a salesperson for their in-park sales activity. Some dealers pay "finder fees" to managers and an assortment of people, mostly unlicensed persons.

DEALER/SALESPERSONS WITH RESALE OFFICE IN PARK BY MANAGEMENT: There is a built-in conflict of interest with negative results whenever the park management is personally and directly involved with the in-park selling activity. We know what money and power can do to people in a captive situation. This activity is most regressive and has a chilling effect on the future of the mobilehome lifestyle.

CONTINUING EDUCATION FOR HOMEOWNERS: This letter has demonstrated that the most effective continual education program that can be developed will be more effective when made available to the park resident/homeowner in order to encourage more control over their lifestyle, including the resales of their home and property.

August 23, 1985

John Ventura
 Director, Codes and Standards Division
 Department of Housing and Community Development
 6007 Folsom Blvd
 Sacramento, CA 95819

(916) 445-9471

Re: Type of Hot Water Heater Appliance in Mobilehomes.

Dear John:

By this letter we are respectfully challenging the Department's policy and practice regarding the type of hot water heater appliances that are installed in mobilehomes in the State of California, be it "for mobilehome use" only or a regular household appliance.

This pertains to homes that are presently hooked-up to a natural gas utility system (only) wherein the homeowner replaces an existing hot water heater with a new unit.

For starters, according to our survey, a new "mobilehome only labelled" hot water heater appliance has a retail cost about \$40-\$60 higher than the regular such appliance. Warranties are generally of a shorter term. Because of the lower volume of sales in certain locations, many suppliers do not stock the mobilehome (only) appliance and they must be ordered causing delays from several days up to two weeks. Contractors state they do not like to install a mobilehome hot water heater. Frankly, most homeowners simply will not wait - they need hot water, in fact, they have done so by the thousands and thousands.


Over the past years the HCD Inspectors have written untold health and safety violations citing the homeowner with a "non-conforming" unit simply because the appliance did not have a "for mobilehome use" label. It is distressing to see that these citations are causing unknown numbers of homeowners to rip-out practically new hot water heaters costing some \$350-\$500, including installation, to install a new "for mobilehome use" labelled appliance. We are seeing confrontations between contractors and homeowners because of what is perceived to be a ridiculous requirement, especially under the circumstances.

We don't believe that the Department can pinpoint or document where there has been significant consequences because of installing a regular appliance in a mobilehome.

John, we do need a "temporary moratorium" on the current citations already issued and the homeowners notified and a permanent decision at the earliest date on an emergency basis. We can find no justifiable reason on why a homeowner can not install either type of appliance in a mobilehome when it is connected to natural gas.

May we ask for your earliest written response. Thanks, John.

Sincerely


 Leonard G. Wehrman
 Manufactured Housing Consultant
 161 Franciscan Drive
 Daly City, CA 94014

Copy to:
 Sen Craven
 GSMOL

September 21, 1985

A-10

Ms. Susan A. DeSantis, Director
Department of Housing and Community Development
State of California
921 Tenth Street
Sacramento, CA 95814

(916) 445-4775

Re: Publishing of Disciplinary Actions Taken
Against Mobilehome Dealers and Salespersons.

Dear Ms. DeSantis:

We are of the sincere belief that the Department should publish, and make available to the general public and the mobilehome consumers, a summary of the disciplinary and administrative actions taken against any licensed or unlicensed mobilehome dealer or salesperson in the State of California. In addition, to furnish an analysis of the types of complaints received, the extent, and the levels of investigation that are performed on the complaints by the Department.

By this letter, we are respectfully requesting such a report with the initial period covering the years 1983 thru 1985 and then semiannually thereafter. We would consider the general format similar to that published by the Department of Real Estate, a sample of which is attached for your immediate consideration, but expanded to include the key points raised in this letter.

With the number of Occupational Licensing Investigators and the high fee structure for the licensees maintained by the Department for this purpose, the public and the mobilehome consumers/purchasers are categorically entitled to know how effective the Department is in performing their investigative function, an accounting of the intensity for the investigations, and the final disposition of any administrative or any disciplinary action taken. Further, the report will publicly establish a benchmark and an on-going review of the effectiveness of the proposed continuing education program mandated by the legislature.

Ms. DeSantis, we feel strongly about the public being informed about the effectiveness of the dealer and salesperson occupational licensing program and the continuing educational program, the investigation into complaints, and the ultimate actions that have been taken.

May we please request your written response to this inquiry? If we may be of any assistance, please feel free to contact us. Thank You.

Sincerely



Leonard G. Wehrman
Manufactured Housing Consultant
161 Franciscan Drive
Daly City, CA 94014

Copy to:

Senator Craven
Assemblyman Papan
Assemblyman Grisham
GSMOL

(DARREL KLEIN: Background Information)

October 20, 1985

Ramona Mobile Home Park, Ltd.
32133 W. Lindero Canyon Road
Suite 103
Westlake Village, CA 91361

Dear Sir:

We the new residents of Rancho Ramona Mobile Home Park, would like to meet with you or your representatives at you're earliest possible convenience concerning problems we are experiencing and problems we might face in the future. Specifically we are concerned about the condition of the lots that our homes sit on. Our lots were not prepared properly, and now our homes are in jeopardy of sinking, unless the ground surrounding our homes is raised, allowing water to properly drain into the street, preventing water from standing under our homes. With the minimum amount of rain received thus far since August some of our homes have already shifted. We are concerned about each of our investments and our purpose is to protect yours and ours.

Perhaps you could provide information to us that we have so far been unable to have answered by Mobilhome Guild, the park manager or any of the contractors. Thank you for your time and concern.

Sincerely,

Residents
Rancho Ramona Mobile Home Park
Ramona, CA

Michael McKown 789-3685

Darrel Klein 789-5707

John Schreiber 789-3391

To set up a meeting please contact one of the above names.

We the undersigned residents of Rancho Ramona Park are also having questions about the park inspection, potential water drainage

Mr & Mrs Michael T. McKown 789-3685

Mr & Mrs. Bill E. Woodward 789-6416

Mr & Mrs J. L. L. L. 789-3391

Mr + Mrs Chad Z. 789-9127

Dennis E. Lynch + Janet Amarger 789-7891

MRS MRS Daniel A. Zuchner 789-5208

Mr. & Mrs. David H. Klein 789-5707

Mr & Mrs Joseph D. Mattingly 789-7734

Mr. & Mrs Darryl K. Haskell 789-3921

Mary W. Henson 789-8921

Moved IN August 10, 1985

9-8-85 Called Mobil Home Guild (Richard) 486-470

9-9-85

Calif. State Park Insp. (1-800-714-558-4161)
Mr. Elliot.

9-9-85

Calif. State Dept of Housing (1-800-952-5275)

9-9-85

Housing & Community Development Dept.
237-7608

9-9-85

Planning & Land use Department of San Marcos
741-4236

9-9-85

Land Grading & Development (565-5603)

9-9-85

Building Insp. of S.D. County (741-4236)
Mr. Snow

9-9-85

County Public Works Dept (565-5685)
Mr. Cunningham

- 9-9-85 CIV. Eng. of County of S.D.
Mr. Dick Bunch (565-5285) 28-1-11
- 9-9-85 Veterans Adm. San Diego, CA.
113 9111
- 9-10-85 - Went to see Mr. Bunch - No
Grading Permit Filed. 28-1-11
- 9-15-85 - Sun Valley Builders (789-6085)
1431 Bennett Rd P.O. Box 474
Remona, Ca 92065
LIC. # 394399 Mr. L.W. Nedger
- 9-23-85 - Remona Mobile Home Park LTD.
32133 W. Lindero Canyon Rd
Suite 103
Westlake Village, Ca 91361
818-991-2988 (Jerry)
- 9-23-85 Called GSMOL (Golden State Mobil Home)
Owners League Inc
11021 Magnolia St
Garden Grove, Calif
1-800-422-4471 AM
- 9-23-85 Called GSMOL Rep. 28-1-11
Mrs. Howard (727-2506) AM

- 9-23-85 Called Mobil Home Guild
Richard 486-4700
- 9-23-85 S.D. County Public Health
Richard Ramirez (236-2243)
- 10-8-85 Started Skirting home
- 10-8-85 Called Mobil Home Guild.
Richard (486-4700)
12759 Powey Rd.
Powey Calif. 92065
- 10-8-85 Called Mrs. Sofie Howard
GSMOL Rep.
- 10-10-85
Called Veterans Adm. San Diego
Mr. Mike Wilson
- 10-10-85
Called Veterans Adm. Regional Office
Federal Building
11000 Wilshire Blvd
Los Angeles Calif. 90024
213-209-7897
Mrs. Murphy

10-10-85

Called S.D. County Public Health
Richard Ramirez (236-2243)

10-10-85

Called San Diego County Public
Works MR. FEU

10-10-85

Called San Diego County Public
Works Inspector
MR. CUNNINGHAM (565-5156)

10-14-85

Called San Diego County Public
Works Inspector
MR. CUNNINGHAM (565-5156)

10-15-85

Called San Diego County Building
Inspectors.
MR. SNOW (565-5920)

10-16-85

Talked to KENNY SIMMES
Set-up man Mobil Home Guild

10-16-85

Truck Driver

Art Reuter Cal. Lic. # T110820

Late
Entry

10-10-85

Called Skyline

Mr. Paul Fisher

Regional Service Manager

P.O. Box 936

Hemet Ca. 92343

Land Owner:

W. E. Lede
1527 H St
Remond Co. 92065
37-0672

Land Leased by

Remond Mobile Home Park LTD
32133 W. Lindero Canyon Rd.
Suite 103
Westlake Village, Ca 91361
818-991-2988

OCT 21 REC'D

Desert Sands

HOMEOWNERS' ASSN.

October 19, 1985

32-750 Date Palm Dr., #1106
~~Palm Springs, CA 92264~~
 Cathedral City, CA 92234

Honorable William Craven
 2121 Palomar Airport Road, Suite 100
 Carlsbad, California 92008

Ref: Escondido Meeting
 October 22, 1985

Dear Senator Craven:

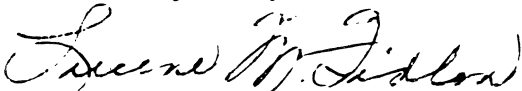
At the request of your Staff Consultant, we are mailing you our primary grievances, as it pertains to our park, the Desert Sands Adult Community Park, Cathedral City. In the event there exists the possibility that we may not get on the Agenda at this meeting, we will appreciate our list of grievances be read into the record.

They are as follows:

1. ADULT PARK vs. FAMILY PARK (Your S.B. 213).
2. INADEQUATE MAINTENANCE of pool, spa and street and walkway lighting.
3. SAFETY and SECURITY (inoperable entry gate at all times and uncontrolled speeding on the Park's streets.)
4. LACK OF ENFORCEMENT of PARK OWNER'S own RULES AND REGULATIONS which are, by reference, made a part of homeowners' leases and not adhered to by transient, unqualified Park Managers (here today....gone tomorrow).
5. ASK THAT LEGISLATION REQUIRE Park Owners, should they desire to sell, offer the right of first refusal to residents who wish to purchase said park and who are currently leasing mobilhome space.

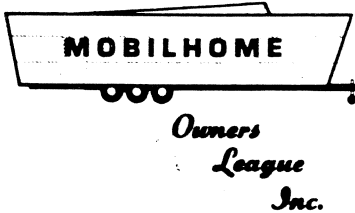
We want you to know that approximately 250 residents in this park are for your S.B. 213.

Yours very truly,



LUCENE M. FIDLON, Homeowner
 for Desert Sands Homeowners' Association

GOLDEN
STATE



GOLDEN STATE MOBILHOME OWNERS LEAGUE, INC.

11021 MAGNOLIA BOULEVARD, GARDEN GROVE, CALIFORNIA
P. O. BOX 876, GARDEN GROVE, CALIFORNIA 92642
(714) 826-4071

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Fresno, California 93710
October 17, 1985

John Tennyson
State Capitol Room 3070
Sacramento, Ca. 95814

Dear Mr. Tennyson:

I very much regret it is financially impossible for me to attend the Senate Select Committee hearing in Escondido October 22, 1985 concerning mobilehome inspections. I wish the hearing were being held in this area.

As you made note of in the letter from your office, Yes, we have had problems--big problems. As you also know, I wrote to Senator Craven about some of these issues and we did receive positive response. What resulted opened up a "small can of worms" so to speak. We have had some action but certainly many problems remain.

Enclosed is a copy of a letter from Director DeSantis to your office. (Pardon the personal scribbles). I certainly would like to have her explain the sentence "None of the field staff reductions has been in that area". We see a reduction of services! In 1983 we had 4 field inspectors, The Field Operation co-ordinator for the 48 northern California counties, plus an office staff all located here in Fresno where we could communicate our complaints. All 4 of the inspectors worked in the Fresno area as well as additional staff who worked in other counties but out of this office. I was told and understand the the field inspectors often went into other areas as well as services we might get from someone in another area. We still have 4 inspectors I understand, 1 located here who works Fresno and Madera Counties. He may be reached by telephone on Thursdays from 8-10 A.M. At other times and the other inspectors are only available by telephone message to this office who then relay the complaints or requests. We do not find these expedient for quickly taking care of problems especially when it is an emergency.

The following are the particular issues I would like to address:

- I. Lack of availability of inspectors especially in emergencies.
(We had a case of sewer problems which occurred on a Friday. The call to the office said they would relay the message. The call was returned the following Tuesday. In the meantime the residents called City Hall and got help.)
- II. Difficulty in contacting inspector when complaints are outside of Fresno.
- III. Lack of proper inspection on installation of a coach on lot.
(An Associate Director just reported that an inspector drove past a new coach installation just today but did not make any inspection, didn't even get out of the car and that this happens often in his park. I also had

an Assistant Manager told me this week that the inspector comes into the park, drives around but doesn't get out of the car. Reply by inspector to a resident who questioned some electrical work being done in the park that "he couldn't do anything, they didn't have a permit". Was it not his duty to either serve a violation for no permit or report the situation to the party who could serve a notice of violation?

- IV. Allowing coaches to remain when placed improperly on lots in relation to lot lines, adjoining structures, etc., even though not according to code specifications. One home owner was told he didn't need to worry, nothing would be done while he lived there. This has happened more than once.
- V. Most existing parks have never been properly marked to define corner markers so there is no dispute as to all lines. I was told inspectors did not insist this be done when the park was originally inspected. Many lots and many parks could still be done if required by inspectors to conform to Civil Code 1616. In my Region 4 instances have come in as complaints where lot lines have been moved without consent of home owner. Lots are then marked by a slash of paint on the curb. One home owner had two feet of their lot given to the next door neighbor even though the home owner had lived there 10 years within the lines staked out when he moved in. The managers came onto the lot while they were absent, removed many shrubs, all the fancy brick liners. That was 2 years ago. The two feet remain unattended, unsightly, shrubs and brick never compensated for.
- VI. Reluctance on part of inspectors to issue violations to park owners/managers. One mobilehome owner was told,--"If you push me in respect to manager, I will issue more violations to home owners than you can count."
This happened when an old park was sold and told escrow could not close until certain violations were corrected. By reducing the price of the park the escrow did close and the burden of compliance to violations was put upon the new owner who did nothing. (over 2 years now) Finally, this year we asked for an inspection of the park condition, especially wiring and sanitation. The park ended up with 75 violations, the majority against the park owner, with 30 days to correct.
- VII. Completion and correction of a violation takes much too long.
The second inspection of the above park was made 72 days later when an MP-1 letter was issued.
It has now been 134 days since the MP-1 letter. I checked about 2 weeks ago and nothing more had been done.
Why are these allowed to drag on for months and in some cases years?
- VIII. Improper and inadequate remedies accepted and written off as "finished by inspectors."
This happened when 1610 (18206) of Title 25 Chapters 2&4 was violated by park owner. Repairs to the coach amounted to \$15,000 paid by Insurance. The park owner had been extended time past the 30 correction period to a total of 181 days. Correction of the violation was accepted by the inspector and case written off. Because the corrections had been inadequate the home owner suffered further damage to the mobilehome so filed a second claim with the Insurance Co. The park owner was then forced to take care of the problem correctly, the coach was repaired a 2nd time for an additional \$25,000. All of this could have been avoided had the inspector taken action at the end of 30 days given in the first violation.
- IX. Park owners are aware of being able to "get by".

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When the park owners was asked by the mobilehome owner why nothing had been in the 30 days they replied, "We didn't have the time and we needed the money for something else BESIDES we'll get an extension"----181 days plus a 2nd claim!!!

X. High Permit Fees

Many of the home owner's violations in the park referred to in VI and VII were installations of back, front, or both lights as recommended by the Neighborhood Watch Co-ordinator. Many of these lights had been installed as much as 4 or 5 years ago. Violations for NO PERMITS. Yet the inspector had been in the park many many times and made no citations until asked to check on park owner violations. (Do not think that I excuse or condone violation by the home owner any more than the park owner---but so many of the violations were so minor in comparison with REAL park problems which affected all residents.)

Since most home owners do not have access to copies of Title 25 Chapters 2 & 4 they did not know they had to have a permit. Many removed the lights because they felt \$40 was too expensive for a permit for a light. Not only are such lights a deterrent to vandalism and burglaris, they also supplement street lighting which is very inadequate in many parks. This is a real concern for Senior Citizens. One old timer in the park has lights which come under the same code violation but was told he could keep his. You can understand how his neighborfeels---I know for I got a call. "Why me and not him.?" How do I answer?

XI. Lack of follow up report by inspector to complaintant such as GSMOL Directors.

I understand all inspections are filed with HCD office also the follow ups until final conclusion of the violation. Why can't copies be made to be sent to complaintant?

Yours truly,

Marjorie Hinkly
 Marjorie Hinkly
 Director Region 12 GSMOL

DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT

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March 1, 1985

The Honorable William A. Craven
Member of the Senate
State Capitol, Room 3070
Sacramento, CA 95814

Dear Senator Craven:

Thank you for your letter of January 22, 1985 concerning HCD's inspection activities. In your letter, you commented on Ms. Marjorie Hinkly's perception that our level of field services in the Fresno area have deteriorated within the last year.

Sarah Allen inspected?

It is apparent to me that Ms. Hinkly received inaccurate information when she spoke with one of our inspectors regarding the bases for staffing assignments or budgetary requests. I have asked John Ventura, Chief of the Division of Codes & Standards, to personally contact Ms. Hinkly to discuss those matters, and clearly explain management decisions affecting inspection coverage in the Fresno area. I have asked Mr. Ventura to provide me with an identification -- from that discussion -- of any specific instances involving delays on our part in responding to consumer complaints or requests for inspection.

As I indicated to you in my December 11th letter, funding for the Mobilehome Park Program has not been reduced nor has there been a significant reduction in our park program staff, although increased workload has strained staff resources in some areas. Ms. Hinkly relayed to you information, gained apparently from a conversation with one of our inspectors, identifying a field staffing level of 40 inspectors three years ago in contrast with a level of 17 currently. This is not accurate. In 1982-83, HCD was authorized 57 District Representative positions. In the current year (1984-85), there are 52 authorized positions. The overall reduction during that period has represented ten percent of our field staff, which is responsible for dealing with a variety of programs, in addition to mobilehome park responsibilities.

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We have sought to retain our prior levels of staff effort in the Mobilehome Park Program. We have also, as I indicated previously, experienced park-related workload increases in certain geographical areas. However, we have not had to assume increased park responsibilities in the Central Valley area. None of the field staff reductions has been in that area, and today, we have deployed the same number of District Representatives in that region as in the last several years. We have also surveyed the level of consumer complaints and requests for investigation in that area and have determined that staff response remains at prior satisfactory levels.

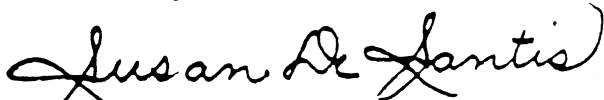
Extensive handwritten notes and scribbles on the right margin, including the word 'here' written vertically.

An organizational action was taken recently which was intended to improve overall efficiency without diluting our field effort. Previously, supervisory as well as inspection staff were located in Fresno; however, in fall of 1983, we consolidated operations by moving the supervisory personnel to Sacramento. To my knowledge, this action has not had any effect on the availability of inspectors in the field.

Senator Craven, I hope that our follow-up on this matter is satisfactory from your standpoint. Mr. Ventura, who will be talking with Ms. Hinkly, directly oversees our Codes & Standards Division's responsibilities. He implements the policy direction of this Administration, directs the operational activities of our field staff and recommends seeking resource adjustments when necessary. We have not found it necessary to request budget augmentations in this area, and Ms. Hinkly's observations regarding Governor's Office disapproval of such requests have no basis in fact.

If you desire any further information, I would be pleased to meet with you at your convenience.

Sincerely,



Susan A. DeSantis
Director

RLL:isd

cc: Senator Ken Maddy
Senator Rose Ann Vuich
John Ventura, HCD
Maurice Priest, GSMOL
Marjorie Hinkly ✓

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