

CALIFORNIA LEGISLATURE
SENATE SELECT COMMITTEE ON MOBILEHOMES
SENATOR WILLIAM A. CRAVEN, CHAIRMAN

Transcript of Hearing on
**"TRAILER" RIGHTS UNDER
THE MOBILEHOME RESIDENCY LAW
& SB 1655**



March 16, 1992
State Capitol
Sacramento, California

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MARCH 16, 1992

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California Legislature

Senate Select Committee on Mobilehomes

SENATOR WILLIAM A. CRAVEN
CHAIRMAN

MARCH 16, 1992 HEARING

"TRAILER" RIGHTS UNDER THE MOBILEHOME RESIDENCY LAW

BACKGROUND PAPER

THE PROBLEM

Over the past year, the Select Committee has received a number of complaints from owners of older, smaller mobilehomes, often referred to as "trailers", in mobilehome parks where the management has refused to abide by the Mobilehome Residency Law as it applies to their tenancies. Specifically, the management of some parks has refused to provide residents, who are owners of "trailers", with written rental agreements, or with written copies of rules or regulations, or the appropriate six-week or six-month notice of a change in such regulations. Of even greater concern is the fact that, in some cases, management has evicted, or attempted to evict, residents of "trailers" without cause, using a 30-day notice, rather than the 60-day notice just cause eviction requirements of the Residency Law.

The Mobilehome Residency Law (MRL): By definition, the MRL applies to mobilehomes which require a permit to be moved on a street or highway and does not apply to recreational vehicles (Civil Code Sec. 798). However, Sec. 798.22 impliedly provides the authority for park owners to rent mobilehome spaces in pre-1982 parks, or newer parks that are initially less than 75 percent full, to owners of recreational vehicles.

Some park owners contend that the Mobilehome Residency Law does not apply to any mobilehome or "trailer" 8 x 40 feet or less which is technically a recreational vehicle, regardless of how long the "trailer" has been, or occupant has lived, in the park. Hence, the owner or occupant is treated as a conventional apartment tenant, with a 30-day notice of termination of tenancy and eviction without cause and can be denied other privileges of the Residency Law, such as a written rental agreement, notice of rule changes, etc. Evictions on this basis have been permitted by some courts in San Diego County.

On the other hand, homeowners argue that the Legislature could not have intended this kind of result. The RV Occupancy Law, governing RV parks, provides in Section 799.45 that, in the case of a homeowner who has resided in the park for nine or more months after January 1, 1980,

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such a termination of tenancy shall be made pursuant to Article 6 of the Mobilehome Residency Law, i.e. a 60-day notice and just cause eviction. Hence, they argue, if the owner of a "trailer" in an RV park, who has lived in the park nine or more consecutive months, is protected by "bootstrapping" provisions of the Residency Law to RV parks, how could the owner of the same kind of "trailer" in a mobilehome park, otherwise intended to be governed by the Residency Law, not also be similarly protected?

HISTORY OF REGULATIONS AND DEFINITIONS

The history of the laws governing definitions of mobilehomes, recreational vehicles, trailers, and parks in California is somewhat convoluted.

Parks: As far back as 1920, state law regulated sanitation in "auto camps." In 1929, the Auto Camp Act was enacted to regulate the construction and maintenance of auto camps under the Division of Housing and Sanitation, Department of Industrial Relations. In 1939 the Health and Safety Code was amended to define a "Trailer Camp" as "any area or tract of land on which 4 or more trailers (were) used or maintained . . ." In 1949, the definition of a trailer camp was changed to "two or more trailers". In 1954, trailer camp regulations came under the newly named Trailer Park Act.

By 1961, standards for trailer parks were expanded and updated in the new "Mobilehomes and Mobilehome Parks Act". A "mobilehome park" was defined in the 1961 Act as: ". . . any area or tract of land where one or more mobilehome lots are rented or held out for rent and shall include a trailer park." Newly added was also a definition for a "recreational trailer park". In 1965, the Department of Housing was created from the old Division of Housing, and specific regulatory requirements were removed from the Code, with the new Department given broad authority, by power granted to it by the Health and Safety Code, to adopt standards for parks through administrative regulations - now known as Title 25, Chapter 2 of the California Code of Regulations.

Over the years, the codified names for various types of parks have changed. Today, by legal definition, there is no such thing as a "trailer park"; rather, there are really only two types of parks: mobilehome parks and special occupancy parks. (H&SC Sections 18214 and 18216.1). Special occupancy parks include recreational vehicle parks, temporary recreational vehicle parks, incidental camping areas, or tent camps. But many mobilehome parks have both mobilehomes and recreational vehicles, including older mobilehomes or "trailers," located on spaces within the park.

Mobilehomes: Originally, the Department of Motor Vehicles (DMV) governed the registration and titling of what used to be known as "trailer coaches", while the old Division of Housing, as of 1958, established standards and insignia requirements for such units. Installation and occupancy permit requirements were enacted in 1974.

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Over the years, the definition of "mobilehome" has changed considerably. The mobilehome definition, which replaced "trailer coach" for purposes of the Division of Housing's regulations, was enacted in 1961 as Section 18001, and renumbered and amended as Section 18211 in 1967. A similar definition was also enacted in Section 18008.

The 1967 version of Section 18211 read:

"'Mobilehome' is a vehicle, other than a motor vehicle, designed or used for human habitation, for carrying persons and property on its own structure, and for being drawn by a motor vehicle."

The definition in Section 18211 was also amended in 1969, 1974 and 1975. The 1975 amendment was significant:

"'Mobilehome', for the purposes of this chapter, is a vehicle, other than a motor vehicle, designed and equipped to contain one or more dwelling units, as defined in Section 18005.5, to be used without a permanent foundation and which is in excess of 8 feet in width or in excess of 40 feet in length."

(Emphasis added - note addition of dimensional criteria.)

The section was again significantly amended in 1979:

"'Mobilehome', for purposes of this part, is a structure transportable in one or more sections, designed and equipped to contain not more than two dwelling units, as defined in Section 18005.5. . ." (The rest of the section is the same as '75 version.)
(Emphasis added - note reference to "vehicle" was deleted.)

The section was next amended in 1983 to read:

"'Mobilehome', for the purposes of this part, is a structure transportable in one or more sections, designed and equipped to contain not more than two dwelling units, as defined in Section 18003.3, to be used with or without a foundation system. Mobilehome does not include a recreational vehicle, commercial coach, or factory-built housing, as defined in Section 19971."

(Emphasis added - note exclusion of recreational vehicles.)

The current definition in Section 18211 references, and is found in, Section 18008. As amended in 1989, Section 18008, reads in part:

"'Mobilehome' for purposes of this part, means either of the following: (a) A structure transportable under permit in one or more sections, designed and equipped to contain not more than two dwelling units to be used with or without a foundation system . . ."
(Emphasis added - note addition of a permit requirement.)

Additionally, a perusal of the Vehicle Code finds yet another definition of a mobilehome, for purposes of moving it on a highway. Section 398 specifies that ". . . a mobilehome is a trailer coach which

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is in excess of 102 inches in width (8 1/2 feet), or in excess of 40 feet in overall length measured from the foremost point of the trailer hitch to the rear extremity of the trailer."

Hence, over a period of more than 20 years, the definition of a mobilehome has changed from that of a vehicle with no minimum dimensions, used for human habitation and capable of being drawn by a motor vehicle (the old "trailer coach") - to a housing unit now larger than 8'x40', which is no longer a vehicle, and specifically not a recreational vehicle, and which requires a permit to be moved upon a highway.

Likewise, the definition of "recreational vehicle" has also changed. Added in 1968, as Section 18215, as derived from the old "camp car" definition in 18002 and 18203, a 'recreational vehicle' was defined as:

" . . . a camp car, motor home, travel trailer or tent trailer, with or without motive power, designed for human habitation for recreational or emergency occupancy, with a living area less than 220 square feet, excluding built-in equipment, such as wardrobes, closets, cabinets, kitchen units or fixtures, bath and toilet rooms, and is identified as a recreational vehicle by the manufacturer."

A 1970 amendment deleted, ". . . identified as a recreational vehicle by the manufacturer." A 1983 amendment essentially changed the dimensional criteria from a maximum of 220 square feet to 320 square feet of internal living area (8'x40') or 400 square feet or less of gross area measured at maximum horizontal projections. The 1983 amendment also provided that an RV could be towable on the highways without a permit.

The current definition of a recreational vehicle is found in Section 18010. As amended in 1988, a recreational vehicle now also includes a "park trailer" as large as 12'x40' in the traveling mode and transportable with a permit. In addition, another amendment has added to the confusion by including "other occupancy", along with "recreational" and "emergency" occupancy uses, for recreational vehicles. What "other" occupancy means is not clear.

While there is no longer a reference in the Health and Safety Code to a "trailer coach", the current definition of "trailer coach" in Vehicle Code Sec 635 is a "vehicle . . . designed for human habitation or human occupancy for industrial, professional, or commercial purposes . . . and for being drawn by a motor vehicle." Park trailers are also included within this definition.

Some of these definitions seem to contradict one another. But the implication is that while a "trailer coach" or "recreational vehicle" is designed for human occupancy for recreational, emergency, commercial or other purposes, it is not meant for residential occupancy. Yet older homes or "trailers", which are now technically "recreational vehicles", were originally permitted to be used for residential occupancy. By various changes in definition over the years, however, these units,

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8'x40' or less, may have been pre-empted for residential use, eventhough many have served, and continue to serve, as dwellings on the same space, sometimes occupied by the same owner, in older mobilehome parks.

Registration and Titling: In 1980, legislation was passed to switch registration and titling of "mobilehomes" to the Department of Housing, effective July 1, 1981. When the Department of Housing took over administration, mobilehomes larger than 8x40 feet ("a structure transportable under permit") came under HCD jurisdiction. The smaller mobilehomes or "trailers", 8'x40' or less, not needing a permit to be transported, were left under the jurisdiction of DMV.

Factory Standards: Construction standards for mobilehomes and recreational vehicles at the factory have changed over the years as well. Currently, federal standards, governed by the National Manufactured Housing Construction and Safety Act of 1974, provide uniform regulation. Previously, states developed their own construction standards for such units, although California construction standards adopted in 1971 were essentially the same as the later-adopted federal requirements. In fact, federal standards were patterned after the earlier California law.

LEGISLATIVE COUNSEL OPINION

A 1991 Legislative Counsel's Opinion, requested on a related RV Park issue, sheds further light on the issue of how owners of "trailers" in mobilehome parks are treated for purposes of the Mobilehome Residency Law. Counsel contends that owners of recreational vehicles are not covered by the Mobilehome Residency Law because the Residency Law specifically applies only to mobilehomes. He also points out, that, unless located in a separately designated RV section of a mobilehome park, owners of older mobilehomes or "trailers" are neither fish or foul, not subject to either the protections of the RV Occupancy Law or the Mobilehome Residency Law.

SENATE BILL 1655 (CRAVEN)

SB-1655 by Senator Craven has been introduced as a means of dealing legislatively with this issue. The bill, as introduced February 20th, would revise the current definition of mobilehome under the Mobilehome Residency Law, which excludes recreational vehicles, to make the Residency Law applicable to recreational vehicles and trailer coaches, except motor homes, truck campers, and camping trailers, which occupy a mobilehome site in a park, on the effective date of the bill, under at least a month-to-month rental agreement. The measure also has an urgency clause, meaning that it would become effective upon the Governor's signature. SB-1655 will be heard in the Senate Housing and Community Affairs Committee, the policy committee to which it has been assigned, in April.

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PURPOSE OF HEARING

The purpose of the March 16th Select Committee hearing is to receive input and information from interested parties on this issue prior to the the policy committee hearing and vote on SB-1655 in April.

QUESTIONS FOR CONSIDERATION RELATING TO THIS ISSUE:

- 1) Threshold question - is there a problem? Should the Legislature seek to clarify protections under the Mobilehome Residency Law for owners of older, smaller mobilehomes or "trailers" in mobile parks?
- 2) If there is a need to protect owners of older, smaller units in mobilehome parks, **how do we change the law** to assure they are treated the same as owners of newer and larger mobilehomes under the Residency Law?
 - a) Since parks have allowed different types of RV's to be intermingled with mobilehomes on mobilehome spaces, would the fairest approach be to "grandfather in" all current RV uses on mobilehome spaces, in terms of Mobilehome Residency Law?
 - b) If we are to pick and choose among different types of what are now defined as "recreational vehicles", which types should be protected, and which should not?
 - c) If we are to try to retrieve those "trailers" lumped into the recreational vehicle category, which used to be considered residential units, under previous laws, how can they now be identified?
 - d) Should current definitions of "mobilehomes" and "recreational vehicles" be revised? Should a category of "trailer coaches" be created, which, if located in mobile parks, would be treated the same as larger mobilehomes for purposes of the Mobilehome Residency Law?
 - e) Should the definition of types of occupancy permitted for recreational vehicles be clarified to include "residential" uses?
 - f) In view of the recently enacted AB 732 (1991), which excluded recreational vehicles from the resale in-place provisions of Sec 798.73, how should existing uses be distinguished from future uses, if at all?
 - g) Should owners of older mobilehomes or "trailers" be protected only as far as Article 6 (termination of tenancy/eviction) of the Residency Law - or under all provisions of the Residency Law?

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TRANSCRIPT OF TESTIMONY

MARCH 16, 1992

SENATE SELECT COMMITTEE ON MOBILEHOMES

HEARING ON "TRAILER" RIGHTS UNDER THE MOBILEHOME RESIDENCY LAW & SB-1655

MARCH 16, 1992, STATE CAPITOL

SENATOR DILLS: Welcome to today's hearing of the Senate Select Committee on Mobilehomes. I have the privilege today to sit in as Chairman for Senator Craven, who has the flu.

On the front table, you will find the hearing background paper and, as well, a copy of Senate Bill 1655, a Legislative Counsel's opinion, and various code sections relating to mobilehomes and parks, which relate to this matter.

First, I'd like to introduce the members of the staff who are here: John Tennyson, the Consultant to the Committee, to my right, and the Committee Secretary, Sally Ridgeway. The Sergeants-at-Arms for our hearing today are Keith Edwards, doing the taping, and Leroy Bedford in the rear, and, if any of you give us any trouble, they will be there to help you... not give us trouble but to help you - a little levity to break the tension.

The issue we will review this morning relates to problems which owners of older, smaller mobilehomes, which some people refer to as "trailers," are having in mobilehome parks - that is, they have been denied rights under the Mobilehome Residency Law, intended by the Legislature to protect them.

As many of you know, the Legislature adopted various provisions of the Residency Law, over the years, to establish the rules of conduct for the landlord-tenant relationship in a mobilehome park, and, in recognition of the fact that mobilehome owners own their own units, which are often difficult to move and relocate upon termination of tenancy. For example, in an apartment, the management need only give a 30-day notice to terminate tenancy, but, in a mobilehome park, we have 60-day notice just cause eviction.

Over the past year, we have been apprised of several cases, where park managers have attempted to evict residents of older homes, contending that they are not mobilehomes but trailers or, technically speaking, recreational vehicles, and not entitled to just cause eviction protections of the Residency Law.

There have been several court cases sustaining these evictions in San Diego County, but there seems to be some degree of confusion in the courts concerning the intention of the Legislature, in this regard, based upon statutory definitions of mobilehomes and rv's.

In a related issue involving RV parks, we obtained a Legislative Counsel's Opinion last year, which opined that owners of what are technically "recreational vehicles" in mobilehome parks have no rights under the Residency Law.

Our staff has looked into this matter and found that, indeed, there is not only more than one definition of a mobilehome in the Codes but, to add to the confusion, those definitions have changed dramatically over the years, without any regard to protecting owners of units which, at one time, were

defined as mobilehomes and, now, today, appear to be technically "recreational vehicles."

What may have been a mobilehome, by statutory definition in 1970, is now a recreational vehicle, and, because the Mobilehome Residency Law, by definition, only applies to mobilehomes, owners of the older homes may simply be out of luck. They may have no Residency Law rights - even in a mobile park where they have lived for years.

But, let's get on with the testimony. We have about eight witnesses, including one witness who could not be here today. We have videotaped her testimony.

When you come to the podium or table, please speak clearly into the microphone. For the record, state your name, your city of residence, and what organization, if any, you represent. We would like to keep the testimony to no more than - say - 7 minutes per person, exclusive of any questions we may have from the dais.

For those in the audience, we would appreciate your taking your private conversations outside, since we are also tape recording the hearing for later transcription, and we don't want any competition from the audience.

Now, with all the formalities out of the way, I would ask the Sergeant to roll the 5-minute videotape of Ms. Edy Mason from El Cajon, then, we will take live testimony. So, let us begin.

EDY MASON: My name is Edy Mason. I'm an Associate Regional Manager, Region 7, District 2, which is East County, San Diego. I live at the Chieftain Mobilehome Park, 187 Ballard, Space 103-C, El Cajon, California. I want to thank you for the opportunity to testify to the Senate Select Committee on Mobilehomes concerning SB-1655 and the rights of trailer owners in mobilehome parks.

As an Associate Regional Manager, I'm speaking on behalf of approximately 1,061 older trailer owners in the City of El Cajon, and I can't estimate the amount in East County, San Diego, or San Diego County. We're asking you to clarify and pass SB-1655 to give the trailer owners, who have had 9 months of continuous occupancy and who are not on a temporary basis, the rights and protection of the Mobilehome Residency Law as mobilehome owners. The park owners are accomodating permanent housing as the majority of the older trailers, as in my park, have been residents of the park for 15, 20 years. They've been in the same location in the park, which is mixed in with mobilehomes, and many have built on room additions and awnings which require permits. The trailer owners have been required to sign rental agreements, not only on a month-to-month basis but a 12-month or more. And, in the rental agreement, it states that the provisions of this agreement is in accordance with the California Civil Code Mobilehome Residency Law, yet they can be served a 30-day notice to be evicted for no just cause.

We believe that SB-1655 must be clarified and these people must be protected. We have had 30-day notice evictions in Oceanside, which is devastating, and this will begin in my area, as it goes from one area to another, as the park owners are very well organized, and they follow a certain pattern. I have presented to you a packet including a 30-day notice eviction from one of my parks called the Paradise Trailer Park,

though it is considered a mobilehome park, because mobilehomes are present in there. I need protection for these people. I need it desperately.

Cities such as El Cajon have zoned the trailer parks the same as mobilehome parks, but this is creating a very serious problem in our city. We're trying to get mobilehome park zoning overlay but, unfortunately, our planning and zoning commission do not understand the complete terms and conditions of trailer parks, mobilehome parks, and RV parks. I have enclosed a copy of our staff report and recommendations for the problems therein concerning this. It's quite lengthy but very important. They need to have this clarified for them as well.

The RV Code states that an RV park is a piece of land for rent for temporary use. A sign must be visible to the public stating that it is an RV park, and have the Highway Patrol number listed on it, and must be zoned as an RV park. Older trailers, under 40-foot, in mobilehome parks do not fall under this criteria. Therefore, it is essential that they do have the protection of the Mobilehome Residency Law. Older trailer owners consider this to be their home, even though they're 5-foot short of being considered a mobilehome, it is their home, and they have exercised their right of freedom of choice in living in this style, and this must be protected for them.

The trailer owners will be displaced. They will actually become homeless persons. They will have no protection through this displacement. They will have no relocation monies in order to move. Other parks will not take them, therefore, they will be on the streets. Older trailer owners will lose the investments that they have in their homes - whether it is large or small, it is still an investment. They will be unable to sell, due to the fear of being evicted without just cause. We feel that it is time that full protection comes to these people. This problem cannot be overlooked anymore.

In my park, we have 130 spaces; 79 are mobilehomes; 29 have RV's, as they are called today - they're smaller than 8x40. With the intimidation and fear and threats of harrassment that my people have been through, at any time, any of them can receive a 30-day eviction notice. They will have nowhere to go, and it will be totally devastating to them with the intentional emotional affliction, and I'm asking for their protection from you.

Thank you for your consideration of this matter. I know that you'll act justly, fairly, honestly, and in good faith for all concerned - for all the trailer owners concerned. Thank you.

SENATOR DILLS: (inaudible) aspects of the tape as you present your testimony. Any comments from staff? All right, we'll proceed with the agenda.

We have, next, Marguerite Ferrante with the Corporation of Affordable Communities & Homes (COACH) and the California Association for Mobilehome Owners (CAMO), San Diego. It's nice to have you here today.

MARGUERITE FERRANTE: Thank you. It's nice to be here. I want to thank the Senators and the staff for inviting us and giving us a chance to speak on this very important issue.

It seems as if my park, the Coastal Trailer Villa, in the City of San Diego, started this horrendous 30-day eviction. We went to court because

the owner said that we were an RV park. In San Diego, we have a license as a mobilehome park. An RV park has to be listed, and it has to be separate from mobilehomes, but, in your older trailer courts and older trailer parks, the parks were all under 8'x40', and they have a stationary building that has showers and restrooms and the facilities for the laundry. These are the people that are at risk. The court told us, in San Diego, Judge Thaxton's court, said that he could not find, in the legislative intent, and certainly couldn't find it under the Mobilehome Residency Law, that the 8 or older 8x36's, under 8x40's - usually your 8's that are older run 8x26 and up. The court told us that we were not mobilehomes and that we were not RV's. That, actually, under the law, we had no protection - that the Mobilehome Residency Law did not apply to us. So, he asked us, after he read the hearing or his findings, he asked us, as the residents of Coastal, to come to Sacramento and ask the legislators to change it, because, if it isn't written so that a judge can find it, or there is no legislative intent back-up, they have no way of protecting these homes. In my park, which was opened in 1940, we have four homeowners that have been in the park since 1940. They live in 8x26's. They are at risk, and they just received 3-day notices. The harrassment in our park has been absolutely horrendous.

Since the hearing came down, it's exploded in Oceanside. In the City of Oceanside, they forgot - under their rental agreement and rental help for residents - they forgot the 8-wide parks. So an owner, by the name of Brian Jones, who's well known in San Diego to the park owners as well as the mobilehome owners, went in and started an absolute fiasco. The problem that I see is that different courts give different findings, and we went to court on a harrassment eviction, and we won it. The judge told us that he was going to make a finding so that we would never have any problem. When we went to court on whether we were an RV or a mobilehome park, that judge's testimony was stopped because the owners put an appeal on it, and it could not be used.

So, it's a maze of closings and openings - not having the absolute law that says this is a mobilehome and has to be protected. The people who live in them have lived there for years. This isn't a matter of just 9 months. It is imperative, and I am so pleased with this Committee, because I have been fighting this problem - I think John will tell you - for a number of years. I fight very, very hard for the low-income and the affordable housing people, and that's why COACH was born - through the fights that we have now and the things that have come up.

I have handwritten testimony from the residents in Oceanside, and I have all kinds of newspapers, because the newspaper did really do a job on the owner. I will tell you that the park owners in San Diego are well aware of Brian Jones and have tried to help the mobilehome owners that are being attacked by him in his smaller parks.

I'd like to give you a little aside to tell you that most of the trailer parks or trailer courts were never in the city - they were always out, and some of them are a hundred, and some of them are above, but most of them are 33 to 50 units. They don't need a manager, and they had a zone variance on them. The underlying zones are usually commercial or some type of industrial or high density. So now that the cities have built out and are including these little islands, a developer will drive through, take a look at the 8 wides - which are a disaster - and they'll say, these are no account, you know, and we can go in - there's 5 acres here, there's

14 acres there, there's 12 acres here, that is, now, almost downtown. In other words, the city has grown out and just included them. So here is 5 acres that we can really develop. That's the tragedy. So, each of the mobilehome owners is going to have to fight like we've fought to be included in whatever safety the city or the county gives them. But this attack now, that is coming out, is like an economic eviction. You have no idea what the court is going to tell you, once you are served, because there's no precedent setting.

Therefore, your bill, which I have just read, is right on, and I have to tell John that he's done a fabulous job and to tell you that, if this bill doesn't pass, it will put us on track with the 20-year mortgages that are at risk today. As you all know, those buildings have thousands - hundreds of thousands of low-income people, and, if something can't be done, they will go to market rate, and what are you going to do with them and all of the 8- and 10-wide people? They won't only be homeless - you'll have suicides, you'll have deaths - it will be a tragedy that I'm glad to see that the Legislature is looking at. I want to thank you very much for the opportunity of speaking. Thank you.

SENATOR DILLS: Thank you. We're pleased to have join us, another member of the Committee, Ruben Ayala. Any questions or comments, Senator?

SENATOR AYALA: Yes. There is, in State law, a provision as to how an eviction occurs with due notice and for cause. Right?

MARGUERITE FERRANTE: If you're a mobilehome, you get a 60-day notice, but, if you are a trailer...

SENATOR AYALA: Oh, is that the problem? A trailer versus a mobilehome?

MARGUERITE FERRANTE: That's it! When we went to court, Senator Ayala, we were told that you are not a mobilehome and you are not an RV because your park is not listed RV.

SENATOR AYALA: So that the restrictions do not apply to the...

MARGUERITE FERRANTE: And that's immediately what the mobilehome park owners then picked up on and that's what they're doing - 30-day evictions. They have already evicted one man and his trailer is gone; another trailer at the Catalina Park, which is in the papers that I'm going to leave with John and Sally are showing that there are 7 more. One of them was destroyed on site, even though the woman that bought it had her pink slip and the man had moved out from the harrassment and she said you can't destroy it - they destroyed the trailer and took it out - and she has her pink slip that is worth absolutely nothing.

I think one of the big things you're going to have to take a look at, even though the Tricia Hunter bill does not give us protection at sale, we want to be there until sale, and the way it's going now, we won't be. I think the park owners are covered under Section 798.73 - I think that gives the park owners all the protection that they need, but it does not give us the protection and your bill does, and I'm really pleased to see that. I thought the mail would catch up with me and I would have the findings of Judge Thaxton, but I will fax them to you, Sally, so that the Committee will have them.

SENATOR AYALA: On that Section you just mentioned, which is 798.73 - that's one you feel gives owners then enough protection because it says the management may require that a mobilehome be removed from the park wherein it spells out a number of reasons and "a" says it is not a mobilehome within the meaning of 798.3.

MARGUERITE FERRANTE: That's right. That gives the park owners the protection they need; it does not give mobilehome owners the protection, and I'm saying mobilehome because, even though these units are called trailers, most of them, on the manufacturer's plate, will say this is a mobilehome. That's what is so funny about this whole thing.

SENATOR AYALA: Is there a difference in registration with the Department of Motor Vehicles? It used to be registered with the DMV....

MARGUERITE FERRANTE: Yes. All of the trailers, the little trailers - under 8x40's - and some of your 8x40's are registered motor vehicles, because HCD started on 8x40's and up.

SENATOR AYALA: Thank you, Mr. Chairman.

JOHN TENNYSON: Marguerite, I had a question concerning the Coastal Villa case - I believe you faxed a copy of the case to us - and I think you can distinguish the Coastal Villa case from the problem of the recreational vehicle in a mobilehome park which is the Oceanside case. I think, perhaps - and I'll give you more information on this later - if you'll look at the definitions - unfortunately, the Coastal Villa case, which was a case of the judge finding that Coastal Villa was neither a mobilehome park nor an RV park - really, they didn't make any finding, if I recall, with regard to the units that were in there.

The issue seemed to be other than that they were all RV's. The issue seemed to be whether it was a mobilehome park or an RV park, and they found that it wasn't a mobilehome park because there weren't two or more mobilehomes in there, and they found that it was not an RV park, because, under the pre-1991 definition of an RV park, it had to be an area or tract of land, zoned for recreational use, and they found that this was in a commercial with an R-1 overlay or something like that.

Since that time - actually this decision was one month prior to the change in the definition of a recreational vehicle park which was changed by a bill of Norm Waters, if I recall correctly, effective January 1st, 1991. Now, the definition of an RV park, under the RV Occupancy Law, refers to the Health & Safety Code definition, which is an area or tract of land or a separate designated section within a mobilehome park, where there are two or more lots rented or leased or held out for rent or lease to owners or users of RV's or tents. So, it would seem to me that, if that case was heard today, under that new definition, you might have a different result.

MARGUERITE FERRANTE: It was devastating to us. I think that Judge Thaxton looked and looked and looked for anything that would give him even the legislative intent, and he could not find it. So, I'm glad - and there's another gentleman I spoke to here who has been to court and won that the fact that his trailer is. But the problem is and, if I can give you an analogy, it's like Heater and his firm on maintenance suits. Most of them are settled on the courthouse steps, so there's nothing in the law books that give the judges the sign post on the law. So, I'm very happy

to hear about the other case, and I will send you the findings, because I think that's all you need and then it completes our file.

Then I want to say God bless you, go ahead, you're in the right direction, and save those people. It is a tragedy what is happening. Thank you.

SENATOR DILLS: Our next witness, please, is Vi Monson, the President of CAMO, Bakersfield.

VI MONSON: I'm Vi Monson, a representative of California Association for Mobilehome Owners (CAMO), from Kern County, and I want to thank the Senate Select Committee for inviting me to speak today. It is the first time I've been invited to speak on behalf of 13,329 mobilehome owners.

My testimony is this - as I have seen it more and more, and it's only getting worse - 65 percent of these mobilehome owners are senior citizens, on Social Security, SSI, and low-income farm labor. They live in 8 and 10 wides at risk. In Kern County, they are being told - the senior citizens are - that their mobilehomes are not up to Code and, because they are not up to Code, they get evicted. If they resist that, then they are told that, if they want to stay, there is a rent assistance program through the park owners. In that case, they're invited to the manager's office, and they're told to bring their pink slip. They sign over their pink slip, not realizing what they are doing. Within 6 months, they're told that the state now told them that their mobilehome is not up to Code, and it must be moved out of the park. That's how they're evicting senior citizens.

The farm labor residents have a different situation. They, too, are told that their trailers are not up to Code, and they are told that they have to leave. They soon realize that no other parks will take them, and they come back, in hopes of talking to the manager/park owner. In that situation, they are then told that we will go against the law and you can stay but your rent is double. In a situation where they are paying \$150/month, they find themselves paying \$300, dirt roads, no laundry facilities, nothing. It's a very deplorable situation. They have nowhere to go. They stay as long as they can and then they are economically evicted, and the park owners end up with the trailers. In Kern County, as of Friday, they've extended this law to 8 and 10 wides on private property. Quite a few of the people there have caretakers that live and take care of the property, and they live in these 8 and 10 wides in exchange for overlooking the property.

We have a man that the County is going to evict by March 31st, unless something can be done. I was asked by Supervisor Ashburn to bring that message to you. They are looking for a "loophole". He has been there since 1980, he's 63 and requires quite a bit of medical help. He lives on \$111 worth of food stamps and doesn't want to move, doesn't want to go anywhere. If he has to leave, he will be homeless.

So, I urge you to legislatively change this law, hopefully, retroactively, as we all know the homeless situation is real bad, and it's going to get worse. Thank you for the opportunity to speak.

JOHN TENNYSON: I want to make sure we understand the situation. These are people who are in the older "trailers," 8x40 or less, in mobilehome parks, and the County is claiming they're not up to Code because they don't meet current mobilehome standards? Is that what you're telling me?

VI MONSON: Sixty-five percent of the 239 parks, Mr. Tennyson, in Kern County have trailers in new sections, where they have the mobilehomes, but they want to refer to these as "trailers".

JOHN TENNYSON: In RV sections?

VI MONSON: Most of the parks I've been to, and I've been to at least three-quarters of them, have, what they call, a commercial part of the land, and that's where they've let some of these people live, and now they tell them they must move out, because they have no protection. It's a variance type of situation. Then, I have some parks where half of the park has 8 and 10 wides; you cross over and you've got the 24x60's. So, they're working on the half that has the 8 and 10 wides, and this is where they tell them that the mobilehomes are not up to Code, they sign over the pink on the rent assistance program, and they end up evicting them.

JOHN TENNYSON: Well, that would be an RV section if they're all in one section - so, that would be an RV park.

VI MONSON: But it is zoned mobilehome. This particular park is 409 spaces, and it is zoned mobilehome park, and you have some of these older 8 and 10 wides, along with 8, 10, and 12 wides and longer, mixed in.

JOHN TENNYSON: They're mixed in - and, this is in the unincorporated area of Kern County, not in the City?

VI MONSON: This is right in the City of Bakersfield and they incorporated - this gentleman that I'm talking about is on private property in Havilah, up in the hills, in the mountains.

JOHN TENNYSON: The City of Bakersfield has jurisdiction to inspect mobilehomes and license parks?

VI MONSON: They do - eight parks out of 239 in Kern County.

SENATOR AYALA: At what point in a lease agreement are you no longer under the jurisdiction of a local rent control ordinance?

VI MONSON: Kern County does not have any rent ordinances. We have not been successful, ever.

SENATOR AYALA: Do you know in those areas, counties or cities, where they have a rent control ordinance - I think there's a period of time when you get a long lease or not, under the protection of that rent ordinance. For how many years is that?

JOHN TENNYSON: It depends on the local jurisdiction, Sir, how their ordinance is framed.

SENATOR AYALA: I visited about 30 mobilehome parks here in the last year, and one of the biggest gripes was that, at the time they wanted to get in the park, there's a vacancy, but the manager or the owner insisted on a long lease, so that they'd no longer come under the rent control ordinance. What...

VI MONSON: Okay, that was the 5-year lease. That's what they were doing

in Kern County...

SENATOR AYALA: Five years, and then the owner can do whatever he sees fit, as long as the... in terms of their increase of rent?

VI MONSON: This is right, and, then...

SENATOR AYALA: Five years or longer. Is that it?

VI MONSON: Right. And, then, of course, you can't bring in any 8x10's. There is nowhere for them to go. There is a park in Shafter that's going through litigation...

SENATOR AYALA: Yeah, but they have 30 days, currently, to review that lease and they can either say no or keep it or renegotiate, if the owner would, before he's asked to leave, I guess. I'm not sure how it works.

VI MONSON: The problem I have found in Kern County and, I've been very involved for the last 3 years, is that the majority of the people do not know, and they are not told, that they have 30 days. In fact, while I was still in the park - 409 spaces - we were presented a lease - and the letter clearly stated that, unless you sign one of the above three options, we could legally ask you to leave the park - and gave us 12 days to look at it, until we said we are going to take our 30 days. A lot of people don't know. The elderly are very fearful. They have nowhere to go. They don't know where they're going. All they know is that they thought they had a home to live in for the rest of their lives, and now they won't have anywhere to go.

SENATOR AYALA: The problem I encountered in visiting all these mobilehome parks was that the homeowners would sign just about any lease to get in there, because there's an open space, and they had 30 days to review that, before they know what they're even signing. I have a bill that would extend it to 90 days to make sure that the homeowner knows what he has, and, if he wants to continue with that lease, or, if the owner will renegotiate with the park owner, they certainly may, but I don't think a 30-day... A lot of these folks, as you say, were elderly, and they would sign anything to get into a space available to them, and then realize two months later that they signed something that they didn't want to sign, and, well, that's binding, so they're stuck with it.

VI MONSON: Well, the other problem you'll find is that, I have as yet, in three and a half years - and I mean it sincerely - I have yet to see a lease that has been presented to any mobilehome owner that has all the blanks filled in, including the amount that the rent is going to go up to. They do not fill in these blanks, and they don't give you the 30 days - and, if they give you the 30 days, they do not fill in the blanks. The only time that these older people know what they are doing is when they go into the office, and, by that time, they'll sign anything. They don't understand what they're signing.

SENATOR AYALA: Well, that's unfortunate. That's true. A lot of them didn't know what they were signing. All they knew was that they were going to be able to move their home into this open space, and they sign just about anything, and then they'd later find out they had a long lease and they were not under the jurisdiction of the - if they happened to have it in the county or city - rent control ordinance that applies there, and

the owner just kept hiking the rents, and there was nothing they could do about it.

VI MONSON: In Kern County, we have not been successful. We were going to attempt that to be able to incorporate that in our rent ordinance, and we were discouraged from even starting anything - not very favorable. So, I urge you to do anything you can legislatively do to change this to keep these people in their homes. Thank you for the opportunity.

SENATOR DILLS: Next witness, please. Ashton Clark Brown, mobilehome park resident, San Leandro.

ASHTON CLARK BROWN: I want to thank the Committee for having this hearing and the chance to say a few words. I think I have a little experience.

In 1983, I bought a mobilehome through a mobilehome broker - I done everything properly. I was a novice and didn't know mobilehome law at that time. But, I assumed if I could buy something, I could sell it, and that was 1983. This park that I live in, in San Leandro, was family property since 1912 and started as a mobilehome park or a campground with 6 spaces in '42, probably during the need for housing during World War II. I've reviewed all their early records, county and what not, as they grew gradually, and they were in violation of laws with the county of too many spaces, notices, and things like that. There was 66 spaces when I moved in there. It was listed as a mobilehome park - it was never presented as anything else - most of them were small, older mobilehomes. The one I bought was a 1959, 8x31, and here is a photograph of it - nice carport - I built the shed - very expensively insulated. That is my home.

About a year after I moved in there, the park started telling people, when they died, the relatives would have to move it out, and some of them that they wanted to sell, you have to move it out. Well, about 18, at least, and, maybe, many more, but I know 18 - the manager testified to 18 and there's been several since - had been moved out on this basis. A lot of hardship cases I won't go into, but - if the staff later would like any evidence or me to elaborate on any of these things I say, I have brought plenty of proof. But, as you know, these units, when they are moved into the street, are probably worth 10 percent, depending on how hard you try to sell them. Well, mine is a small home.

Now, after this started taking place, and I heard some rumors, I started taking photographs. The first unit that I photographed and brought in was this, a trash can, 35 years old. I mean, atrocious shape, pulled out of the mountains. Now this is a small park. It's a mixed park, but it was small, neat mobilehomes, and we had rules we all abided by - we had to have skirting and all. This couple - the lady got pregnant, and, then, the manager said, you're an RV and you've got to get out of here, and that case was taken to court and the park lost. Their lawyer pointed out laws that RV's, that's not an RV - it was considered a mobilehome in the old days, although it was in horrible shape, but it had all its hookups, self-sustaining. You know - it needed gas and the difference in an RV is they pull in, and then you've got to have all these things, bathroom and all that.

Now, after another unit that was brought in, after I was refused to sell - I didn't buy this for a permanent thing - it was a good location and I was working in the area, and I'm different than some. It was not a permanent

thing for me. I wanted something bigger and better, and I found one after looking for 2 years - about the time I retired. It was in a mobilehome park - a double-wide, 20-wide with less rent than I pay - real nice - with swimming and a clubhouse. We have no facilities other than we had two washrooms, and they removed one without any notification to us - washroom, showers, and toilets. They removed one - knocked it down - tried to put in two spaces. Somebody else had been evicted, raised heck, and the Department of Housing wrote them a letter that they couldn't use these spaces - they were over their limit. Well, they eliminated them for awhile, and then continued to use them, although they lied in court, which this is one unit that was brought in. This is the dumpiest little trailer you can find. After they evict nice mobilehomes, small ones like mine, they bring in these kind of things, call them RV's and charge more money.

What happened, no doubt - this park saw the push for people with RV's wanting places temporarily, and so, therefore, they saw the dollar signs. It was pure greed. This park was satisfied to have these people over the years - have a nice cash flow as a little mobilehome park, but, when this pressure, these RV's - the people pull in and will pay more money - come along, they started evicting. The law they use is 798.73 of the Mobile-home Law which states they can remove these different size units in order to upgrade the quality of the park. Well, I proved in court, they didn't upgrade the quality of their park. They downgraded it - they cut trees down, they eliminated facilities. Just greed to get more spaces which now they can't use, and I'm making sure of that.

This is a unit that was brought in - older than mine and no skirting, although our rules say - they call it an RV and it's not an RV. It's an old mobilehome. They raise our rent continually, as kind of a side issue, and I pay more rent per square foot than a real nice park called Mission Bay - it was designed as a real mobilehome park thoroughly in '82. It's 20 years old, and, even under the modern Mobilehome Law, that park could bring in an RV - and, if a mobilehome was 20 years old and didn't come up, they could evict it, and they could bring in an RV and set it right in the middle of all those real mobilehomes, because the law says, after '82, a park has to have a separate section - if it was built after a certain year - and they would really raise heck if they done it in a park like that.

Anyway, this is the manager tearing down the notice I requested people to sign wishing to meet with the owners regarding a mobilehome rent increase, which, by law, they're supposed to meet with us. And I sent certified letters to the corporation on all of the members of the family that own the park, and they'd never meet with me, never acknowledge it, and, by myself, I went to court, and I won. I won a judgment. Unfortunately, my lawyer - I found out, the courts know very little about Mobilehome Law. You're in a different ballgame. The judge didn't want to hear it all, you straighten it out, and both lawyers knew very little. I spent a year and a half in that law library. It was a real crusade for me, because I saw what they'd done to these other people. I happened to be in a little bit better position than them, that my health is pretty good - I'm 71 - and I get outraged at abuse like this, and I carry the ball. And I did win a case, however, my lawyer didn't present all the Mobilehome Laws I gave him, where the park was violating the failure to maintain element of the suit. I got a judgment on blocking my sale and, probably, a little on the turmoil it caused me - \$3,000 non-economic damages - but, actually, the judgment - I got a total of 11 - doesn't even make up for the unit. After looking for 2 years, there's a tremendous buy... the value of that unit.

Which, my expert is probably the most acknowledged man in the State of California - he teaches mobilehome brokers mobilehome law to get their licenses. His credentials are very impressive and impeccable. His name is Clifford B. Shores... pages of credentials. I think he's about the best. He declared my mobilehome was a mobilehome regardless of how they're changing these laws around, and that we could go into, if you care to, but he said it is a mobilehome, designed that way, although the modern law....

Now, the gist of it is that what's happening is this park was satisfied with their little cash flow but, when they saw the pressure of these RV's paying more money, then they started, one way or another, evicting people - either they die and they tell their relatives it has to go or they, when they want to sell it... Now, I lost a deal on buying in a 20-wide in what I call a medium sized park with a nice swimming pool and clubhouse - less rent than I pay in my place. At that time of the year, the rent I paid was \$219 and the rent for the other one was \$220 - swimming pool and clubhouse. We get a rent raise every year, and they say their costs are going up but they refuse to divulge what their costs are. Their profit, one year, my lawyer got from them, was over \$200,000 for a little dinky place.

Now, what you have to consider, when you consider these laws, is the difference between these parks. Now, this park was declared a mobilehome park, now they're wanting to switch. But it doesn't come out of that category of a new park that has to have a separate section, if it's built after the certain year for mobilehomes - or RV's. The gist of it is that it's greed and money and this park bends the law, and they make a joke out of mobilehome laws. I've got them - violations that my lawyer didn't give to the jury, that they thumb their nose, and I've got plenty of evidence. I've been harrassed since I filed the lawsuit, got the notices that I have to get oil pans for my space. I worked in asphalt - I've recoated my little car space 3 times - this is a dark picture, but I can show you those later. I went around the park photographing these other atrocious spaces, but I've got it in writing. He said... I already had one. He said get two. I've got three now. That's my space there. Three oil pans. But I've resurfaced - the only one in the park that's done it three times, and I've got it in writing, because I don't talk to them anymore. But these kind of areas - and this is his - they break the law so much - and, even to this day, I can prove it...

SENATOR DILLS: May I ask you, with reference to Senate Bill 1655, which is before us - are you familiar with its content?

ASHTON CLARK BROWN: I just got it when I got in - I skipped through it. What I'd like to impress on the Committee is the way these parks - they use a partial part of the law and bend everything around...

SENATOR DILLS: It's a question there of the implementation of the laws, and the violations, of course, are notorious. What we're trying to establish today, however, among others, is the extent to which, if at all, this measure will be put on the books to clarify the problem, and, then, the question of the enforcement of it, and whether the local city counsel or county board of supervisors and the other local authorities will actually implement the law as long as it's on the books. Your problems are manifold and are similar to those all up and down the state - and that's the question of people getting away with violating what is already on the books. We're hoping, by the passage of this measure, that it will

lessen the number of cases where the law isn't actually with the owner or the residents of the homes. So we'd appreciate it if you could give your opinion as to whether or not this measure would be helpful in that case.

ASHTON CLARK BROWN: Well, I would like to - when I get through - study that some more and, then, at the end. Is that fair? I'd like to kind of... I've come a long ways for some very important points I want to get across. I don't want to take too much of your time, but I will have informaton, if your staff wants to verify anything I say. And, if you can't hear me, I wish you'd speak up. Anyway, I think the thing of it is, I'm pointing out the way these parks will bend the rules to fit them.

Now, see, the Department of Housing, they say you're in a kind of a park that was built a long time ago and, all these modern mobilehome park laws, it's kind of too tough on them to make them adhere to them. But see, they pick out a thing that's beneficial to them temporarily, and they try to use a modern law against as many people before me, and, myself - I knew it wasn't right and that's why I started photographing these atrocious examples of... and, so, the difference in... one thing I think is the key difference. All right. Apartment house owners had rent control, and they fought it because they didn't get enough return, and so they got a case in point, and that's where your Hall decision - the backbone of it - came from. The difference is, when a person moves into an apartment and they raise the rent high, the people have a choice - I don't want to pay that. The apartment house has to eat that empty space, if he's outrageous. Not so with mobilehome parks. See, somebody can buy a park - a corporation can buy a park from a family that's run it pretty decent - had their fair return - and they can just take that thing and raise your rents, and you are over the barrel. You can't move your place out and you gotta pay the rent. There's the key difference, and one to keep in mind.

SENATOR DILLS: I think that the other persons who are here will be wanting an opportunity to speak - we have 5 or 6 more witnesses. You've brought some very important points to us, and it's a matter of record now, as this is being taped. We appreciate your presentation but we'd like for the other folks to have an opportunity to have their say today.

ASHTON CLARK BROWN: In regards to the laws, I've got numerous cases where the Department of Housing laws - it's a joke, because this park just ignores them and, even through the Department - they say it's a civil matter (inaudible)... What good is laws unless there's some teeth for the Department to enforce their own laws?

SENATOR DILLS: Thank you very much for your testimony. It's been very helpful. Next, Craig Biddle, WMA advocate.

CRAIG BIDDLE: Mr. Chairman and Members. Craig Biddle, representing the Western Mobilehome Association. I'm their Legislative Advocate and General Counsel - have been for some years. Let me say, at the outset, that Mr. Tennyson's paper and background papers were very excellent on the subject. My office did have several conversations with him about the nature of the problem that 1655 is addressing, and I think his background paper is excellent. It really hones in on it.

Let me see if I can identify it. Senator Ayala, you weren't here when Senator Dills was giving his opening statement, at the beginning. The problem really is that you've found one particular species that doesn't

have any law covering it. You have the Mobilehome Residency Law, which covers mobilehomes - let's talk about things that are over 40 feet in length - covers mobilehomes, and they have just cause eviction, and they've had this for many years; then, you have the Recreational Vehicle Law, which covers recreational vehicles - "trailers" less than 40 feet, basically, and they do not have just cause eviction until they've been there 9 months. Once they have been there 9 months, in that RV park, they then have just cause eviction. Prior to the 9 months, they can be removed for several different reasons and so forth. The instances, I understand, from my conversations with Mr. Tennyson's office and the paper, is that, what happens when you have an RV, a "trailer", in a mobilehome park space - not a section, because you have the section, if the law applies, but you have a space - so, you've got three great big mobilehomes here, and you have a little tiny "trailer" - let's say 8x15 - on that mobilehome space. What law is applicable to that "trailer"? And, that's the problem.

As I understand from the cases in the Legislative Counsel's opinion, Legislative Counsel says the Mobilehome Residency Law does not apply, because that only applies to mobilehomes - the Recreational Vehicle Occupancy doesn't apply, because that only applies to RV parks. You've got an RV in a mobilehome park and, therefore, there's no law. Now, I can tell you, when the issue was raised with me and this whole problem, we did kind of a survey of our membership of our association - very informal, just of the Legislative Committee and the Board of Directors and all - and I asked the very question, "What law is applicable to this recreational vehicle that's in one of our spaces in our mobilehome park? What law do you apply?" The largest percentage of the people responded by saying, "Once they have been there more than 9 months, we apply the Mobilehome Residency Law," which is a convolution of the two. But what they were saying was, what they were doing was that they were, once it had been in the mobilehome park more than 9 months, they give it just cause eviction.

SENATOR AYALA: How did they get in there in the first place?

CRAIG BIDDLE: How did they get in there? They had an empty space. An RV rolled in on the back of a car - literally - said, we'd like to move into that space. They didn't have a mobilehome in there, so they let them get in there.

SENATOR AYALA: Isn't that a violation, because you're putting an RV into a mobilehome park?

CRAIG BIDDLE: That's not a violation of the law. You can put an RV in...

SENATOR AYALA: They're not in violation til they've been there 9 months?

CRAIG BIDDLE: No, they're never in violation. You can do that, but, the question is... Let's put it this way, once they do it, and they stop paying their rent, what law is applicable to them? What law is applicable? Is it the RV Law or the Mobilehome Law? That's when the issue comes in. You can move them in. They move them in, primarily, because there's an empty space.

SENATOR AYALA: Okay, wouldn't that then follow that a law should be legislated that says they can move an RV into an open space, if they have one in a mobilehome park, but no more than - say - a month, and that, once they have to leave, they cannot use that space again for that particular

RV use for another year? If another space opens up, up here, they might be able to do it, but don't utilize that space - you know - specifically, for that purpose of a ...

CRAIG BIDDLE: But that wouldn't protect the people that are in there, and this is what Senator Craven is trying to do by his bill - to protect the people that are in there.

Let me finish my sequence. A large percentage of our people said that's the law that they were applying, which is really not correct. Another large group said, "Oh, no. We have a rental agreement that spells this out." When this RV comes into this space, what they do is, they enter into a printed - they have a regular rental agreement which spells it out. It says you're not covered under the RV law and you're not covered under the Mobilehome law, and this is what the law will be as it pertains to you. So they recognized this uniqueness, you might say, and said, "Okay, we're going to make some special provisions for it." Most of them, though, said that those have either expired or they've been there so long that they're back on a, just on a month-to-month, and they're paying it. But the majority of them said they do apply the RV Law. A small group, though, said, what they are doing - and they're having them come in there where they're filling the space, where they've got a vacancy - is that they don't let them stay 9 months. They give them a notice before the 9 months gets up and ask them to leave, and they leave, so that they don't ever get those rights, as far as they go. Then, you have the small group in San Diego County which are applying neither law. They say, "No, neither law applies."

SENATOR AYALA: Can they leave, then come back, say, a week later, and start all over again? Start the clock going again?

CRAIG BIDDLE: If they want to - and start the clock going again, if they want - but they'd have to leave.

But then you have this small group in San Diego that are saying neither law applies, and I would just say, in our survey, we didn't have anybody in our association that was doing that. I don't know the names of the people in San Diego in the parks - until the testimony this morning. We believe - and, since not only the issue has been raised in the courts and in the Legislative Counsel's Opinion - you need a solution to the problem. We don't have an absolute solution to the problem, but I think you've got several things you have to look at very carefully.

One is the 1982 date. The 1982 date is the date that the law changed in connection with whether you could have these interspersed in your park. You might want to look at a possible possibility of saying, those RV's that were in those parks prior to 1982 would be treated differently. I don't believe... we don't like grandfathering in everybody, all of a sudden, as one date, but you might consider grandfathering in those who were there before that 1982 date. They've been there for a long time, and this was the date that the law changed, where you couldn't have it interspersed, and you had to have a section. That would be one thing to look at.

Another thing to look at would be where the rental agreement provides something to the contrary, because some of these parks have allowed these RV's into the parks, under an express agreement to the contrary. So you

don't want to say that those agreements now are suddenly void, because that's what they moved into, but, on the future - those after the effective date of this bill - it would appear fair and just to us to use the 9 months rule. And you can do that very easily by not referring to the RV law, but, in similar, 1655 does this, in part, that says, after the effective date of this law, if you're an RV in the mobilehome space more than 9 months, you would get the just cause eviction protections just like you do under the Mobilehome Residency Law. That's what we've been doing in most of our parks, and we would have no objection to doing that in the future. We have this problem with grandfathering in those that are there at the present time, but I think Leg. Counsel has properly identified that there is a need for clarification in this area in the middle.

We have a question on 1655, whether it's necessary, at the outset, to strike the provision that talks about the definition of a mobilehome park - a mobilehome that requires a permit. I don't think you need to strike that. It might be confusing if you did, because your Section B talks about the further definition of a mobilehome, for the purposes of this - for this law, which would probably take care of it. We would agree, in the bill, where you have taken out the motorhomes, truck campers, and camper trailers, we agree with that. We don't think, we don't envision that we don't have that, where you've got a motorhome coming in - but it's the small trailers. But we would ask that, possibly, the staff look at this '82 date, because maybe you would want to make some provision in 1655 for those that have been there, prior to the '82 date, which was the change of the law. We do feel that there's a need for this, and we'd like to work with your staff and Senator Craven on 1655.

JOHN TENNYSON: Craig, any ideas on how we establish whether they've been there prior to 1982? What kind of proof? If we get into a problem, let's say, some of these older units, prior to 1974 - and, maybe, Mr. Pitts, who's with the Department of Housing, can elaborate on some of the technical aspects of that. It's my understanding they didn't have a requirement for an installation permit, at least, from the Department of Housing - maybe they did from local government, in some cases, prior to 1974. So, how are we going to, or, if there is a dispute between the park owner and the resident, how is the resident going to be able to prove that they have been there before 1982?

CRAIG BIDDLE: Well, I don't know if you can really solve that by any legislation. You're always going to have that factual issue, whenever you say in the law, "prior to such and such a date" - that's going to be a factual issue for determination by the court, at that time. I would think that the park would have a burden and that the tenant would both have a burden as to proving how long they've been there. You can always have... I don't know how you can solve that in legislation. Maybe Mr. Pitts has got some idea on the technicals. But, I'd just suggest that that '82 date is maybe a good cutoff date, if you want to grandfather in some that have been there longer than that, and we would suggest that you start the 9 months' rule after the effective date. And you have an urgency clause in this one, so, you could get it going right away, for the future. We do have some parks though that... and that's why I mentioned the contract to the agreement to the contrary that - actually, they sent them to me to have them printed up. Their printed up rental agreement says it's neither RV or mobile, and I didn't know about those. They're not using our forms. Very few of them use our forms.

JOHN TENNYSON: How many of your parks have this rental agreement, and does it provide, basically, for a 30-day eviction?

CRAIG BIDDLE: Yeah... a 30-day notice, yes. It provides for the 30-day landlord/tenant law. It makes it applicable. How many have it? I don't know. Your bill is in, and we've asked for some input, and I've received two of them from two parks that do this. You see, this is a very unique situation. It's not that prevalent. It's a mobilehome park, not an RV section interspersed. That's why the '82 date is important, because that's when we stopped doing that. But, it's mainly the ones where there's a lot of vacancies. We have some of those in the San Bernardino area, where they've got some vacancies, and then we have it with the new parks. The new parks put them in, at first, just to fill up the spaces, until the big mobiles come in, or where they've filled half of it with the big mobiles and, in the meantime, they're going to put RV's in there, but they don't want them there forever. They only want them there for a short time, and they're hoping that a big mobile will come in there, because this is a mobilehome park, not an RV park. So it's a very unique situation, but it's a small situation. You asked the question in your position paper, the extent of the problem? I can't tell you...

JOHN TENNYSON: Well, Craig, I think that, though the implication that you're giving us is that the problem is that people are moving their RV's - perhaps, in recent years - into these spaces that are open, for a while, that isn't the nature of the problem that we're hearing, at least, in San Diego County. These are residents in the older "trailer" parks, and the older "trailers" that have been there, in some cases, for 25 years.

CRAIG BIDDLE: I understand it, but the law that you are going to apply is going to apply to all these people, not just those. That's why I suggest, for those, maybe, you pick this '82 date, because that's when you stopped interspersing, if you want to grandfather these people in. Maybe you'll look at some kind of a date like that, but the law you change is going to apply to everybody; it's going to apply to 1993-4, and even to new parks.

SENATOR AYALA: Mr. Biddle, you're suggesting that there's no law to... that some of these have fallen through the cracks between the laws that apply to recreational vehicles and mobilehomes - and you're suggesting that any RV that has been there for 10 years, or '82, be grandfathered in, and just be a part of that park?

CRAIG BIDDLE: Be part of that park, that they would have just cause eviction - that you could not evict them without just cause and just cause is like nonpayment of rent and so forth...

SENATOR AYALA: They could stay there as long as they want to as long as they meet all the criteria, but no one else could come in after that, because the law prohibits that from happening if it's an RV in a mobilehome park. But those who are there now or been there since 1982 or before would remain there as long as they pay the rent?

CRAIG BIDDLE: As long as they've paid their rent and took care of themselves and so forth, yeah. That's a possible solution to it. We recognize that there's a problem. We recognize that something fell through the cracks and didn't get covered by the law...

SENATOR AYALA: Interestingly enough, in my tour of all these parks, that

never came up - that particular problem.

CRAIG BIDDLE: It's new. Until this judge - where was this case - in San Diego County said neither of them apply, we never had the problem either.

SENATOR AYALA: The biggest problem that surfaced, when I was there in the parks, was the rent control thing and the fact that local police do not go into the park - for they claim it's private property, until they're called in. In some cases, a lot of problems were occurring - people parking on fire lanes, and, in some cases, narcotics was being (inaudible), but the local police wouldn't go in there because...

CRAIG BIDDLE: That's the types of problems... we're encountering the same thing that you are. We didn't have this problem. That's why it was very new until this case in San Diego County.

SENATOR DILLS: Thank you, Mr. Biddle. Jerry Rioux, Park Conversion Consultant, Grass Valley.

JERRY RIOUX: Good morning. My name's Jerry Rioux. I'm a park conversion consultant and glad to have the opportunity to talk with you today. I'd like to follow up on some of John's questions concerning the incidents of the problem and start by saying that the types of parks that most WMA owners own and operate are not the kinds of parks where we see the problem. The problems that Craig Biddle talked about may be the case for his constituency, but the people that I've worked with tend to be in a different situation. It's kind of a question of, you know, what happens to something when the laws change? Is an old car still a car because the laws change - that, at one time, the law changed so that you had to have turn signals, brake lights, smog devices, seat belts, and head restraints? Is a car, that was built at a time when those were not required, still a car? Is a mobilehome that was built in 1940, in 1950, in 1960 - before the current laws were put into place - still a mobilehome? People who live in parks for 40 years in a mobilehome that might be 35 feet long - now, they're denied certain rights. Is that the right thing to happen?

I'm working with a park, right now, where a total of 39 homes have been forced out by the owner. These occurred at the point when the homes were sold, and it's kind of a really noxious situation, because the homes were forced out, not to improve the park, but to close it. When people who own 8-wides put their homes up for sale, and, in this case, some 10-wides and 12-wides also, the very old ones, when they put their homes up for sale, they were told that you can't sell it in place, and the reason for it is because the park owner wanted to close the park. This is a way the park owners are getting around the laws that require public notice, public hearings, and mitigation measures for park closures - and it's happening throughout the state. Then, what puts salt in the wound is the fact that, in this case, the same park owner did not have the homes removed but has, in fact, rented the homes to other people. So, not only did they force people to leave their home in place, they offered them a pittance, \$200 to \$2,000, for their homes - they lost their life savings. The park owner is moving closer to controlling the homes in the park so that they can close it, and they've placed tenants in the mobilehomes that they extorted from the former homeowners and are collecting rent from them.

There are real problems throughout the state with the older trailer courts - the trailer parks - people who are at the very margin of their

independence. They're able to live on their own, without government assistance, in privately owned housing - they're able to survive. But, if this is allowed to continue to happen, they will be on the streets and people like them will not have the opportunity to move off the streets. We have a tremendous problem, and I hope that you can deal with that through this law and other bills that are in the Legislature right now.

I want to thank you for the opportunity to talk.

SENATOR DILLS: Thank you for your presentation. Are there any questions or comments. Thank you very much. Rick Owen is next.

RICK OWEN: Yes, Mr. Chairman and Members. My name is Rick Owen, and my address is P. O. Box 1131, Bodega Bay, California. I live at 2,000 Highway One, an RV park. There's a separate section for mobilehomes at this address - separate RV and mobilehome sections. I've been a resident at this park for 4 1/2 years. I'm here speaking as a member of the GSMOL, and on behalf of GSMOL, and for myself. I'm currently in litigation with the Bodega Bay RV Park and Scott Adams, the owner and general manager. Scott Adams has wrongfully and attempting in numerous ways to evict me from the park. Some of us now call it "The Camp".

At this time, Mr. Chairman, I would like to submit, to the Committee, photocopies of my summary and the legal documentation, showing the tactics the Bodega Bay RV Park has been using in an attempt to evict me. I have six copies - how many would you like?

SENATOR DILLS: We'd like one for each of the Members and, then, one for the staff, if you have that many. Thank you. I might explain that other members of the Committee have assignments on the Finance Committee and other committees at this time. It's not a question of a lack of interest, it's simply that you can't be too many places at one time around here, although we try.

RICK OWEN: I received a letter dated May 5, 1991 informing me to move my trailer by September 1, 1991, due to it's closeness to a new proposed sanitation building, for which the owner had not even submitted a permit yet. This is 7 months later now, and they still have not received permits to do this building. I researched the Civil Codes and my rights and obtained an attorney who, in turn, wrote a letter to this park, explaining to them the Civil Code, that, in the case of changing use of the park, they're required to give me a 6-month written notice, after they obtain the permits. Well, this seemed to stop them momentarily. They, then, chose to make accusations that I'd become a threat to their family - their children - which is really absurd. I'm really a peaceful and quiet person. I've never had any acts of violence or threats of any kind to these people in the park, yet they took these allegations to the court and obtained a restraining order against me, which I believe was to substantiate myself as being a substantial annoyance to tenants of the park so that they could then, in turn, evict me on the basis of being an annoying person.

At one point, at the time that my attorney sent the letter, informing them of the 6-month notice requirement, the following day, August 8th, I attended a public hearing at the Sonoma County Department of Planning, where Scott Adams made his application for this sanitation building. At that meeting, I presented a copy of the letter in which Adams had told me

to move, and, at the public hearing, he was telling them that no RV spaces would be affected by his construction. So, it seems that I exposed him as misleading that committee. I feel that Scott Adams then chose a course of retaliation against me by obtaining a restraining order against me. He also wrote a new park rule, at this time, which reads, "At the sole discretion of management, a resident may be given a 30-day notice that resident is required to move from or within the park for reasons including but not limited to repair, construction, or maintenance of the park." And this is an attempt to circumvent the Civil Code Article 6, Section 798.56 - change of use requiring permits necessitating a 6-month notice.

JOHN TENNYSON: Can we ask you a question, so we can get to the point here a little more?

RICK OWEN: Yes.

JOHN TENNYSON: You were served with a notice of termination of tenancy?

RICK OWEN: Yes, a 30-day notice.

JOHN TENNYSON: Okay. And you've lived in the park since 1987?

RICK OWEN: No, '84.

JOHN TENNYSON: So, you believe you would be entitled under the 9-month provision?

RICK OWEN: Yes, the 9-month provision.

JOHN TENNYSON: And this has not yet been resolved by the court?

RICK OWEN: No, it went to court February 3rd for a hearing. I had witnesses with me. At that time, the Bodega Bay RV Park withdrew the complaint against me. Three days later, they filed another 60-day notice against me, for numerous reasons of park rule violations - that my place was not of suitable appearance and does not meet DOH codes and standards - very vague. Also, through this process, they did not give me proper 7-day notices that I was in violation of any of their park rules - they just moved directly to the court with the complaint to evict me. So, my experience here is that the park continually ignores the California Civil Code and Mobilehome Residency Law. The park rules that they have are vague - they're unreasonable and inconsistent. The park owner changes the rules on impulse to suit whatever his needs are at any given time. In fact, today, he has an old set of park rules posted at the office, and he passes out a different set of printed rules to people in the park. This guy just seems to do whatever he wants and feels that he doesn't have to conform to any Civil Codes.

JOHN TENNYSON: This is an RV park, not a mobilehome park. Is that correct?

RICK OWEN: It's... there's both, and I live in the RV section.

SENATOR DILLS: Any questions or comments, Senator Ayala? Thank you very much. We appreciate your appearance.

Is Hannelore Jagerson here? Please identify yourself, residence, and...

HANNELORE JAGERSON: My name is Hannelore Jagerson. My address is Bodega Bay RV Park - the same as Rick Owen's - P.O. Box 792, Bodega Bay, 94923.

As Rick Owen was saying, there are two sections of this park - there's a mobilehome section, with 12 mobilehomes, about half of them are rented out and half of them are privately owned, and the lower section has 67 RV spaces, and about 43 are with the hook-ups and the rest are dry. We've been living in the RV section since 1988, for 4 years now, where we would fall under the 9 months' protection. I'm speaking also as a member of GSMOL and testifying on behalf of GSMOL and myself. At this time, I'd also like to submit my copies to the Committee - thank you. Those copies are documentation of retaliation by the Bodega Bay RV Park's General Manager, Scott Adams.

A common practice at this park is every tenant, at least twice a year, receives a written violation on one or more park rules, whether they need it or not. Rule number 6 and rule number 7 - and I have attached the rules at the bottom of the documents - appear to be the rules most often violated, and this just keeps a tenant in constant fear and under a threat of eviction.

During my 4 years of living at the Bodega Bay RV Park, my husband and I have been continually harrassed and intimidated. We didn't know about the laws, the Civil Code, about GSMOL, until we got involved with Rick Owen, trying to help him, and we started seeing what the park manager is doing to all of us - it's wrong. We're all good tenants. We're not a nuisance to anyone. We pay our rent on time - otherwise, we wouldn't be there. So, now, since we went to court, since... I'm sorry. This is my first time and I'm nervous.

SENATOR DILLS: Just take it easy. We're very nervous too.

HANNELORE JAGERSON: Thank you. Since our court appearance in Rick Owen's behalf, on February 3, 1992 - and we stated in our statement that after appearing here at the court, we feel retaliation. On February 6th, 3 days after the court appearance, we received our first 7-day notice on park rule violations number 6, number 7. They followed in one week increments - the last one, 3 days after we received the last one, and stating, as a final notice, registered mail, stating that we're in violation of park rule number 6, RV's must be of suitable appearance and meet DOH codes and standards. Rule number 7, which states, "all vehicles and any other items left in view must be of suitable appearance, painted, free of rust, and other defects, and in good working order." I'd like to slip in at that time, we had the worst storms in a hundred years in California. He expects us to go out and paint, spray paint, whatever. Our RV is in good condition. It's a fiberglass motorhome. It's a classic. Living on the Coast, you must continuously maintain the work on your equipment or you'll have problems. We're setting too close to the ocean. So, you don't have to tell us when to do what. We know. We've owned this equipment for many, many years.

Okay... I'd just like to say that living with fear of termination of tenancy, which could come for us now, at any time, because we have received 3 notices in 12 months. We're setting actually with 4 notices in February, and there were 2 more notices, which is very common, last year - we're sitting for 12 months with 6 notices. And besides that, he slipped

another date, and for December, we didn't get a notice, but that's common, too. He kind of does dates and documents and we're used to that. So, setting with that kind of fear, it's a very abusive situation inflicted by the Bodega Bay RV Park's General Manager, and we feel that our civil rights are being violated by Scott Adams for exercising our citizen rights to stand up for Rick Owen.

I appreciate the opportunity to speak. Thank you.

SENATOR DILLS: We're happy for your participation today. Any questions?

JOHN TENNYSON: Yes. I think your problem, and that of Mr. Owen, is one of a slightly different nature than that which some of the other witnesses have brought for us, since you are in an RV park. It sounds like he is attempting to evict you on a just cause eviction basis, under the Mobilehome Residency Law, that being failure to abide by rules and regulations, because your unit does not meet "DOH" standards or appearance or what-have-you. I was wondering, perhaps, Mr. Chairman, if we could call on Mr. Pitts, with the Department of Housing, to advise us on what requirements RV's have under the Department's inspection process? Maybe he could enlighten us with regard to this situation. I don't know if it could help or not.

SENATOR DILLS: Mr. Pitts, would you care to come forward and assist us at this time? It seems to be very timely that we hear from you, and I know that the witnesses, who have been suffering from ingrown words, as I put it, a long, long time, and now have had an opportunity to vent some of their feelings, and so, perhaps, you can give us some help.

JOHN TENNYSON: I think the question would be, what role does the Department of Housing have with regard to the inspection of "RV's", such as the Bodega Park? If they called - and I don't even know if you have jurisdiction there, or whether the local agency has jurisdiction - but, if an inspector from the Department was called in, would they be in the same role as they would be with a mobilehome in inspecting it, in terms of whether it meets the "DOH" standards or not?

TRAVIS PITTS: Mr. Chairman, Travis Pitts, Department of Housing.

In response to the question, our Department has exclusive jurisdiction over the compliance of recreational vehicles, wherever they may be, throughout the state, regardless of who may have jurisdiction over the mobilehome park or recreational vehicle park. Whether or not the recreational vehicle itself complies with DOH standards, which is the old acronym for Division of Housing, is a sole determination of the representatives of our Department upon inspection. It is not subject to some local government's determination, park operator's determination, or the homeowner's determination. Only inspector's from our Division can make that determination.

JOHN TENNYSON: So, in this situation, if these people had a problem determining whether or not their RV met certain standards, they could request an inspection which, of course, they would have to pay for, and that determination could be made by a third party, such as an inspector from the Department?

TRAVIS PITTS: Upon inspection of the unit by a representative of our

Department, we would make the determination as to whether or not it did, in fact, comply with our standards.

JOHN TENNYSON: That wouldn't necessarily help them in terms of the park rules, but it would help them with regard to the standards, if, in fact, their RV's were determined to meet those standards.

TRAVIS PITTS: That's correct. It would help with respect to that one portion of the rules - the aesthetic part - that very subjective part.

SENATOR DILLS: The two rules complained of here are number 6 - "RV's must be of suitable appearance and meet DOH codes and standards." Also, "all vehicles and any other items left in view must be of suitable appearance, painted..." - I don't know whether or not they might like my colors but - "...painted, free of rust, and other defects, and in good working order." Pretty interesting - very stringent. I don't know whether any of us could meet a suitable appearance thing - a beautiful subjective judgment.

JOHN TENNYSON: Does the Department have a standard color for these units?

TRAVIS PITTS: No. We're careful to avoid certain areas of regulation.

SENATOR DILLS: Just an example of some of the ridiculous things that are going on to harrass people in these areas - a very sad commentary. Any further comments or questions? Thank you very much.

SENATOR AYALA: It appears to me that some of the rules and regulations that are initiated at these parks are pretty much in the eyes of the beholder type of thing, you know. If I like the color and if I like the design, they're perfectly okay, but, if the manager or whomever, doesn't like the color of the wheels on your trailer or something, I can ask you to leave. Is that correct?

TRAVIS PITTS: Yes, sir.

SENATOR AYALA: Do you have any jurisdiction or authority to get... I suppose that the parks can get more strict but not less strict than what your rules are?

TRAVIS PITTS: With respect to the park rules, which are established under the Mobilehome Residency Law, there are no provisions by which we, in the Department, are to judge those rules good, bad, subjective, or otherwise. We are simply not involved in the park rules which are to be negotiated, nor are we asking to become involved.

JOHN TENNYSON: Senator, the rules are really a civil matter at this time, and it's up to the courts to determine, in a particular dispute, whether they are "reasonable" or not.

SENATOR AYALA: So these folks are at the mercy of the park owner/manager?

JOHN TENNYSON: Correct. That's basically what it amounts to.

SENATOR DILLS: I have a certain suspicion that the amount of money that would be set aside for your operation would be very, very difficult to find in these days around here with the budget... whether or not you have a few dollars to go out and do some inspections of the outside appearance.

Okay, I don't think we'd find...

ASHTON CLARK BROWN: Could I ask Mr. Dills a question?

SENATOR DILLS: Well, I... This is Mr. Pitts. I don't... Yes, why not.

ASHTON CLARK BROWN: They throw this terminology around (inaudible)...

SENATOR DILLS: Okay, tell us your question.

ASHTON CLARK BROWN: In a mobilehome park, they say RV's - the way I read it - RV's are for recreational use and temporary use only. After they evict a regular old mobilehome, they pull RV's in ...(inaudible)... Now, another thing that the RV law says that they shall not build sheds and cabanas in an RV park, but it don't say when it's mixed in a mobilehome park. Can they build their sheds when they're mixed in a park?

TRAVIS PITTS: As I understand the question, Mr. Chairman, can you have accessory structures in recreational vehicle parks, such as cabanas, awnings, and sheds. The answer is yes, you can.

ASHTON CLARK BROWN: Well, I'll go over to the Department of Housing and see him after the hearing.

TRAVIS PITTS: Thank you very much.

SENATOR DILLS: Okay. Thank you. Our next witness, Linda Veerkamp. Is Linda Veerkamp here? All right, then proceeding with Marcus Brown.

MARCUS BROWN: Mr. Chairman and members, I'm Marc Brown with California Rural Legal Assistance Foundation.

The housing that you're talking about today - small manufactured homes and RV's - provide a valuable source of housing in this state. It's especially true, as the Committee's aware, because these housing units can't be easily relocated, so the subject matter of the hearing is very important.

Let me just mention, in context, the larger housing crisis that we have. Because incomes have gone up not near as fast as housing costs, we've got a situation where a quarter of the population can afford to buy a home; we've got roughly a third of the renters paying 50 percent of their income for rent; and we've got a homeless population that's at 150,000 minimum and growing. We needed - in the last 5 years, according to the Department of Housing - to build 599,000 units for low and very low-income people, and we've built 97,000, creating, obviously, a shortage that causes people to overcrowd, to pay higher percentages of their income for rent, to use recreational vehicles and mobilehomes increasingly as their only housing option - smaller mobilehomes and RV's - and, of course, that's been exacerbated by the federal government getting out of the housing business, and, then, (inaudible)... on the local level, unreasonable development standards, etc. So, in the larger context, this is a valuable source of housing that needs to be protected, because people that are elderly and low-income, fixed incomes, have no other choices. The crux of the problem, as the Committee has pointed out, is that the Mobilehome Residency Law and the RV Park Law may not provide adequate protection to recreational vehicles in mobilehome parks, if they're not in a separate area.

area.

In consultation with our attorneys down in San Diego, they pointed out, as well, a footnote, which is that mobilehomes in recreational vehicle parks, also, may not be covered under the Mobilehome Residency Law - a single mobilehome - and the Committee may want to look at that anomaly as well as the one that is being looked at today.

As the Committee has pointed out, the courts on both sides have come down on both sides of this issue - San Diego Legal Aide represented several clients in the courts on this matter, and they, and we consider it an urgent problem - again - because a lot of these folks have no other housing choices and no where to move their housing units. We'd like to submit to the Committee - and I only have a couple of copies - a letter from the City Attorney of Oceanside, documenting that there have been numerous complaints about this anomaly in the law - this lack of protection for small mobilehomes and RV's. That includes, as well, a copy of the ordinance that the City of Oceanside adopted, which, I'm sure, the Committee probably already has, but I thought I would provide just in case, as well as a number of news articles that point out that people in RV's and small manufactured homes, have been evicted for things like lobbying for improvements, for advocating for rent control, and, one of the articles pointing out, the huge economic incentive that the owners of these parks have, to pack more smaller RV's into their mobilehome parks to realize great profits. In one of these articles, there's a reference to an ad in the Oceanside Blade Tribune, September 29th - the asking price for a 57-space mobilehome park was \$1.5 million, and the owner in that ad noted that "large increases on tenant turnovers" can be realized. So, there's a large economic incentive here to evict folks and to bring in larger coaches, as well as to pack the RV's, and, so, it's important to protect the tenants of these structures.

I guess, in summary, we think the law needs to be clarified, so that we don't create orphans out of the thousands of residents of these parks, that live in RV's and small manufactured housing. We support the thrust of SB-1655, and we would like to pursue, with the Committee staff, that bill and what the effective date ought to be - whether or not we need a statement that the bill is declaratory of existing law, and, finally, whether or not it would cover, again, the anomaly situation of a mobilehome park and RV park. If we're going to clean up this section of the law, relating to RV's in mobilehome parks, which appears to be the large majority of the problem, we might also want to think about clearing up the anomaly of one mobilehome in an RV park and what law covers that as well. Thank you very much.

JOHN TENNYSON: I have a question. Do you have any comments concerning Mr. Biddle's suggestions on limiting this to, or grandfathering in, pre-1982 RV's in mobilehome parks and exempting, or, I should say, make an exception for those parks that have rental agreements with the RV owners?

MARCUS BROWN: I'm not sure that... I mean, that may take care of part of the problem. I'm not sure, on initial hearing of that argument, that it would take care of the folks that have gone into the situation since '82, and I'm not sure that those rental agreements would adequately protect those tenants. So, while that gets, I think, at part of the problem, I'm not sure it provides the broader reach that this bill is trying to provide - of people in these cases that we represented in court, that have

lived there only 9 months - the coach might have been there, say, 6 years. Anyway, we need to get a resolution of this, and I would be willing to work with Mr. Biddle, but I'm not sure that the initial proposal that they've put on the table would be adequate to cover everyone that needs to be covered. Thank you very much.

SENATOR DILLS: Now, is there anyone in the audience who has not had an opportunity to speak who desires to do so? All right. There's a young lady who spoke first, who has a bit more to add. Would you please come forward to the microphone, so that we can get you on the tape, as I'm sure that what you have to say is of importance.

MARGUERITE FERRANTE: Thank you. I think it is. My name is Marguerite Ferrante. I live in San Diego and I am the Chairman of the Board of COACH, and I am also on the Board of the California Association for Mobilehome Owners.

The thing that I'm hearing here is that an RV is - we have to save the RV's. One, you've heard Vi Monson and myself tell you about the older trailers. These are trailers that used to be hauled behind cars that came across, and they've been in the park since 1940-1950, and they have... they're not self-contained in any way. They are not RV's. The court told us they were not RV's, and they are not mobilehomes. These are thousands and thousands of mobilehomes in the state of California, and they have absolutely no protection. It is imperative that this bill includes them and grandfathers them in, period. We can't say that a person who's lived in a park, like we have in Coastal Trailer - 4 that have been there since 1940, 15 that have been there since 19 - let's see, 35 years - and progressively down to the hundred. Very few new owners have come into the park, less than 3 or 4 years. So the park is, basically, an older trailer park, and this is where the tragedy is happening. Then, you go into Vi's area and the 8-wide parks that are there on dirt, and the conditions of the utilities are absolutely horrendous. This is what's happening all over the state.

And now that the crack was opened, because of our court hearing - we are not a mobilehome park nor are we an RV park - they can come and raise our rent every day, and they can give us - forget the 30-day notice, because they have issued notices to us on 3 days. This is where my thrust has been for the last 5 years and, then, when we took it to court, and the court said, "I'm sorry, there's nothing we can do for you," I mean, we just couldn't believe it. We have been in a mobilehome park that is licensed by the City of San Diego as a mobilehome park since 1940, and now we're not a mobilehome and we're not an RV. Don't let us drop in the crack again, please. There is a tragedy happening here and the Legislature has to help us because the courts cannot. Thank you.

SENATOR DILLS: Thank you very much. I want to compliment the staff for the fine arrangement... Pardon? Another lady? All right. We will compliment the staff anyway, and the young lady will have an opportunity to present additional testimony.

VI MONSON: Thank you. I'm Vi Monson from Bakersfield.

I was a little confused by Mr. Biddle's comment that perhaps they could let the RV's come into the mobilehome park and stay there less than 9 months and move them out. My reason for confusion is that I had occasion

last year where a gentleman in an RV park was having problems and he called me. I then called the Public Utility Commission, who sent me the case. It was Rosedale Village, Bakersfield - Public Utilities Commission versus Rosedale Village. My understanding is, from speaking to the Public Utilities Commission, that RV parks cannot submeter utilities. If we do what Mr. Biddle said, then you are going to be submetering utilities to the RV's. I understand, from the Public Utilities Commission that that is a law. The Rosedale Village, which set the law in motion, was told in 1984 that they had to divide the park of temporary RV and permanent RV. It is still being done, throughout Kern County, where they are being submetered electricity and gas, although I understand, from the Public Utilities Commission, that there is a law, so I got confused when he said you can move them in and you can move them out. Also, I'm concerned that when these people move in, if they're going to stay there any length of time, they're going to hook up a telephone. That costs money if they have to move them out every 8-1/2 months. Thank you.

SENATOR DILLS: Anyone else? One more comment? No? All right.

Thank you, all of you. We appreciate it very much. Now, you see a law being written here and, in this instance, it's a whole lot better than making sausage. We have an opportunity here to serve the people of the State of California, and I know that, were Senator Craven here, he would want to thank all of you for your participation. We now stand adjourned.

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A P P E N D I X

(Selected Materials & Information)

MARCH 16, 1992

SENATE SELECT COMMITTEE ON MOBILEHOMES

HEARING ON "TRAILER" RIGHTS UNDER THE MOBILEHOME RESIDENCEY LAW

MARCH 16, 1992

CURRENT RELEVANT STATE STATUTES

CIVIL CODE SECTIONS:

CIV 798.3. "Mobilehome" is a structure designed for human habitation and for being moved on a street or highway under permit pursuant to Section 35790 of the Vehicle Code. Mobilehome includes a manufactured home, as defined in Section 18007 of the Health and Safety Code, and a mobilehome, as defined in Section 18008 of the Health and Safety Code, but does not include a recreational vehicle, as defined in Section 799.24 of this code and Section 18010 of the Health and Safety Code or a commercial coach as defined in Section 18001.8 of the Health and Safety Code.

CIV 798.4. "Mobilehome park" is an area of land where two or more mobilehome sites are rented, or held out for rent, to accommodate mobilehomes used for human habitation.

CIV 798.11. "Resident" is a homeowner or other person who lawfully occupies a mobilehome.

CIV 798.12. "Tenancy" is the right of a homeowner to the use of a site within a mobilehome park on which to locate, maintain, and occupy a mobilehome, site improvements, and accessory structures for human habitation, including the use of the services and facilities of the park.

CIV 798.22. (a) In any new mobilehome park that is developed after January 1, 1982, mobilehome spaces shall not be rented for the accommodation of recreational vehicles as defined by Section 799.24 unless the mobilehome park has a specifically designated area within the park for recreational vehicles, which is separate and apart from the area designated for mobilehomes. Recreational vehicles may be located only in the specifically designated area.

(b) Any new mobilehome park that is developed after January 1, 1982, is not subject to the provisions of this section until 75 percent of the spaces have been rented for the first time.

CIV 798.55. (a) The Legislature finds and declares that, because of the high cost of moving mobilehomes, the potential for damage resulting therefrom, the requirements relating to the installation of mobilehomes, and the cost of landscaping or lot preparation, it is necessary that the owners of mobilehomes occupied within mobilehome parks be provided with the unique protection from actual or constructive eviction afforded by the provisions of this chapter.

(b) The management shall not terminate or refuse to renew a tenancy, except for a reason specified in this article and upon the giving of written notice to the homeowner in the manner prescribed by Section 1162 of the Code of Civil Procedure, to remove the mobilehome from the park within a period of not less than 60 days, which period shall be specified in the notice. A copy of this notice shall be sent to the legal owner, as defined in Section 18005.8 of the Health and Safety Code, each junior lienholder, as defined in Section 18005.3 of the Health and Safety Code, and the registered owner of the mobilehome, if other than the homeowner, by United States mail within 10 days after notice to the homeowner, addressed to the legal owner, each junior lienholder, and the registered owner at their addresses, as set forth in the registration card specified in Section 18091.5 of the Health and Safety Code.

CIV 798.56. A tenancy shall be terminated by the management only for one or more of the following reasons:

(a) Failure of the homeowner or resident to comply with a local ordinance or state law or regulation relating to mobilehomes within a reasonable time after the homeowner receives a notice of noncompliance from the appropriate governmental agency.

(b) Conduct by the homeowner or resident, upon the park premises, which constitutes a substantial annoyance to other homeowners or residents.

(c) Conviction of the homeowner or resident for prostitution or a felony controlled substance offense if the act resulting in the conviction was committed anywhere on the premises of the mobilehome park, including, but not limited to, within the homeowner's mobilehome.

However the tenancy may not be terminated for the reason specified in this subdivision if the person convicted of the offense has permanently vacated, and does not subsequently reoccupy, the mobilehome.

(d) Failure of the homeowner or resident to comply with a reasonable rule or regulation of the park which is part of the rental agreement or any amendment thereto.

No act or omission of the homeowner or resident shall constitute a failure to comply with a reasonable rule or regulation unless and until the management has given the homeowner written notice of the alleged rule or regulation violation and the homeowner or resident has failed to adhere to the rule or regulation within seven days. However, if a homeowner has been given a written notice of an alleged violation of the same rule or regulation on three or more occasions within a 12-month period after the homeowner or resident has violated that rule or regulation, no written notice shall be required for a subsequent violation of the same rule or regulation.

Nothing in this subdivision shall relieve the management from its obligation to demonstrate that a rule or regulation has in fact been violated.

(e) (1) Nonpayment of rent, utility charges, or reasonable incidental service charges; provided that the amount due has been unpaid for a period of at least five days from its due date, and provided, that the homeowner shall be given a three-day written notice subsequent to that five-day period to pay the amount due or to vacate the tenancy. For

purposes of this subdivision, the five-day period does not include the date the payment is due. The three-day written notice shall be given to the homeowner in the manner prescribed by Section 1162 of the Code of Civil Procedure. A copy of this notice shall be sent to the persons or entities specified in subdivision (b) of Section 798.55 within 10 days after notice is delivered to the homeowner. If the homeowner cures the default, the notice need not be sent. The notice may be given at the same time as the 60 days' notice required for termination of the tenancy.

(2) Payment by the homeowner prior to the expiration of the three-day notice period shall cure a default under this subdivision. In the event the homeowner does not pay prior to the expiration of the three-day notice period, the homeowner shall remain liable for all payments due up until the time the tenancy is vacated.

(3) Payment by the legal owner, as defined in Section 18005.8 of the Health and Safety Code, any junior lienholder, as defined in Section 18005.3 of the Health and Safety Code, or the registered owner, as defined in Section 18009.5 of the Health and Safety Code, if other than the homeowner, on behalf of the homeowner prior to the expiration of 30 calendar days following the mailing of the notice to the legal owner, each junior lienholder, and the registered owner provided in subdivision (b) of Section 798.55, shall cure a default under this subdivision with respect to that payment.

(4) Cure of a default of rent, utility charges, or reasonable incidental service charges by the legal owner, any junior lienholder, or the registered owner, if other than the homeowner, as provided by this subdivision, may not be exercised more than twice during a 12-month period.

(5) If a homeowner has been given a three-day notice to pay the amount due or to vacate the tenancy on three or more occasions within the preceding 12-month period, no written three-day notice shall be required in the case of a subsequent nonpayment of rent, utility charges, or reasonable incidental service charges.

In that event the management shall give written notice to the homeowner in the manner prescribed by Section 1162 of the Code of Civil Procedure to remove the mobilehome from the park within a period of not less than 60 days, which period shall be specified in the notice. A copy of this notice shall be sent to the legal owner, each junior lienholder, and the registered owner of the mobilehome, if other than the homeowner, as specified in paragraph (b) of Section 798.55, by certified or registered mail return receipt requested within 10 days after notice is sent to the homeowner.

(f) Condemnation of the park.

(g) Change of use of the park or any portion thereof, provided:

(1) The management gives the homeowners at least 15 days' written notice that the management will be appearing before a local governmental board, commission, or body to request permits for a change of use of the mobilehome park.

(2) After all required permits requesting a change of use have been approved by the local governmental board, commission, or body, the management shall give the homeowners six months' or more written notice of termination of tenancy.

If the change of use requires no local governmental permits, then notice shall be given 12 months or more prior to the management's determination that a change of use will occur. The management in the notice shall disclose and describe in detail the nature of the change of use.

(3) The management gives each proposed homeowner written notice thereof prior to the inception of his or her tenancy that the management is requesting a change of use before local governmental bodies or that a change of use request has been granted.

(4) The notice requirements for termination of tenancy set forth in Sections 798.56 and 798.57 shall be followed if the proposed change actually occurs.

(5) A notice of a proposed change of use given prior to January 1, 1980, which conforms to the requirements in effect at that time shall be valid. The requirements for a notice of a proposed change of use imposed by this subdivision shall be governed by the law in effect at the time the notice was given.

(h) The report required pursuant to subdivisions (b) and (i) of Section 65863.7 of the Government Code shall be given to the homeowners or residents at the same time that notice is required pursuant to subdivision (g) of this section.

CIV 798.73. The management shall not require the removal of a mobilehome from the park in the event of its sale to a third party during the term of the homeowner's rental agreement. However, in the event of a sale to a third party, in order to upgrade the quality of the park, the management may require that a mobilehome be removed from the park where:

(a) It is not a "mobilehome" within the meaning of Section 798.3.

(b) It is more than 20 years old, or more than 25 years old if manufactured after September 15, 1971, and is 20 feet wide or more, and the mobilehome does not comply with the health and safety standards provided in Sections 18550, 18552, and 18605 of the Health and Safety Code and the regulations established thereunder, as determined following an inspection by the appropriate enforcement agency, as defined in Section 18207 of the Health and Safety Code.

(c) The mobilehome is more than 17 years old, or more than 25 years old if manufactured after September 15, 1971, and is less than 20 feet wide, and the mobilehome does not comply with the construction and safety standards under Sections 18550, 18552, and 18605 of the Health and Safety Code and the regulations established thereunder, as determined following an inspection by the appropriate enforcement agency, as defined in Section 18207 of the Health and Safety Code.

(d) It is in a significantly 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 a significantly rundown condition or in disrepair.

CIV 799.24. (a) "Recreational vehicle" means a recreational vehicle as defined in Section 18010 of the Health and Safety Code.

CIV 799.25. "Recreational vehicle park" means a recreational vehicle park as defined in Section 18215 of the Health and Safety Code.

CIV 799.45. The owner or manager of a recreational vehicle park shall not terminate or refuse to renew a tenancy except upon the giving of a written notice to the tenant in the manner prescribed by Section 1162 of the Code of Civil Procedure to remove the recreational vehicle from the park within a period as specified by this section, which period shall be specified in the notice.

(a) In the case of a tenant who has continuously resided in the park for less than nine months after January 1, 1980, such notice need not state cause for termination but must provide not less than 30 days' notice of termination of the tenancy.

(b) In the case of a tenant who has continually resided in the park for nine or more months after January 1, 1980, such termination shall be made pursuant to Article 6 (commencing with Section 798.55) of Chapter 2.5 of Title 2 of Part 2 of Division 2.

(c) Evictions pursuant to this article shall be subject to the requirements set forth in Chapter 4 (commencing with Section 1159) of Title 3 of Part 3 of the Code of Civil Procedure, except as otherwise provided herein.

HEALTH & SAFETY CODE SECTIONS:

H&S 18007. "Manufactured home," for the purposes of this part, means a structure, transportable in one or more sections, which, in the traveling mode, is eight body feet or more in width, or 40 body feet or more in length, or, when erected on site, is 320 or more square feet, and which is built on a permanent chassis and designed to be used as a dwelling with or without a permanent foundation when connected to the required utilities, and includes the plumbing, heating, air conditioning, and electrical systems contained therein; except that such term shall include any structure which meets all the requirements of this paragraph except the size requirements and with respect to which the manufacturer voluntarily files a certification and complies with the standards established under this part. "Manufactured home" includes a mobilehome subject to the National Manufactured Housing Construction and Safety Act of 1974 (42 U.S.C., Sec. 5401, et seq.).

H&S 18008. "Mobilehome," for the purposes of this part, means either of the following:

(a) A structure transportable under permit in one or more sections, designed and equipped to contain not more than two dwelling units to be used with or without a foundation system.

(b) A structure transportable under permit in one or more sections, designed to be used with a foundation system for any of the following purposes:

(1) Three or more dwelling units, as defined by Section 18003.3.

(2) As a dormitory. A "dormitory" shall mean a room or rooms inhabited for the purposes of temporary residence by two or more persons.

(3) A residential hotel, as defined by paragraph (1) of subdivision (b) of Section 50519.

(4) Efficiency units, as defined by Section 17958.1.

Mobilehome does not include a recreational vehicle, commercial coach, or factory-built housing, as defined in Section 19971. The handicap accessibility and adaptability requirements of Title 24 of the California Code of Regulations applicable to dormitories, hotels, and apartment houses shall be applicable to mobilehomes constructed for those purposes.

H&S 18010. "Recreational vehicle" means either of the following:

(a) A motor home, travel trailer, truck camper, or camping trailer, with or without motive power, designed for human habitation for recreational, emergency, or other occupancy, which meets all of the following criteria:

(1) It contains less than 320 square feet of internal living room area, excluding built-in equipment, including, but not limited to, wardrobe, closets, cabinets, kitchen units or fixtures, and bath or toilet rooms.

(2) It contains 400 square feet or less of gross area measured at maximum horizontal projections.

(3) It is built on a single chassis.

(4) It is either self-propelled, truck-mounted, or permanently towable on the highways without a permit.

(b) A park trailer designed for human habitation for recreational or seasonal use only, which meets all of the following criteria:

(1) It contains 400 square feet or less of gross floor area measured at the maximum horizontal projections. However, it may not exceed 12 feet in width or 40 feet in length in the traveling mode.

(2) It is built on a single chassis.

(3) It may only be transported upon the public highways with a permit.

H&S 18211. "Mobilehome" as used in this part shall have the same meaning as defined in Section 18008.

H&S 18214. (a) "Mobilehome park" is any area or tract of land where two or more mobilehome lots are rented or leased, held out for rent or lease, or were formerly held out for rent or lease and later converted to a subdivision, cooperative, condominium, or other form of resident ownership, to accommodate manufactured homes or mobilehomes used for human habitation. The rental paid for a manufactured home or mobilehome shall be deemed to include rental for the lot it occupies.

(b) Notwithstanding subdivision (a), an area or tract of land zoned for agricultural purposes where two or more mobilehome lots or spaces are rented or leased, held out for rent or lease, or provided as a term or condition of employment, to accommodate manufactured homes or mobilehomes used for the purpose of housing less than five agricultural employees shall not be deemed a mobilehome park.

H&S 18215. "Recreational vehicle park" is any area or tract of land, or a separate designated section within a mobilehome park, where two or more lots are rented or leased or held out for rent, or lease to owners or users of recreational vehicles or tents.

H&S 18216.1. "Special occupancy park" means a recreational vehicle park, temporary recreational vehicle park, incidental camping area, or tent camp.

VEHICLE CODE SECTIONS:

VEH 396. "Mobilehome" is a structure as defined in Section 18008 of the Health and Safety Code. For the purposes of enforcement of highway safety laws and regulations, a mobilehome is a trailer coach which is in excess of 102 inches in width, or in excess of 40 feet in overall length measured from the foremost point of the trailer hitch to the rear extremity of the trailer.

VEH 635. A "trailer coach" is a vehicle, other than a motor vehicle, designed for human habitation or human occupancy for industrial, professional, or commercial purposes, for carrying property on its own structure, and for being drawn by a motor vehicle. A "park trailer," as defined in subdivision (f) of Section 799.24 of the Civil Code, is a trailer coach.

#

statutory definition in effect
on 9/1/58.

CHAPTER 91, STATUTES OF 1955

PART 2. AUTO AND TRAILER PARKS

NOTE: Part 2 was added by Stats. 1939, Ch. 60 as part of codification. Various sections were affected by the following chapters:

1941 Ch. 1097	1942 Ch. 1181	1945 Ch. 404 1371	1946 (1st Ex. Sess.) Ch. 21	1947 Ch. 1424
1949 Ch. 631 969	1951 Ch. 30	1953 Ch. 570 593 804 927	1954 (Ex. Sess.) Ch. 60	1955 Ch. 91 1652

Part 2 was repealed and added by Stats. 1941, Ch. 1097, and by Stats. 1955, Ch. 91, effective April 8, 1955. The Statutory Record or the Appendix of this publication may be consulted to determine the history of any particular section.

IMPORTANT: Notes carried at the end of some following sections list the applicable provisions of the Rules and Regulations to Implement, Interpret, and Make Specific Provisions of the Trailer Park Act (Calif. Admin. Code, Title 3, Chapter 9, Article 2).

CHAPTER 1. DEFINITIONS AND SCOPE

Construction 18000. The provisions of this part insofar as they are substantially the same as existing statutory provisions relating to the same subject matter shall be construed as restatements and continuations, and not as new enactments.

→ "Trailer coach" 18001. "Trailer Coach," as used in this part is a vehicle, other than a motor vehicle, designed for human habitation, for carrying persons and property on its own structure, and for being drawn by a motor vehicle.

(a) A dependent trailer coach is one not equipped with a toilet for sewage disposal.

(b) An independent trailer coach is one equipped with a toilet for sewage disposal.

"Camp car" 18001.1. A camp car, as used in this part, is a vehicle with or without motive power, which is designed for human habitation and which contains plumbing, heating, or electrical equipment, and is subject to the provisions of this part applicable to a trailer coach.

→ "Auto and trailer park" 18002. "Auto and trailer park," as used in this part, means any area or tract of land where space is rented or held out for rent to two or more owners or users of trailer coaches or tent campers furnishing their own camping equipment, or where free camping is permitted owners or users of trailer coaches or tent camping equipment for the purpose of securing their trade.

(h) The singular number includes the plural, and the plural the singular.

(i) "County" includes city and county.

(j) Unless expressly otherwise provided, any notice required to be given to any person by any provision of this article may be given by mailing notice, postage prepaid, addressed to the person to be notified, at his residence or principal place of business in this State. The affidavit of the person who mails the notice, stating the facts of such mailing, is prima facie evidence that the notice was thus mailed.

(k) "Shall" is mandatory and "may" is permissive.

(l) "Oath" includes affirmation.

(m) "Person" means any person, firm, association, organization, partnership, business trust, corporation, or company.

(n) "State" means the State of California, unless applied to the different parts of the United States. In the latter case, it includes the District of Columbia and the territories.

(o) If any provision of this article, or the application thereof to any person or circumstance, is held invalid, the remainder of the article, or the application of such provision to other persons or circumstances, shall not be affected thereby.

16293.1. Definitions. "Approved" means any plumbing, heating, or electrical material, appliance, device, fixture, arrangement, or method of construction or installation determined by the division to afford protection of the health and safety of the public and the occupants of the trailer coach.

The division may require that satisfactory evidence or proof be submitted to substantiate any claims that any plumbing, heating, or electrical material, appliance, device, fixture, arrangement, or method of construction or installation is reasonably consistent with recognized and accepted principles and affords protection of the health and safety of the public and the occupants of the trailer coach.

"Approved testing agency" means an organization which is qualified and equipped for experimental testing and which maintains at least an annual inspection program on current production of listed models, and which makes available a published report of such listing in which specific information is included that the product has been tested and found safe for use in the specified manner, and which is approved by the division.

"Dealer" means any person who is engaged wholly or in part in the business of selling or offering for sale trailer coaches, or buying or taking in trade trailer coaches, whether or not such trailer coaches are owned by such person.

"Dependent trailer coach" means a trailer coach not equipped with a toilet for sewage disposal.

"Division" shall mean the Division of Housing in the Department of Industrial Relations.

Regulatory definition
in effect on
9/1/58



*Statutory definitions in effect
1961*

CHAPTER 2176

An act to repeal Part 2 (commencing with Section 18000) of, and to add Part 2 (commencing with Section 18000) to, Division 13 of the Health and Safety Code, relating to mobilehomes and mobilehome parks.

[Approved by Governor July 20, 1961. Filed with Secretary of State July 21, 1961.]

The people of the State of California do enact as follows:

SECTION 1. Part 2 (commencing with Section 18000) of Division 13 of the Health and Safety Code is repealed.

SEC. 2. Part 2 (commencing with Section 18000) is added to Division 13 of said code, to read:

PART 2. MOBILEHOMES AND MOBILEHOME PARKS

CHAPTER 1. DEFINITIONS AND SCOPE

18000. The provisions of this part insofar as they are substantially the same as existing statutory provisions relating to the same subject matter shall be construed as restatements and continuations, and not as new enactments.

18001. "Mobilehome," as used in this part, means a vehicle, other than a motor vehicle, used as semipermanent housing, designed for human habitation, for carrying persons and property on its own structure, and for being drawn by a motor vehicle and shall include a trailer coach.

18001.2. (a) A dependent mobilehome or travel trailer is one not equipped with a toilet for sewage disposal.

(b) An independent mobilehome or travel trailer is one equipped with a toilet for sewage disposal.

18002. "Camp car," as used in this part, is a vehicle with or without motive power, which is designed for human habitation and which contains plumbing, heating, or electrical equipment, and is subject to the provisions of this part applicable to a mobilehome.

18003. "Mobilehome park," as used in this part, means any area or tract of land where one or more mobilehome lots are rented or held out for rent, and shall include a trailer park.

18004. "Travel trailer park," as used in this part, means any area or tract of land or a separate designated section

TITLE 8 DIVISION OF HOUSING
(Register 58, No. 13-7-26-58)

908.4C

"Equipment" means a general term including material, fittings, devices, appliances, fixtures, apparatus and the like, used as a part of, or in connection with, any plumbing, heating, or electrical installation.

"Independent trailer coach" means a trailer coach which is equipped with a toilet for sewage disposal.

"Self-contained trailer coach" means a trailer coach equipped with an approved toilet and with a water tank constructed as an integral part of the trailer coach with a capacity of not less than ten (10) gallons for storage of potable water.

"Seller" or "offerer for sale" means any person, dealer, or manufacturer who sells or offers any trailer coach or coaches for sale, whether for direct sale, conditional sale, trade, or any transfer of such trailer coaches for any consideration whatever.

"Trailer coach" means any mobile home, camp car, trailer, or other vehicle, with or without motive power, designed and constructed to travel on the public thoroughfares at the maximum allowable speed limit and in accordance with the provisions of the California Vehicle Code, and designed or used for human habitation.

PART 3. ENFORCEMENT AND ADMINISTRATION

16294. Enforcement. The Division of Housing shall enforce all the provisions of this article.

16294.1. Inspection. Any officer, agent, or employee of the division shall be permitted to enter any premises wherein trailer coaches are sold or offered for sale, including the right to examine any records, and to inspect any such trailer coaches and equipment, to ensure compliance with all the provisions of this article. Any person selling or offering for sale any trailer coach may request the division to make an inspection of any such trailer coach for approval, pursuant to this article. Such request shall be in writing and shall be presented to the division not less than five (5) working days prior to the desired date of inspection. The division shall endeavor to make such inspection on the date indicated, or as soon as feasible thereafter. The division shall notify the applicant of the inspection date. Such written requests for inspection shall be submitted to the appropriate area office.

16294.2. Concealed Work. When it is necessary the division may require that a portion of a trailer coach be removed by the seller or offerer for sale in order that an inspection may be made to determine compliance with the provisions of this article.

16295. Plans. Any manufacturer of any trailer coach or coaches to be sold or offered for sale within this State may submit to the division for approval, a set, consisting of four (4) copies, of plans and complete specifications of the plumbing, heating, and electrical equipment and installation thereof.

(a) A separate set of plans shall be submitted for each model or prototype.

Legislative Counsel of California

BION M. GREGORY

Sacramento, California
January 15, 1991

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Ann Mackey
Chief Deputies
James L. Ashford
Jerry L. Bassett
John T. Studebaker
Jimmie Wing
David D. Alves
John A. Corzine
C. David Dickerson
Robert Cullen Duffy
Robert D. Gronke
Robert G. Miller
Verne L. Oliver
Tracy O. Powell II
Marguerite Roth
Michael H. Upton
Daniel A. Weitzman
Christopher Zirkle
Principal Deputies

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Honorable William A. Craven
3070 State Capitol

Mobilehome Parks: Recreational Vehicles - #634

Dear Senator Craven:

You have requested a discussion of the effect which the repeal of Section 799.48 of the Civil Code will have on tenants of a mobilehome park who reside in recreational vehicles located on sites in the mobilehome park that are not within an area of the park specifically designated for recreational vehicle occupancy pursuant to Section 798.22 of the Civil Code, and whether the Mobilehome Residency Law has application to these tenants.

Special provisions respecting landlord-tenant relations are set forth in the Mobilehome Residency Law, which is contained in Chapter 2.5 (commencing with Section 798) of Title 2 of Part 2 of Division 2 of the Civil Code.

Section 798.22,¹ a part of that law, prohibits any mobilehome park which is developed after January 1, 1982, and which has initially rented 75 percent of its mobilehome sites, from renting mobilehome sites for occupancy by recreational vehicles (as defined by Section 799.24), but permits occupancy by recreational vehicles in a specifically designated area of the mobilehome park that is separate from the portion of the park designated for mobilehomes. Except as otherwise required by Section 798.22, recreational vehicles may be located on mobilehome sites anywhere in a mobilehome park.

¹ Unless otherwise indicated all section references are to the Civil Code.

Section 798 specifically states that the Mobilehome Residency Law applies only to a mobilehome that requires a permit to be moved on a street or highway. The definition of mobilehome in the Mobilehome Residency Law specifically excludes recreational vehicles (Sec. 798.3) and the rights accorded by the Mobilehome Residency Law with respect to a tenancy in a mobilehome park are made applicable by the terms of that law only to occupancy of a mobilehome located on a mobilehome site (see Sec. 798.12).

The Recreational Vehicle Park Occupancy Law, which is contained in Chapter 2.6 (commencing with Section 799.21) of Title 2 of Part 2 of Division 2 of the Civil Code, applies to recreational vehicle parks. The definition of "recreational vehicle park," for purposes of the Recreational Vehicle Park Occupancy Law, is set forth in Section 799.25. Section 799.25 was amended by Chapter 1160 of the Statutes of 1990, which became effective January 1, 1991 (see Sec. 8, Art. IV, Cal. Const.), and incorporates by reference the definition of "recreational vehicle park" set forth in Section 18215 of the Health and Safety Code, as follows:

"18215. 'Recreational vehicle park' is any area or tract of land, or a separate designated section within a mobilehome park, where two or more lots are rented or leased or held out for rent, or lease to owners or users of recreational vehicles or tents."

This definition applies only to sections of mobilehome parks that are separately designated for occupancy by recreational vehicles. It follows that recreational vehicles located in a mobilehome park that are not in a section of the park specially designated for occupancy by recreational vehicles are not subject to the Recreational Vehicle Park Occupancy Law.

Former Section 799.48, a provision of the Recreational Vehicle Park Occupancy Law, was repealed by Chapter 317 of the Statutes of 1990. This repealed provision made many of the provisions of the Mobilehome Residency Law applicable to tenants who have continually resided in a recreational vehicle park for nine months or more after January 1, 1980. However, as discussed above, the definition of "recreational vehicle park" in the Recreational Vehicle Park Occupancy Law excludes sites in a mobilehome park occupied by recreational vehicles, unless located in a special section of the mobilehome park set aside for recreational vehicle occupancy.

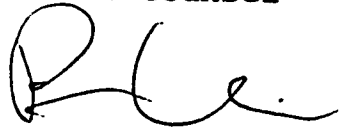
Thus, the repeal of Section 799.48 has had no effect on recreational vehicle occupancies in a mobilehome park that are not

Honorable William A. Craven - p. 3 - #634

within an area of the park specially designated for recreational vehicles, since these occupancies are not subject to the Recreational Vehicle Park Occupancy Law. As discussed above, these occupancies are also not subject to the Mobilehome Residency Law.

Very truly yours,

Bion M. Gregory
Legislative Counsel



By
Peter Melnicoe
Deputy Legislative Counsel

PM:dfb

Introduced by Senator Craven

February 20, 1992

An act to amend Sections 798 and 798.3 of the Civil Code, relating to mobilehome parks, and declaring the urgency thereof, to take effect immediately.

LEGISLATIVE COUNSEL'S DIGEST

SB 1655, as introduced, Craven. Mobilehome parks: recreational vehicles.

Under existing provisions of the Mobilehome Residency Law, the definition of "mobilehome" does not include recreational vehicles.

This bill would revise that definition to make the Mobilehome Residency Law, with a specified exception, applicable to recreational vehicles which, on the effective date of the bill, are located in a mobilehome park pursuant to a rental agreement with a term of one month or longer. The bill would not, however, apply to recreational vehicles located in a portion of a mobilehome park subject to the Recreational Vehicle Park Occupancy Law, except to the extent provided in that law.

The bill would declare that it is to go into effect immediately as an urgency statute.

Vote: %. Appropriation: no. Fiscal committee: no. State-mandated local program: no.

-- 2 --

The people of the State of California do enact as follows:

- 1 SECTION 1. Section 798 of the Civil Code is amended
- 2 to read:
- 3 798. This chapter shall be known and may be cited as
- 4 the "Mobilehome Residency Law." It shall apply only to
- 5 a mobilehome that requires a permit to be moved on a
- 6 street or highway.
- 7 SEC. 2. Section 798.3 of the Civil Code is amended to
- 8 read:

9 798.3. (a) "Mobilehome" is a structure designed for
 10 human habitation and for being moved on a street or
 11 highway under permit pursuant to Section 35790 of the
 12 Vehicle Code. Mobilehome includes a manufactured
 13 home, as defined in Section 18007 of the Health and
 14 Safety Code, and a mobilehome, as defined in Section
 15 18008 of the Health and Safety Code, but, except as
 16 provided in subdivision (b), does not include a
 17 recreational vehicle, as defined in Section 799.24 of this
 18 code and Section 18010 of the Health and Safety Code or
 19 a commercial coach as defined in Section 18001.8 of the
 20 Health and Safety Code.

(b) "Mobilehome," for purposes of this chapter, other
 22 than Section 798.73, also includes recreational vehicles
 23 specified in this subdivision which occupy a mobilehome
 24 site in the park, on the effective date of legislation
 25 amending this section enacted during the 1992 portion of
 26 the 1991-92 Regular Session, under a rental agreement
 27 with a term of one month or longer. "Mobilehome" does
 28 not include a recreational vehicle located in a
 29 recreational vehicle park subject to Chapter 2.6
 30 (commencing with Section 799.20), except as otherwise
 31 provided in subdivision (b) of Section 799.45. This
 32 subdivision applies to trailer coaches specified in Section
 33 635 of the Vehicle Code and recreational vehicles of all
 34 types defined in Section 18010 of the Health and Safety
 35 Code, other than motor homes, truck campers, and
 36 camping trailers, which are used for human habitation or
 37 human occupancy.

SEC. 3. This act is an urgency statute necessary for

-- 3 --

1 the immediate preservation of the public peace, health,
 2 or safety within the meaning of Article IV of the
 3 Constitution and shall go into immediate effect. The facts
 4 constituting the necessity are:

5 In order to avoid the adverse impact of eviction
 6 without cause of low-income senior citizens and other
 7 residents of mobilehome parks living in trailers, it is
 8 necessary that this act take effect immediately.

LAW OFFICES OF

BIDDLE & HAMILTON

HOTEL SENATOR BUILDING

SUITE 510

121 L STREET

SACRAMENTO, CALIFORNIA 95814

916-442-7401

FAX 916-442-1131

W CRAIG BIDDLE*
RICHARD L. HAMILTON
CHRISTIAN M. KEINER
J. STANTON BAIR
KEITH J. BRAY

*Professional Corporation

March 19, 1992

Honorable William Craven
State Capitol
Sacramento, CA 95814

Re: SB 1655

Dear Senator Craven:

I regret to inform you that our client, the **California Travel Parks Association**, is opposed to SB 1655 relating to the "rights" of recreational vehicles which are located on a mobilehome site.

Although the Association appreciates your concerns regarding trailer coaches which have been situated on mobilehome sites for a number of years, it has no option but to oppose legislation which places recreational vehicles under the same laws and guidelines as mobilehomes in the Mobilehome Residency Law. As you know, when the Legislature enacted the Mobilehome Residency Law and enacted the RV Park Occupancy Law, they recognized that there was a tremendous difference between mobilehomes and recreational vehicles. The protection they provided in the MRL related predominantly because of the high cost of moving a mobilehome. Any legislation which would place the "apples" (mobilehomes) and the "oranges" (recreational vehicles) in the same law is unacceptable to the Association.

We would be glad to work with you in trying to resolve your concerns and still protect the integrity of the two very different entities.

Very truly yours,

BIDDLE & HAMILTON



W. Craig Biddle

cc: Consultant, Senate Committee on Housing and Urban Affairs

WCB/jag

California
Rural Legal
Assistance
Foundation

April 21, 1992

Honorable William Craven
Member of the Senate
PO Box 942848
State Capitol
Sacramento, CA 94248

Marion B. Standish
Executive Director

- 2000 "O" Street
Suite 240
Sacramento, CA 95814
(916) 446-7904
- 2111 Mission Street
Suite 401
San Francisco, CA 94110
(415) 863-3520

RE: SB 1655

Dear Senator Craven:

On behalf of our clients, the California Rural Legal Assistance Foundation, the Western Center on Law and Poverty and the California Coalition for Rural Housing are pleased to support the above referenced measure.

As you know, small manufactured homes and recreational vehicles provide a valuable and significant source of affordable housing, particularly for the elderly and lower income households. In many instances these residences cannot be relocated without great expense. The shortage of suitable and available sites also makes relocation difficult.

For these and other reasons, the occupants of both mobilehome parks and recreational vehicle parks are provided with greater eviction protections than other tenants under existing law. These protections include just cause eviction protection and a longer period of time in which to relocate upon eviction.

The need for SB 1655 arises because the Mobilehome Residency Law and Recreational Vehicle Park Law may not protect small manufactured housing and recreational vehicles in mobilehome parks. Some courts have found a lack of clarity in the law and have permitted unfair evictions of occupants of these residences.

Our attorneys have contended that tenants of small manufactured housing and recreational vehicles located in mobilehome parks are entitled to the same protections provided under the mobilehome residency law. The split in the courts on this issue, and the immediate and extreme hardship suffered by owners of these residences makes it urgent for the Legislature to clarify this issue.

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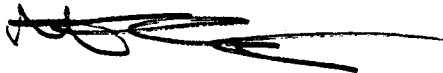
Rosario Vasquez
Los Angeles

SB 1655 letter
April 21, 1992
page 2

We do not believe that the Legislature intended to make orphans of the thousands of small manufactured housing and recreational vehicle owners who live in mobilehome parks.

Please let us know how we can help secure passage of this important measure.


Sincerely,



Marcus B. Brown Jr.
CRLA Foundation



Christine Minnehan
Western Center on
Law and Poverty



Ann Harrington
California Coalition for
Rural Housing

cc: Consultant, Senate Housing and Urban Affairs Committee

March 9, 1992

- 46 -

Senator William A. Craven
38th Senate District
State Capitol, Room 3070
Sacramento, CA 95814

Dear Senator Craven:

Thank you for the opportunity to testify to the Senate Select Committee on Mobilehomes, concerning SB-1655, the rights of trailer owners in mobile parks.

As Associate Manager, Region 7, District II, Golden State Mobilhome Owners League, and on behalf of approximately 1061 older trailer owners in the City of El Cajon, we are requesting that SB-1655 be passed and incorporated to give these trailer owners, who have had 9 months of continuous occupancy and who are not of a temporary basis, the same rights and protections of the Mobilehome Residency Laws, as the "mobilehome owners".

The park owners are accomodating permanent housing, as the majority of the older trailer owners have been residents of the park for 10-15-20 or more years, in the same location. Many have built room-additions and awnings, which require permits.

The trailer owners have been required to sign rental agreements, not only on a month-to-month basis, but 12 months or more, stating that the provisions of this agreement are in accordance with the California Civil Code, Mobilehome Residency Laws.

Rules must be laid out specifically, to not only protect the owners of older trailers in mobilehome parks, but "trailer parks" as well. Without these specific rules, the helpless trailer owners, are being abused by the park owners, when a 30 day eviction notice is presented to them, without "just cause". It creates a problem within the community, by loss of low-income housing, and puts a burden on the local jurisdiction, which is mandated to preserve, protect and develop a fair share of low-income housing. Trailer Parks function as "low-income housing" that already exists.

Cities, such as El Cajon, have zoned trailer parks the same as mobilehome parks, and this is creating serious problems for the Planning/Zoning Commissions as well. Enclosed is a copy of El Cajon's Mobilehome Zoning Overlay Plan, Staff Report and Recommendations, and the problems therein.

The R.V. Code states that an R.V. Park is a piece of land for rent for temporary use, a sign must be visable to the public, stating that it is an R.V. Park, and have the Highway Patrol number listed on it, and must be zoned as an R.V. Park. Older trailers, under 40 foot, in mobilehome parks do not fall under this criteria.

The older trailer owners have made substantial investments in their homes, and will loose that investment, if unable to sell, due to the fear of being evicted without just cause.

The older trailer owners, consider this to be their HOME, they have exercised their rights of freedom of choice and now being denied this choice, because and only because, there is no protection for them.

The older trailer owners will become displaced, actual homeless persons, as there is "no where to move their homes". No parks will take older trailers, regardless of the fact that they are not in substandard condition. We will see more and more seniors and low-income level, trailer owners actually in the streets.

By not protecting the trailer owners, the State will be perpetuating their problems, and not solving them.

The 1980's were the years of GREED, it is now the time to put a stop to this greed, to show understanding, compassion, and make a firm stand to protect and perserve trailer/mobilehome living. This State, and Country is in an "depression" not a "recession" it is time to help the low-income trailer owners, not hinder them.

Also included in the packets that I have prepared and presented to you are letters from trailer owners in El Cajon, I ask that you read them with an open mind and realize that their problems are real.

Thank you for your considerations in this matter, I know that you will act justly, fairly, honestly and in good faith, for the citizens and voters of this State.

Sincerely,

Edy Mason

Edy Mason
GSMOL
Associate Manager
Region 7, District II
187 Ballard, SP103C
El Cajon, Ca 92019
619-579-5167

To: Senator William Cravens
Re: Senate Select Hearing on
Trailer Parks and Trailers
In Mobilehome Parks

March 3, 1992

Dear Senator Cravens,

We, the tenants of Paradise Trailer Park in El Cajon Calif., are requesting that trailer parks be put back under the protection of Title 25 and the Mobilehome Residency Laws.

Many of the tenants have resided here ten to seventeen years and are senior citizens. Others find living in a trailer the preferred alternative in comparison to apartment living. Affordability is the vital factor, as the majority of trailer park residents fall well below the low income level.

We wish our park always to be our home without fear of threats and intimidation. To know that the laws made to protect us will protect us and can not just be ignored by management. For us this has been a day to day fight for our lives and our lifestyle. We would appreciate any help you can give us.

Enclosed: List of grievances
Copies of rental agreements
Utility billing.

Thank you.

Residents of Paradise Trailer Park

- #43 Dollie M. Washam
- #45 Yvonne Reese
- #40 Jean Lawrence
- #23 Mike Sedin
- #21 Susan F. Smith
- #26 Carrie J. [unclear]
- #35 John B. [unclear]

- #20 Tara Bates (Whitaker)
- #42 Leslie & Bonnie Whiteaker
- #33 Juanita Flagon
- #19 Ted Polyzos
- #29 Rita Gatson
- #18 Ruth Nerison
- #28 Dorothy Branson
- #44 Dave Schwab

GRIEVANCES

1. In violation of CC Art.2 Sec.798.15(c), there never has been a copy of th Mobilehome Residency Laws attached to the rental agreements.

2. In violation of CC Art.2 Sec.798.15(d), there never has been a provision stating management responsibility included. To the contrary, they claim no responsibility and add the threat of eviction if we don't agree.

3.(a) When given the yearly rental agreement they inslt it be signed and returned within the week, which is in violation of CC Art.2 Sec.798.17(f).

(b) Management will not allow a month to month agreement when requested, which is in violation of CC Art.2 Sec.798.18(a). Both are demanded by threat of eviction.

4. In violation of CC Art.4 Sec.798.30, we are never given 60 day notice of rent increases.

5.(a) A general notice of rent due is posted in the laundry room (ex. attached) in lieu of individual billings as prescribed by Section 1162 of the Code of Civil Procedure.

(b) Said notice is posted at managements convenience (enclosed ex. was posted 3-3-92), but their past due date does not reflect an equal delay.

6. (a) For years (since Nov.86') we have been illegally charged under the name Maintenance for all park repairs, sewer clean-out, electrical up-grades, tree trimming, installation of security lights, light bulbs and road work, etc. Even to the ridiculous, for example the installation of a pole w/basketball back board, at the park entrance, then it's removal a month later.

(b) We are also charged under Maintenance for Insurance costs and License Fees which the owner is supposed to be responsible for according to Civil Code Mobilehome Residency Law.

7. Our utility meters aren't read monthly, they are estimated very often. There are several meters that don't show any usage, instead of replacing them, we get charged what ever the last recorded amount was as the monthly usage.

8. The water district offered refunds which were never passed on to residents as per called for by Helix Water (see enclosed letter).

Even with being charged for all these things, our roads are full of pot holes, the rain floods the front of some of our trailers the laundry facilities are in ill repair. We get harassed about the parking but there are no parking designations. We have no warning signs of children playing or posted speed signs.

In summary, when openly opposing these adverse conditions, some of our tenants have been threatened by the management with eviction.

Must we as tenants, have to put up with this type of abuse for wishing only to live in a safe and comfortable environment.

STAFF REPORT AND RECOMMENDATION
PLANNING COMMISSION MEETING
DECEMBER 9, 1991 - 7:30 P.M.

COUNCIL CHAMBERS
200 E. Main St.
El Cajon, CA

AGENDA ITEM #1

CONTINUED PUBLIC HEARING ON
AMENDMENT OF THE ZONING ORDINANCE - CHAPTER 17.55 - RE:
MOBILEHOME OVERLAY ZONE - Planning Commission

Continued from the meeting of September 30, 1991.

DISCUSSION

At its meeting of September 30, 1991, the Planning Commission held a public hearing on an amendment of the Zoning Ordinance to create a Mobilehome Overlay Zone. This new zone was developed by staff to implement the General Plan (see staff report dated 9/30/91).

At the public hearing, the Planning Commission received input from several individuals regarding the application of the new zone, and several members of the Planning Commission expressed some reservations about proceeding without a workshop (see attached P. C. minutes dated 9/30/91).

A workshop was held on November 20, 1991, and all current mobilehome park owners were notified. The workshop was attended by several mobilehome park owners, several mobilehome residents, all members of the Planning Commission, and staff.

The main argument of the mobilehome park owners present at the workshop was that all "mobilehome parks" are not alike. In fact, those parks which were created many years ago consist of mobilehome spaces which are too small to accommodate the newer mobilehomes. Since the number of these older mobilehomes are declining, the spaces in these older mobilehome parks cannot be filled unless the owners accept RVs and travel trailers. These owners contend their parks are "dinosaurs" which should not be restricted by a Mobilehome Overlay Zone.

AM ZO Re: Mobilehome Overlay Zone
12/9/91

The purpose of this whole consideration, however, was to attempt to preserve as many mobilehome spaces as possible because very few new mobilehome parks are being developed -- at least not ones which would accommodate older mobilehomes.

The suggestion that was made is that the City should re-evaluate the criteria used to determine which existing mobilehome spaces would qualify for the mobilehome overlay zone. The criteria should be more fully developed and include such considerations as: age of park, density, individual space size, percentage of spaces occupied by travel trailers and RVs, the percentages of "single wide" and "double wide" spaces, the presence of amenities (swimming pool, club house, recreational facilities), and park facilities (resident parking, street widths, sidewalks, utilities, etc.).

The staff agrees the criteria needed more review. The question is, can the Mobilehome Overlay Zone be created with the identification of criteria for applicability and then proceed to apply the zone? Or, should the entire consideration be delayed?

In staff's opinion, the Planning Commission can proceed with the creation of the Mobilehome Overlay Zone, but the application of the zone to individual properties must be deferred until specific criteria are identified and given values.

The staff recommends an additional Section 17.55.100 be added to the previous recommendation, which would include language on the criteria to be considered to determine the appropriateness of applying the Mobilehome Overlay Zone. The values given to each of these criteria will still have to be determined separately. For example, should the age of an existing mobilehome park be less than 20, 25, 30 or 40 years to be considered for the overlay zone? Should the density have to be less than 10, 15 or 20 mobilehomes per acre?

In addition, a determination will have to be made as to how many criteria must be met to qualify for the overlay zone or a weighing of the criteria will have to be assigned to decide what mobilehome parks should be subject to the overlay zone.

RECOMMENDATION

It is recommended the Planning Commission recommend approval of amendments to the Zoning Ordinance Re: Mobilehome Parks as follows:

AM ZO Re: Mobilehome Overlay Zone
12/9/91

1. Delete Section 17.60.400 Mobilehome Parks in its entirety.
2. Add Chapter 17.55 Mobilehome (MH) Overlay Zone as indicated on the attached Exhibit "A".
3. Amend Section 17.06.010 Name of Zones by adding: "MH Mobilehome Overlay Zone".
4. Amend Section 17.60.040 Uses or Activities Permitted by Conditional Use Permit by deleting:
"T. (140) Mobilehome Parks (all residential zones only; see Sec. 17.60.400 for development standards).

Reasons for Recommendation

- A. The creation of a mobilehome overlay zone will implement the General Plan and the designation of certain mobilehome parks with an "M" overlay classification.
- B. The creation of a mobilehome overlay zone will help protect and preserve existing mobilehome parks which have received the "M" overlay designation on the General Plan.
- C. The protection and preservation of mobilehome parks is consistent with the General Plan and policies contained therein.

Refer to staff for a resolution stating the decision of the Planning Commission.

JSG:co

Attachments: Staff Report dated 9/30/91
Exhibit "A"
P. C. minutes dated 9/30/91

STAFF REPORT AND RECOMMENDATION
PLANNING COMMISSION MEETING
SEPTEMBER 30, 1991 - 7:30 P.M.

COUNCIL CHAMBERS
200 E. Main St.
El Cajon, CA

AGENDA ITEM #5

PUBLIC HEARING ON
AMENDMENT OF THE ZONING ORDINANCE - CHAPTER 17.55 - RE:
MOBILEHOME OVERLAY ZONE - Planning Commission

ENVIRONMENTAL IMPACT INFORMATION

The proposed project is exempt from environmental review in accordance with Section 15061(b)(3) of CEQA Guidelines.

DISCUSSION

The City's General Plan contains language in the form of policy statements to provide adequate housing opportunities for all persons and income levels. For the most part, mobilehomes constitute a very good source of housing for persons of low and moderate incomes so it is important to preserve as many of them as possible. (See attached General Plan excerpts.)

As an implementation of these policies, the General Plan now includes an "M" overlay designation on the General Plan Land Use Map to identify existing mobilehome parks which have been found to meet or closely meet current mobilehome development standards and/or which provide a suitable living environment in terms of park maintenance and amenities for their residents.

There are currently 26 mobilehome parks in the City. An evaluation of these parks by the staff has resulted in 18 of them being identified as "good" or "fair". Eight other parks were found to be "poor". (See attached table.) The 18 "good" and "fair" parks have received the "M" overlay land use designation.

AM ZO (continued)
9/30/91

In order to implement the "M" overlay land use designation, there is a need to devise a zoning category to accomplish this. The staff surveyed ten other cities in San Diego County to determine possible methods for regulating mobilehome parks. The cities of Poway, Carlsbad, Chula Vista, San Marcos, National City, Vista, Encinitas and Escondido all have a mobilehome park zone, like El Cajon's R-1-6, R-3 or C-2 zone. In this mobilehome zone, only mobilehome parks are permitted.

The Cities of Santee and San Diego both have a mobilehome park overlay zone which allows either the uses permitted in the underlying zone or a mobilehome park.

In staff's opinion, the mobilehome overlay zone is the better approach. It would discourage the conversion of the "good" and "fair" mobilehome parks to other uses and at the same time offer some degree of certainty to existing mobilehome residents that their park would not be converted.

While providing protection to their residents, the overlay zone would not absolutely limit the property to only one use. The property owner could request a change in use based upon the underlying zoning and the General Plan after first successfully amending the General Plan to remove the "M" overlay land use designation and then removing the mobilehome overlay zone. In addition, a Tenant Impact Report is required by State Law prior to the closure of an existing mobilehome park.

On July 17, 1991, the staff conducted a workshop to discuss the proposed mobilehome overlay zone and sent invitations to the owners of all existing mobilehome parks in the City. Unfortunately, the workshop was poorly attended with only one mobilehome park owner present among a total of five attendees. Even after sending out the notices for this public hearing, the staff has only received two telephone calls.

If this amendment is approved, it would protect all existing mobilehome parks which have already received the "M" overlay designation on the General Plan. (NOTE: A map will be available at the public hearing.) It would not preclude the closure of these same parks but it would require additional steps including a General Plan Amendment and rezoning. Those mobilehome parks which did not receive the "M" overlay designation on the General Plan, would still require at least the preparation of a Tenant Impact Report prior to the closure of the park.

AM ZO (continued)
9/30/91

RECOMMENDATION

It is recommended the Planning Commission recommend approval of amendments to the Zoning Ordinance Re: Mobilehome Parks as follows:

1. Delete Section 17.60.400 Mobilehome Parks in its entirety;
2. Add Chapter 17.55 Mobilehome (MH) Overlay Zone as indicated on the attached Exhibit "A";
3. Amend Section 17.06.010 Name of Zones by adding: "MH Mobilehome Overlay Zone".
4. Amend Section 17.60.040 Uses or Activities Permitted By Conditional Use Permit by deleting:

"T. (140) Mobilehome Parks (All residential zones only; see Sec. 17.60.400 for development standards).

Reasons for Recommendation

- A. The creation of a mobilehome overlay zone will implement the General Plan and the designation of certain mobilehome parks with an "M" overlay classification.
- B. The creation of a mobilehome overlay zone will help protect and preserve existing mobilehome parks which have received the "M" overlay designation on General Plan.
- C. The protection and preservation of mobilehome parks is consistent with the General Plan and policies contained therein.

Refer to staff for a resolution stating the decision of the Planning Commission.

JSG:pav

Attachments: Excerpts from General Plan
Zoning Table 16 of Existing Mobilehome Parks
Exhibit "A"

GOAL 5

5-1.21. The land area derived from a step down in permitted multiple family densities shall be used to increase the amenities within multiple family projects.

5-1-22. The City shall prohibit the storage or parking of non-operative vehicles in required setback areas, and on public streets.

OBJECTIVE

5-2. The City shall continue to support the provision of adequate housing for all persons.

POLICIES

5-2.1. The City shall continue to support and join in regional efforts to satisfy housing needs of families with low and moderate income levels.

5-2.2. The City shall strive for good quality housing and effective maintenance of that housing in all residential areas.

5-2.3. The City shall actively support open housing opportunities for all citizens.

OBJECTIVE

5-3. The City shall promote and support the provision of housing selection by location, type, price and tenure.

POLICIES

5-3.1. The City shall permit and encourage the use of factory built housing and housing components.

GOAL 5

5-3.2. The City shall create no artificial impediments to the use of existing housing for rental purposes.

5-3.3. The City shall encourage the mixture of low and moderate income housing throughout the community in order to prevent the concentration and isolation of socially or economically stratified groups in a few restricted areas.

5-3.4. Mobilehome parks may be located in any residential area in the City subject to the approval of a conditional use permit and the density standards of the mobilehome ordinance.

5-3.5. Through use of an "M" overlay on the General Plan, the City shall encourage the retention of existing mobilehome parks which meet current development standards and/or which provide a suitable living environment for its residents.

OBJECTIVE

5-4. Single-family areas will be protected from the intrusion of multiple-family development.

POLICIES

5-4.1. Medium density residential development shall not further intrude into low density areas.

5-4.2. The City shall make creative use of cluster development, planned unit developments, planned residential developments and increased density single-family areas to expand possibilities for home ownership.

EXCERPT OF
GENERAL PLAN 2095

Going hand in hand with the lack of vacant land is the City's diminishing sewer capacity in the Metropolitan Sewer System. The City has a contract capacity of 10 million gallons per day with the Metro System, with the average daily flow now at or above 9 million gallons. The Metropolitan Sewer District is currently working on a regional facility expansion plan which will not be completed until 1990. The actual construction of any planned facility will likely not be completed for eight to ten years, at which time the City may be allotted some additional capacity. In the meantime the City will continue to monitor its sewer outfall and explore strategies which will allow development to continue in El Cajon. The Public Works Department feels the City's remaining capacity in the Metro System should handle the 2000 units that are estimated to be added to the housing supply over the next five to ten years.

Other constraints to housing are the development regulations within the Zoning Ordinance. Requirements for setbacks, parking coverage and other on-site improvements have always appeared as obstacles to developers; however, such requirements are considered reasonable standards in the attainment of a more desirable living environment. Periodically the City does review certain of these regulations to ensure their effectiveness, and to consider alternatives which could achieve the same results.

In an effort to enhance and preserve the City's appearance, the City has already embarked upon a program of architectural review for new development. While this forces developers to put more time, expense and consideration into a project prior to its approval, early results have been favorable and have led to better quality developments.

Implementation

The Land Use Map is one of the primary tools used to implement the Housing Element by guiding the distribution of population within the planning area. Initially, this map relied on four residential categories to establish density patterns throughout the City. However, circumstances have now indicated the need for a fifth category, which will provide a better transitional area between single family and multiple family neighborhoods and will hopefully reduce the development pressures on some areas with marginal appeal for higher density uses. This new category is called "Low-Medium Density Residential", with a density range of 10 to 18 units per acre.

EXCERPT OF
GENERAL PLAN 3 of 5

The primary beneficiaries of this new category are mobilehome park residents, many of whom live in parks designated as "Medium Density" on the previous plan. By reducing the potential density on those sites, the City hopes to reduce the economic pressure to close such parks and build higher density apartment complexes. The letter symbol (M) has also been added to the plan map to better identify those mobilehome parks which the City will seek to preserve over the life of this plan.

As in past General Plans, the residential land use categories have generally been arranged so that the higher density development occurs near the historic center of El Cajon. As the City matures, the pressure to apply the higher density categories farther from the center of town will likely increase. One area of significant change in this regard is the Greenfield Drive area, between Graves and Second Street, much of which is currently still unincorporated. The previous General Plan tried to discourage more intensive uses in that area by designating it "Low-Density Residential", which was consistent with land uses in the portions of Bostonia within the City.

However, County zoning in that area did not reflect that same philosophy, with the result that much more intensive development has occurred. The County recently adopted a "Pepper Drive-Bostonia" Community Plan which reflects much of the existing development in the area, and which allows some higher density redevelopment west of Mollison Avenue. The present City General Plan has been amended to reflect this County plan as it would be unreasonable to ignore the existing development for that area.

In addition to the suggested five residential plan categories, some residential uses are likely to occur in areas covered by Special Development Areas. Areas such as the downtown redevelopment area will provide for mixed development projects which will add to the residential opportunities within the City.

The five residential land use categories are described as follows:

Low-Low Density - (Three units or less per acre)
This category recognizes those portions of the planning area which are more rural in nature and/or which have physical constraints making more intensive development difficult without significant impacts on the environment. This category is prevalent on the southern and eastern fringes of the planning area which are characterized by steeper terrain.

EXCERPT OF
GENERAL PLAN 4 of 5

Low Density - (Three to ten units per acre)

This category is used to identify areas best suited for the residential densities associated with standard single family development. The density range allows for a mixture of housing types from single family detached units to low density townhouse developments.

Most of the land in this category is already developed, therefore, future activity will be limited to redevelopment, minor infilling, and rehabilitation.

Low Medium Density - (Ten to eighteen units per acre)

This new category was created to indicate those areas which serve as transitions between single family and multiple family residential neighborhoods, or which have only limited multiple family development potential due to such constraints as public access or lot sizes.

This category with an "M" overlay is also used to identify those mobilehome parks which should be preserved as a provider of low and moderate income housing.

Medium Density - (eighteen to twenty units per acre)

This category has become the standard multiple family designation of the General Plan, and has been applied primarily to portions of the valley floor. In an effort to improve future apartment development, the maximum density has been reduced from 24 to 20 units per acre. The land area obtained from the density reduction will be used to add amenities to apartment development.

High Density - (twenty to thirty units per acre)

This category is the highest density residential category and identifies those areas in the core of the City which are suited to the more intense level of urban development. With one minor exception, this category is limited to an area bounded by Mollison Avenue, Lexington Avenue, Johnson Avenue and Interstate 8.

As the City matures, there will likely be pressure to apply this category outside of this centralized area, but any such expansion should be limited to areas which are logical expansions of the urban core.

EL CAJON MOBILEHOME PARKS BY CURRENT CONDITION (1987)

GOOD		FAIR		POOR	
<u>PARK NAME</u>	<u>SPACES</u>	<u>PARK NAME</u>	<u>SPACES</u>	<u>PARK NAME</u>	<u>SPACES</u>
Circle "R"	81	Acacia T.P.	70	Bella Rosa	35
Lynwood	194	C-Bar-O T.P.	47	Bostonia	16
Melody T.P.	46	Crown T.P.	43	Chieftain T.P.	130
Safari	183	El Capitan T.P.	76	Eastern T.P.	33
Travelodge MHP	221	Happy Villa	84	Juniper T.P.	35
Villa Nova	114	Horseshoe	93	M & M T.P.	17
		Ivy T.P.	35	Paradise T.P.	37
		Turner's T.P.	37	Redwood T.P.	22
		Olive Acres	75		
		Palms MHP	65		
		Sahara	71		
		Shady Lane T.C.	40		
TOTAL	839				
					TOTAL 325
		TOTAL	736		

GOOD= NEWER COACHES IN WELL MAINTAINED PARK

FAIR= OLDER COACHES AND TRAVEL TRAILERS IN PARKS WITH GENERALLY GOOD MAINTENANCE

POOR= MIXTURE OF OLD COACHES, TRAVEL TRAILERS, AND R.V.'S WITH MINIMAL PARK MAINTENANCE

TOTAL SPACES ALL PARKS 1900

MOBILEHOME PARKS

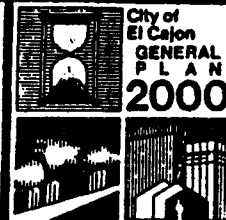


TABLE 16

ZONING OF EXISTING MOBILEHOME PARKS
IN THE CITY OF EL CAJON

<u>NAME</u>	<u>ADDRESS</u>	<u>CURRENT ZONING</u>
Circle "R"	1430 E. Lexington Ave.	R-1-6
Lynwood	1285 E. Washington Ave.	R-2
Melody	1313 E. Main St.	R-3 *
Safari	1174 E. Main St.	R-3 *
Travelodge	410 S. First St.	R-3 *
Villa Novia	1440 S. Orange Ave.	R-2-R
Acacia	440 Van Houten Ave.	R-3 *
C-Bar-O	1105 W. Chase Ave.	PRD-Low
Crown	220 Shady Lane	R-3 *
El Capitan	1425 E. Madison Ave.	R-3 *
Happy Villa	998 E. Main St.	C-2 & R-1-6
Horsehoe	150 S. Anza St.	R-3, R-P, C-2 *
Ivy	309 Orlando Ave.	R-3 *
Turner/Turn-In	205 S. Second St.	R-1-6
Olive Acres	503 N. First St.	R-2
Palms	212 S. Second St.	R-3 *
Sahara	1345 E. Madison Ave.	R-3 *
Shady Lane	244 Shady Lane	R-3 *
Bella Rosa	1155 E. Main St.	C-2 & R-4
Bostonia	1109 N. Second St.	C-2
Chieftain	187 Ballard St.	R-3 *
Eastern	213 El Cajon Blvd.	C-2
Juniper	1369 E. Main St.	C-2 & R-3
M & M	855 E. Main St.	C-2
Paradise	1346 E. Main St.	C-2
Redwood	1117 Redwood Ave.	R-1-6

NOTE: Those mobilehome parks marked with an * subject to rezoning to R-3-R or R-2 to reflect "Low Medium Residential" General Plan Designation.

AMENDMENT OF THE ZONING ORDINANCE - CHAPTER 17.55 - RE:
MOBILEHOME OVERLAY ZONE - Planning Commission
(public hearing) Continued to 12/1/91; workshop in interim
P. C. Meeting 9/30/91

LAYCOCK states that an M overlay designation was included in the current General Plan. Now staff is proposing an amendment to the Zoning Ordinance to implement the General Plan designation. Most cities have a mobilehome zone, allowing only mobilehomes. Two cities have an MH overlay permitting either mobilehomes or the underlying uses. Staff is proposing an overlay permitting only mobilehomes.

Staff's intent is to provide protection to mobilehome park residents without precluding any other property use. Converting a park to another use would require removal of the General Plan overlay, removal of the zoning overlay, and filing the required Tenant Impact Report. A workshop for park owners, to explain these aspects, was very poorly attended.

Staff recommends applying the MH overlay to 18 of the existing parks identified as being in Good or Fair condition, as was done for the General Plan review. Once the ordinance is amended, the overlay would be applied in subsequent consistency rezonings.

This amendment essentially proposes moving the existing development standards for mobilehome parks from one part of the ordinance to a new MH overlay section, and adds a paragraph on closure requirements.

KENNEDY states the Planning Commission can elect to apply the overlay to any zone. Is the intent of the City to try to protect those existing mobilehome parks that are in good condition? There are also older parks for older coaches and the property could be in transition to some other use, and it would be the City's intent not to complicate that process.

LAYCOCK states that is true. The intent is to try to preserve the desirable parks that are an advantage to the City's housing stock.

KENNEDY thinks this is subjective on the part of the staff. What criteria were used?

LAYCOCK agrees it is subjective to some extent. However, staff had a list of objective standards when it gave these designations: the amenities, the age and condition of the coaches, landscaping, maintenance, and density.

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AM 20 Ch. 17.55/MH Overlay (continued)

AMBROSE asks staff if there are any incentives offered to mobilehome park owners to upgrade their parks and if there are any incentives to retain those parks as mobilehome parks, or are we just laying down the law in a high-handed manner? He has some difficulty with this because there wasn't a lot of input from the affected people during the workshop. He thinks this may be something the Planning Commission may wish to consider.

KENNEDY states there was considerable discussion about the overlay zone during the General Plan review. He shares some of AMBROSE's questions. The City was at one point perhaps going to engage in protecting some of these mobilehome parks by purchasing them and turning them back to the redevelopment agency. He hasn't heard anything more about that.

LAYCOCK has not heard anything about that, either, and doesn't think there are any incentives to improve or retain the mobilehome parks. The purpose of this ordinance amendment is to implement the General Plan.

It was felt desirable to take some steps to try and protect the use for low and low-low income families.

The public hearing is now open.

Nelson MILLSBERG, 11078 Red Cedar Drive, San Diego, owns El Capitan Mobilehome Park. There are laws in California to protect residents from conversions. The City has decided it would like to add more hurdles and added the overlay zones and applied requirements on the owners by amending the General Plan and the zoning.

He is not familiar with all the other parks, but when he looks at the descriptions in the staff report and compares them to his park, he thinks they miss the point. The newer coaches are in well-maintained parks and older coaches in a generally well-maintained park are given obstacles to conversion but older coaches in a poorly maintained park escapes control. To say any must be a mobilehome park forever needs to be re-evaluated.

KENNEDY asks if MILLSBERG is against the overlay zone in its entirety.

MILLSBERG thinks the residency laws of the State of California are adequate to protect residents and the cities do not need to add their two cents worth. Certain things seem to have been missed. The emphasis seems to be on how well maintained the park is.

AM ZO Ch. 17.55/H Overlay (continued)

The average space in his park is 40 ft. in length and the average age of the coaches is 40 years. Less than 1% of the mobilehomes now are built single-wide and less than 36 ft. long. Even if there were more than 1%, that small, nobody would finance them.

In reply to KENNEDY, LAYCOCK states this amendment requires a three-step process necessary to change to another use: the General Plan overlay, zoning overlay, and a Tenant Impact Report.

KENNEDY states it doesn't prohibit a person from improving his park or redeveloping.

MILLSBERG doesn't think he can make a 40-ft. space bigger.

KENNEDY states the overlay zone will not change that.

MILLSBERG agrees but states it will ultimately make his park obsolete. That fact cannot be changed.

KENNEDY agrees, if the overlay zone is not applied, it may make it somewhat easier to redevelop the property.

MILLSBERG states some parks have 14 mobilehomes per acre, and he thinks the average is seven. Fourteen is a crowded condition. However, they take care of the park. Maintenance should not be a factor in applying the proposed overlay.

KENNEDY doesn't have a problem with considering the condition of a park. He thinks an older mobilehome park will exhibit natural deterioration. It wouldn't necessarily reflect on people who live there and the City will not ask them to move. It is difficult to anticipate every situation. He has no problem with rating one mobilehome park over another.

MILLSBERG states some parks may be more qualified to continue than others. El Capitan's spaces are not big enough for two-bedroom, good quality housing. The only homes that can be there are older mobilehomes and travel trailers which are not suitable for the elderly. They don't meet current development standards. If they had to get a permit, they couldn't. They are, frankly, obsolete already. Giving them more time-consuming, expensive hurdles is a burden.

In reply to KENNEDY, MILLSBERG states the tenants are adequately provided for, but to make sure the parks don't disappear 10 years from now, the City must make sure they are not obsolete at this time.

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AM ZO Ch. 17.55/MH Overlay (continued)

Bob CHAPMAN is the owner of Happy Villa Mobilehome Park at 998 E. Main Street. He is a practicing attorney and has been involved for many years with land use. The Happy Villa is a 45-year-old park composed of 86 spaces with an average age of 35 to 40 years. The space sizes are 35 ft. There are no sidewalks or swimming pool; there is a small club house. Its days are numbered.

They find they are in the "fair" category even though this is a dinosaur. This isn't good planning, it is nonsense. He feels this should be re-examined in a workshop before the Zoning Ordinance is amended.

KENNEDY asks if it is CHAPMAN's feeling that the overlay zone should only be applied to the "good" category and leave the "fair" and "poor" ones alone.

CHAPMAN replies yes. Park residents are adequately protected by State laws and there is no need for further protection.

KENNEDY states it is true there are many State laws on the books to make conversion very difficult.

KENNEDY asks if the previous speaker, MILLSBERG, would be in favor of having the overlay for the "good" category only, the El Capitan mobilehome park being in that category also.

MILLSBERG replies yes, but for the good of the City, each mobilehome park should be looked at to see if they are meeting the standards of today's mobilehomes.

KENNEDY comments to AMBROSE there is nothing that prevents this item from being postponed. How would he feel about a delay?

AMBROSE doesn't think there is any urgency in pushing this along this evening. These are older travel trailer parks and people's lives who live in these parks could be affected. He thinks a solution may be possible to help the owners and the residents also.

LAYCOCK comments that subsequent consistency rezonings have been scheduled.

F. H. SKILTON, 1440 S. Orange, is a tenant in the Villa Novia park. The homeowners of the parks are very worried. He doesn't know why the Planning Commission wants to have another workshop when the staff has given a good recommendation.

The mobilehome owners in all the parks are worried because they keep getting rent raises. They have to have some protection. He sees no reason for a postponement. The reason the spaces are

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AM 20 Ch. 17.55/MH Overlay (continued)

vacant is because the rent is so high. He would like to see the Planning Commission take the bull by the horns. These are nice parks even though some are not up to today's code. He is speaking for the people in his park and other parks as well.

KENNEDY doesn't think anybody in the "good" category will be complaining at all.

SKILTON asks if KENNEDY thinks the residents in the "fair" areas will be affected.

KENNEDY is having a problem because this is a subjective thing. He doesn't know if the residents would agree with the ordinance change.

SKILTON states the residents want some protection.

LAYCOCK points out this action tonight is not putting an overlay on anything, it is simply to set up the overlay zone which will be applied in subsequent rezonings.

Jerry HOUIVIAN, 6055 E. Washington St. Ste. 305, Los Angeles, owns the Acacia Mobilehome Park. He does not think the basis of the staff report is a good one. The survey of the condition of these parks was done in 1987 and a lot has been done during the last few years. What are travel trailers--they are for people who come and go. The report states the overlay zone is to retain these parks.

He doesn't have anything against the tenants but he feels he is being penalized because people who don't take care of their parks are not being put in an overlay zone. He thinks it is all wrong and totally unfair.

AMBROSE finds it obvious that a mobilehome is not necessarily the only vehicle at a mobilehome park; there are RV parks and there are coaches that are fixed in place, and then there are transient residents. He is not sure he is comfortable with the proposed ordinance. If the Planning Commission is uncomfortable with it, it must find out what it is all about before passing it on to the City Council. He thinks a workshop of at least one day is needed to explore the City's direction and define goals more clearly.

BUTCHER feels the goals as set forth by the staff have been looked at from staff's perspective. Sometimes the criteria might not achieve what they are trying to attain. She agrees with AMBROSE that the Planning Commission should be comfortable with this ordinance change before passing it on to the City Council and that a workshop is needed. There is a new commissioner on

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AM ZO Ch. 17.55/MH Overlay (continued)

the Planning Commission, and before she came on board she was the new commissioner, and she is not comfortable with this ordinance change at this time.

KENNEDY states anytime the overlay zone is levied on a property, it will come back before the Planning Commission for a change of zone.

Doug MUNSON states based on what he has just heard, he implores the Planning Commission for a second workshop. Regarding the comments that this is only an overlay, that same thing was said about the General Plan amendment. It is very important for the Planning Commission to feel 100% comfortable with its recommendation to the City Council.

MUNSON asks the Planning Commission to request staff to do something a little different--prepare incentives for owners to keep mobilehome parks in existence. If this overlay is important, he doesn't understand the sense of a downzone.

What is the City's idea of the future of the parks in the four columns of the chart? He thought it was to preserve low and moderate income housing, but the broad picture must be viewed. Essentially, those people will lose their homes.

KENNEDY states this action is saying the older parks are terminal, some immediately, and not protecting them with the overlay zone. He is not in opposition to some kind of a workshop. There are some issues that need to be worked out. He doesn't know whether or not to involve Council.

SANTOS would welcome a workshop since he is new and so much is at stake.

AMBROSE proposes a workshop to include the City Council if they wish to participate.

KENNEDY thinks it would be nice to have their input.

KENNEDY feels brown bag luncheons are too quick; that much time would be needed just to define the issues.

AMBROSE suggests having staff set up the workshop.

KENNEDY thinks the people who participated in tonight's meeting could be invited, as well as the mobilehome owners.

LAYCOCK wonders if that would be a workable workshop. There could be 150 to 200 people present.

AM 20 Ch. 17.55/MH Overlay (continued)

KENNEDY states if the people present tonight would attend, there would be six or seven strong speakers to represent both sides. No decision will be made at this workshop.

SKILTON returns and wants to be sure some of the homeowners are notified also as well as the park owners.

KENNEDY states that is very difficult for the City to do. It could recommend that the owners notify the people if they want to. SKILTON would be in a position to spread the word and his name will be on the list. It is beyond the scope of the staff to notify the tenants.

SKILTON feels the owners should be required to notify the tenants. How will the residents of parks other than his know about the meeting?

KENNEDY states the City has a relatively small conference room and he doesn't want 100 people to attend.

SKILTON thinks if 10 owners are present, 10 residents should be. No one knows about this meeting tonight because only the owners were notified. The Senior Planner could ask the managers to notify the tenants.

LAYCOCK states the City has no access to tenant lists.

KENNEDY states that may create a large group of people and thinks that would kill the workshop. This is just an informational thing. The Planning Commission understands elderly, fixed income people cannot get out and that they feel in jeopardy because their futures are at stake. SKILTON can portray that feeling at the workshop. The overlay zone itself can best be tackled by the owners. He would like some input from residents, however.

CHAPMAN returns and says they can get together several people who are interested and keep it from being a circus. They are not passive owners.

In reply to KENNEDY, LAYCOCK advises the next open meeting is November 18. He is not certain that would allow enough time to organize a workshop. He thinks 60 days would be better.

KENNEDY sees no real urgency. He wants to do it correctly. He suggests 60 days with a workshop and a continuance of tonight's meeting to December 2, 1991.

AMBROSE suggests CHAPMAN and SKILTON get an idea of the interest of the people.

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AM ZO Ch. 17.55/MH Overlay (continued)

No one else comes forward to speak on this item.

Motion by AMBROSE, seconded by SANTOS to CONTINUE the public hearing on Amendment of the Zoning Ordinance - Chapter 17.55 Re: Mobilehome Overlay Zone to the meeting of December 2, 1991, with staff to initiate a workshop in the interim with the Planning Commission and City Council, with notification to tonight's speakers; carries 3-0, BROWNING absent, LUTCHER abstaining.

MOBILEHOME OVERLAY ZONE (MH) - CHAPTER 17.55

Sections:

- 17.55.010 Intent and purpose.
- 17.55.020 Conditional use permit.
- 17.55.030 Locational considerations.
- 17.55.040 Design considerations.
- 17.55.050 Mobilehome park site size.
- 17.55.060 Density.
- 17.55.070 Development standards.
- 17.55.080 Mobilehome subdivision.
- 17.55.090 Closure of mobilehome park.
- 17.55.100 Application to existing mobilehome parks.

17.55.010 Intent and purpose.

The intent and purpose of the mobilehome overlay zone is to establish standards and criteria to be used in the development of new mobilehome parks and to be applied to existing mobilehome parks which have been found to closely satisfy these standards and criteria.

These standards are intended to assure a suitable living environment for those persons residing within a mobilehome park as well as to assure the compatibility of the mobilehome park with the surrounding area. This section is intended to complement Chapter 5 of Title 25 of the California Administrative Code, and, unless otherwise specified, the provisions of Title 25 shall apply.

17.55.020 Conditional use permit.

- A. A conditional use permit shall be required for mobilehome park development under the following conditions:
 - 1. Development of a new mobilehome park;
 - 2. Modification or expansion of an existing mobilehome park.
- B. All existing mobilehome parks which do not comply with all of the provisions of this chapter or which are annexed into the City after January 13, 1977, shall be designated as lawful nonconforming uses, as that term is used in Chapter 17.68 of this title, unless they subsequently comply with all provisions of this section.

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- C. When a difference occurs between the standards and criteria of this chapter and the regulations of the underlying zone classification, the standards of this chapter shall apply.
- D. When applying for a conditional use permit pursuant to the provisions of this chapter, the applicant shall submit the following:
 - 1. Completed conditional use permit application;
 - 2. Plot plan indicating the following:
 - a. Each mobilehome lot, numbered and dimensioned,
 - b. Streets or driveways with dimensions,
 - c. Ingress and egress,
 - d. Parking areas, numbered and dimensioned,
 - e. Open space, with usable open space distinguished,
 - f. Storage yard,
 - g. Trash areas,
 - h. Walls and fences,
 - i. Park lighting plan,
 - j. Recreational amenities,
 - 3. Landscaping plan;
 - 4. Grading plan.

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17.55.030 Locational considerations.

Mobilehome parks, regardless of the underlying zone reclassification, should be located on a major street, either a primary or secondary thoroughfare. Additional consideration should be given to locating mobilehome parks in close proximity to shopping, neighborhood parks, schools, public transportation and other residential support facilities.

17.55.040 Design considerations.

A mobilehome park should be designed and developed in a manner that is compatible with and complementary to existing and potential residential development in the immediate vicinity. In addition, the design should relate to the natural topography and environment of the property and surrounding properties so as to minimize any possible disturbances and dislocations.

17.55.050 Mobilehome park site size.

Each mobilehome park shall be not less than five acres in size.

17.55.060 Density

The maximum number of mobilehomes shall not exceed the density established by the following table. The net lot area is the lot area that remains after all dedications for public streets along the exterior property lines of the mobilehome park have been made. The right-of-way of private or public streets within the mobilehome park may be included in the net lot area.

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<u>Underlying Zone</u>	<u>Maximum Number of mobilehomes</u>
R-E-40	Net lot area divided by 40,000 sq. ft.
R-E-20	Net lot area divided by 20,000 sq. ft.
R-S-14	Net lot area divided by 14,000 sq. ft.
R-S-9	Net lot area divided by 9,000 sq. ft.
R-1-6	Net lot area divided by 6,000 sq. ft.
R-2-R	Net lot area divided by 6,000 sq. ft.
R-2	Net lot area divided by 5,400 sq. ft.
R-3-R	Net lot area divided by 4,350 sq. ft.
R-3	Net lot area divided by 4,350 sq. ft.
R-4	Net lot area divided by 4,350 sq. ft.
R-5	Net lot area divided by 4,350 sq. ft.
R-P	Net lot area divided by 4,350 sq. ft.
PRD low, low	Net lot area divided by 20,000 sq. ft.
PRD low	Net lot area divided by 4,350 sq. ft.
PRD low-medium	Net lot area divided by 4,350 sq. ft.
PRD medium	Net lot area divided by 4,350 sq. ft.
PRD high	Net lot area divided by 4,350 sq. ft.

17.55.070 Development standards.

A. Mobilehome Lot Size - Minimum mobilehome lot size shall be determined using the following formula:

1. The width of the lot shall be a minimum of 26 feet more than the width of the mobilehome. The width of the lot shall be measured at the midpoint of the front and rear mobilehome lot lines.
2. The depth of the lot shall be a minimum of 10 feet more than the length of the mobilehome.
3. Every mobilehome lot shall have a minimum frontage of 30 feet on an interior mobilehome park street or driveway.

B. Mobilehome Setbacks - Minimum setbacks for mobilehomes, measured from the body of the mobilehome, shall be as follows:

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1. Twenty-five feet from a primary or secondary thoroughfare or wider street;
2. Fifteen feet from any other adjacent public street;
3. Twenty feet from any property line not adjacent to a street;
4. Five feet from any street or driveway right-of-way within the mobilehome park;
5. Five feet from any side mobilehome lot line.
6. Five feet from any rear mobilehome lot line;
7. Mobilehome accessory structures shall observe a minimum setback of three feet from any side or rear mobilehome lot line.

C. Lot Coverage - The maximum mobilehome lot coverage, including the mobilehome and all accessory buildings or structures, shall not exceed 75 percent of the total mobilehome lot area.

D. Walls/Fences.

1. A solid masonry wall or view-obscuring fence six feet in height or a landscaped buffer strip 20 feet in depth shall be required along all exterior property lines adjacent to a public street. The wall shall observe the same exterior yard setbacks as required by the underlying zone classification.
2. Solid walls or fences six feet in height shall be required along all interior property lines except in those cases where adequate buffer screening between the mobilehome park and adjacent property is provided through landscaping or topographic features.

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MOBILEHOME OVERLAY ZONE (MH) - CHAPTER 17.55

E. Parking Requirements.

1. Required parking shall be two spaces for each mobilehome lot, located on the mobilehome lot and with minimum dimensions of 20 feet by 20 feet for each space. Tandem parking may be permitted; however, no parking space may be located within the five-foot front setback between the street or driveway right-of-way and the mobilehome.
2. One guest parking space for each three mobilehomes located within 400 feet of the farthest lot. Guest parking may be permitted within the mobilehome street or driveway right-of-way if it has been designed to accommodate on-street parking.
3. Supplemental parking shall be as follows:

One parking space for each five mobilehome lots for the first 50 lots, with the spaces to be located adjacent to the recreation or community center, if one is provided. Above 50 lots, one additional space for each 10 mobilehome lots shall be required.

F. Private streets or driveways.

Private streets or driveways within the mobilehome park shall be a minimum of 25 feet wide with no on-street parking. The minimum width shall be increased to 32 feet if parking is permitted on one side, and 40 feet if parking is permitted on both sides.

The minimum corner radius for all intersecting streets shall be 25 feet. The structural design and construction of the streets or driveways shall comply with the requirements of the City's street improvement standards.

MOBILEHOME OVERLAY ZONE (MH) - CHAPTER 17.55

G. Pedestrian walkways.

A system of paved pedestrian walkways, other than the private streets or driveways, should be provided to link mobilehome lots with other mobilehome lots, common areas, recreation areas and service facilities. The walkways shall have a minimum unobstructed width of four feet.

H. Open space and recreational areas.

Open space area(s) with a minimum total area of 400 sq. ft. of open space per mobilehome lot shall be provided within the mobilehome park. At least one-half of the open space area shall be usable with a slope of not more than 2.5 percent. Usable open space shall not include land occupied by buildings, structures, streets, driveways or parking areas.

Usable open space may be occupied by recreational facilities, including but not limited to swimming pools, golf courses, tennis, basketball, volleyball and badminton courts, children's play areas, walks, trails and picnic areas.

All usable open space not occupied by recreational facilities shall be landscaped and provided with a permanent, underground irrigation system.

I. Landscape areas.

All areas within a mobilehome park not used for streets, driveways, parking structures, buildings and service areas shall be landscaped and permanently maintained.

All areas between the required exterior masonry wall(s) and the public right-of-way shall be landscaped.

All required landscape areas shall consist of a combination of trees, shrubs and ground cover. A detailed landscaping plan, including the type, size and location of all plant materials, and a permanent, underground irrigation system, shall be required as a condition of approval.

CITY OF EL CAJON
ZONING ORDINANCE

MOBILEHOME OVERLAY ZONE (MH) - CHAPTER 17.55

J. Storage area.

A common storage area shall be provided within the mobilehome park at a rate of 50 square feet for each mobilehome lot. The purpose of this area is to store such items as recreational vehicles, boats, trailers and other large items not conveniently stored on individual lots (not to include furniture, appliances or other such items not normally stored outside).

The storage area shall be paved and enclosed by a solid wall or view-obscuring fence that is a minimum of six feet in height. The exterior perimeter of the storage area shall be heavily landscaped. Recreational vehicles, boats, trailers and other large items shall not be stored on individual lots, on private streets or parking areas designated for automobile parking.

K. Service buildings and facilities.

Service buildings and facilities, including but not limited to toilet and laundry facilities, shall be conveniently located throughout the park. No service building shall be located closer than 20 feet to any abutting property.

L. Trash and recycling areas.

Centralized trash and recycling areas with enclosures are required to be located throughout the park. All enclosures shall be constructed in accordance with the standards of the City.

Individual trash and recycling containers may be permitted, subject to approval of the franchised refuse collection company.

M. On-site lighting.

On-site lighting in accordance with Section 17.64.205.

-80-

CITY OF EL CAJON
ZONING ORDINANCE

MOBILEHOME OVERLAY ZONE (MH) - CHAPTER 17.55

N. Utility lines.

All utility lines, including water and sewer facilities, electric, gas, telephone and television distribution systems, shall be placed underground.

All mobilehome lots shall be served with water, gas, electricity and sewer connections.

O. Signs.

Signs shall meet the requirements of the underlying zone classification. One additional sign identifying the entire mobilehome park may be approved by the Planning Commission, with the sign area not to exceed 48 square feet per face.

P. Lot numbering.

Each lot within a mobilehome park shall be appropriately numbered or lettered. The numbers or letters shall be placed on appropriate markers located at a point near the front of each mobilehome lot. The lot lines of each mobilehome lot shall be permanently defined by corner markers or other suitable means.

17.55.080 Mobilehome subdivisions.

A new mobilehome subdivision or the conversion of a mobilehome park to a mobilehome subdivision shall be processed as a planned unit development in lieu of requiring a conditional use permit. The development shall comply with all the requirements of Chapter 17.54 (Planned Unit Development) in addition to the requirements of this chapter. Where a conflict arises between the requirements of Chapter 17.54 (Planned Unit Development) and Chapter 17.55 (Mobilehome Overlay Zone), Chapter 17.55 shall apply. Notwithstanding the above, the following additional design features shall be considered when reviewing a mobilehome subdivision:

- A. Lot orientation to maximize views, to take advantage of local climatic conditions and to increase liveability;
- B. Variation and sensitive placement of mobilehome units on the lots both for visual appeal and resident use;

CITY OF EL CAJON
ZONING ORDINANCE

MOBILEHOME OVERLAY ZONE (MH) - CHAPTER 17.55

- C. Provision for a small private area for each individual lot;
- D. Utilization of natural topography and vegetation in placement of individual lots, streets, common open areas and service facilities.
- E. Exterior appearance of the mobilehome units including finish, roof treatment and skirting of the undercarriage.

17.55.090 Closure of mobilehome park.

Prior to the closure of a mobilehome park that would result in the displacement of existing mobilehome residents, the property owner/applicant must initiate and successfully amend the General Plan to delete the "M" overlay designation and initiate and successfully rezone the subject property to delete the "MH" overlay zone.

In addition, a tenant impact report, prepared pursuant to Sections 65863.7 and 66427.2 of the Government Code, shall be submitted with any other required applications and considered by the Planning Commission and City Council in making any decisions affecting the closure of the mobilehome park.

17.55.100 Application to existing mobilehome parks.

Existing mobilehome parks which do not satisfy all of the above-referenced criteria and standards may still receive the mobilehome overlay zone based upon the consideration of, but not limited to, the following criteria:

- age of park;
- density;
- space size;
- percentage of spaces occupied by RVs and travel trailers;

CITY OF EL CAJON
ZONING ORDINANCE

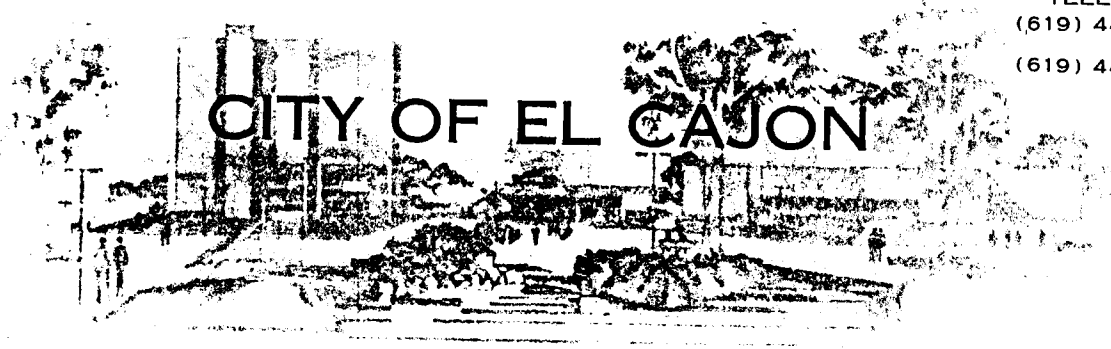
MOBILEHOME OVERLAY ZONE (MH) - CHAPTER 17.55

the percentage of single-wide spaces;

the presence of amenities such as swimming pools,
clubhouses or recreational facilities;

park facilities such as parking, street or road widths
and sidewalks; and

available utilities, such as gas, electricity and
sewers.



Dec 31, 1991

Edy Mason
187 Ballard Sp #103C
El Cajon CA 92019

The City of El Cajon is in the process of developing an overlay zone for mobilehome parks. In order to determine which existing parks would be considered for the overlay zone, it is necessary to develop criteria with the use of information obtained by a survey.

The criteria will be adopted after a public hearing is held by the Planning Commission. A date has not yet been set, but if you are interested please let me know.

Your assistance in completing the attached questionnaire is appreciated. You may be contacted for follow-up information or clarification.

If you have any questions, please call me at 441-1742.

CITY OF EL CAJON

James S. Griffin
James S. GRIFFIN, Acting
Director of Planning

JSG:rd

JANUARY, 1992
MOBILEHOME SURVEY QUESTIONS

NAME OF PARK: Chieftain Mobilehome Park

STREET ADDRESS: 187 Ballard Street

- 1. Age of Park (years) Apx 38 yrs
- 2. Total Number of Spaces 130
- 3. Total Number of Spaces Occupied by Mobilehomes 76*
- *4. Total Number of Spaces Occupied by RVs or Travel Trailers 29
- 5. a) Total for RV, TT's only 5
Total Number of Spaces Occupied by Permanent Residents 124
- 6. a) Vacant Spaces 6
Number of "Single-Wide Spaces" 127
- 7. Number of "Double-Wide" Spaces 3*
- 8. Swimming Pool? Yes No
- 9. Club House? Yes No
- 10. Other Recreation Activities? (Please List) Pool table,
"Kid's night out", Pot-luck
dinners & Art's & Crafts?
- 11. Are the Park Streets Paved? Yes No
- 12. Are there Paved Sidewalks Within the Park? Yes No
- 13. Does each Mobilehome Space Have Paved Parking Spaces for the Exclusive Use of that Resident? Yes No
- 14. If the Answer to #13 is yes, How Many Mobilehome Spaces Have:
One Paved Parking Space? 124
Two or More Paved Parking Spaces? 6
- 15. How Many Spaces Have Piped-In Natural Gas? 130

Thank you for your assistance. Please return by January 20, 1992 in the enclosed self-addressed envelope.

Name of Person completing survey Edy Mason, Assoc. Reg. Mgr., GSMOL

Telephone Number 579-5167 (If we need to contact you).

**Please see attached list of major repairs and replacement to all utilities, streets, etc., which has been completed within the last year, bringing them up to code (TTL25, H & S codes).

*Total number of Spaces occupied by RVs or Travel Trailers, which could accomodate 8 x 40' mobilehome. 19

CHIEFTAIN MOBILEHOME PARK

Repair Summary as of January 16, 1992

<u>Repair</u>	<u>Cost</u>
Miscellaneous Repairs to Mobilehomes Viva, Shoemaker	\$ 2,959.00
Landscaping and Tree Trimming Gomez Tree Service	8,751.00
Electrical System Repair; Lighting Repair and Installation Turpin & Rattan; Ziegler	58,858.00
Refurbish Gas Distribution System DEC	3,364.70
Hot Asphalt Street Resurfacing & Paving Alpine	43,800.00
Gas Utility Installation & Repair (Isolators & Meter Supports) DV	10,360.00
Installation of Sewer System Pipeline	6,885.00
Concrete, Fencing, and Set Sub-Panels Pacific Construction	8,305.00
Light Meter Installation & Readings El Cajon	3,910.00
Pacific States Gas & Water	8,518.00
Other Miscellaneous Payments to Sub- Contractors (Dr. Jungman); Plumbing, Refuse Removal, Trenching (labor), Equipment Rental, Electrical Materials and Support, Sewer System	<u>20,508.46</u>
TOTAL	\$176,219.16

ENDEMAN, LINCOLN, TUREK & HEATER

RONALD L. ENDEMAN
DONALD R. LINCOLN
KENNETH C. TUREK
HENRY E. HEATER
DAVID SEMELSBERGER
JAMES C. ALLEN
WILLIAM G. GILLESPIE
LINDA B. REICH
J. REED SMITH
JEFFREY D. MANSUKHANI

ATTORNEYS AT LAW
600 "B" STREET, SUITE 2400
SAN DIEGO, CALIFORNIA 92101-4508

TELEPHONE
(619) 544-0123
FACSIMILE
(619) 544-9110

January 16, 1992


Ms. Edy Mason
Chieftain Mobilehome Park
187 Ballard St., Sp. 103-C
El Cajon, CA 92019

Re: Chieftain Mobilehome Park Repair Summary
as of January 16, 1992

Edy:

Enclosed, as you requested, is the billing summary for repair work on the Park. Please contact me should you need any other information.

Sincerely,



Barbara Crum
Legal Assistant

BC/mcc
Enclosure
1390.001

March 6 - 1992

Dear Senator Cravens;

WE NEED your help!

My trailer is not just a trailer or a recreational vehicle, it is my home, my sanctuary.

I have Lupus and cannot afford to live any other way.

My rights are being grossly violated, many are being treated like second class citizens.

We resided in my R.V. park for 7 years and have been an excellent tenant, my bills, my rent are always paid on time.

Please help us!

Thanking you in
advance

Diana Brown

15141 Hwy 80

Sp J-B

Flynn Springs

El Cajon, Ca 92021



February 21, 1992

Diana Brown
15141 Old Hwy 80, #2B
El Cajon, CA 92021

Dear Ms. Brown:

We received your letter concerning the monthly charge for more than one dog. I assure you that we studied the situation very carefully before making a decision on this. We feel that it does favor the majority of tenants and is in the best interest of the tenants.

Regarding the Mobile Home Residency Law, of which you enclosed a copy of, please be advised that as of January 1, 1991, the Mobile Home Residency Law no longer applies to RV parks.

We are so sorry if this has inconvenienced you, but again, we have to make our decisions in the best interest of the total park population.

Thank you for your input. All tenant comments are taken into consideration.

Sincerely,

Ginny Lynch
Controller



HOLIDAY RANCH RV PARK

DECEMBER 30, 1991

TO: ALL TENANTS

RE: "HOLIDAY RANCH RV PARK RULES" CHANGE

EFFECTIVE: FEBRUARY 1, 1992

TENANTS WILL BE ALLOWED TWO (2) PETS ONLY PER SPACE. EACH SPACE WILL BE ALLOWED 2 DOGS OR 2 CATS OR 1 DOG AND 1 CAT. FURTHERMORE, THERE WILL BE A \$25.00 A MONTH CHARGE FOR THE SECOND PET. ALL PETS MUST BE REGISTERED WITH THE OFFICE AND APPROVED BY THE MANAGER AND EVERY CAT OWNER WILL SHOW THE MANAGER PROOF THAT THE CAT HAS BEEN SPAYED OR NEUTERED. CAT TRAPS WILL BE SET AS NECESSARY TO RID THE PARK OF EXCESSIVE CATS.

FAILURE TO COMPLY WITH THIS RULE WILL RESULT IN TERMINATION OF TENANCY.

AS A REMINDER, PLEASE BE SURE TO CLEAN UP YOUR DOGS' DROPPINGS BOTH IN YOUR SPACE AND ALL COMMON AREAS. IF MANAGEMENT HAS TO DO IT, THERE WILL BE A FEE CHARGED.

THANKS FOR YOUR IMMEDIATE ATTENTION TO THIS .

HAPPY NEW YEAR!

SINCERELY,

CAMP-LINE, INC.

Nov. 21, 1991

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AN OPEN LETTER TO ALL OUR LAWMAKERS:

DEC - 2 1991

There is definitely something very wrong with our laws and Justice (?) system!

For instance, are you aware of the gross injustice being done to the residents of our Mobilehome Parks? If not, you should be! These conditions are seriously affecting our elderly, disabled and poor who are desperately trying to exist on fixed incomes and low incomes. Many of these people are being forced from their homes and have no other place to go. We do not need more homeless, hungry, and sick people on our streets!

The time has come for you to set aside the desires of the wealthy and greedy and do something to protect the elderly and needy. We too, are entitled to affordable homes, decent living conditions, food and medical care.

We are not asking for welfare. We are willing to struggle along on our low incomes, but your tax structures and budgets and laws do not allow us to do so.

The need for action regarding the plight of the people living in Mobilehome Parks is URGENT and NOW! We cannot wait for "somewhere down the road" while the greedy landowners are forcing us from our homes because your laws protect them and not us.

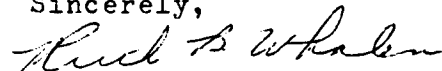
We need IMMEDIATE action on your part to at least put a 'hold' on the practices now being used, in accordance with your existing laws, to force us from our homes and submit us to further poverty. Something is very wrong when your laws are not defined clearly enough to enable a Judge to make an accurate decision.

The issue at hand is to define our rights and the protection of the smaller, permanent mobilehomes. We do not have large, spacious mobilehomes. We have small, 'efficiency' mobilehomes. None-the-less we are not R. V.'s. We do not go traveling and camping in our homes. They are our permanent, lifetime residences. We do not understand why a smaller home can be evicted from a park space that will not accommodate a larger home and another small home can be brought in and sited on that same small space. For this practice to be allowed to occur only in order for the greedy landowner to by-pass a rent control ordinance and receive a higher space rent, is neither fair or just.

The Mobilehome Residency Laws need to be reviewed, clarified and revised very QUICKLY in order to save our homes, and we trust that you will do your utmost to provide us with the protection that we are so desperately in need of and put a stop to the unfair practices being used by our wealthy landowners.

We may be small, but we are many, and we also pay taxes and vote!

Sincerely,



Ruth B. Whalen
514 Morse St. Sp. 28
Oceanside, Ca. 92054
(619) 439-6148

Please note 2 enclosures.

To whom it may concern:

We, the homeowners at Catalina Mobile Estates, 514 Morse St. Oceanside, Ca, wish to call your attention to a pattern of intimidation harassment; and extortion now existent in our park.

Since the inclusion of our park under rent control, City Ordinances #91-37 and 91-38 effective Sept.1991, the following **NOTICES OF EVICTION HAVE BEEN SERVED:**

- #8 Douglas and Louise Schrann
- #32 John Ronsee/Victorine Hamilton
- #33 Del Phillips
- #28 Ruth Whalen
- #44 Larry Canavan
- #54 Nancy Craig

We feel that these notices of eviction are retaliatory, as three of the above persons gave testamony at city hearings resulting in the ordinances cited above. More-over, there are no grounds for these evictions. Park owners are using 30 day notices at random, using any pretext to challenge residency law and its legislative intent. 90% of the homes in our park are 8 wides but most have been here over twenty years. These are our homes: And we are being turned out. Our homes, our property have been deliberately destroyed in the attempt to harass and intimidate us and defy State and City Statute.

As of Feb. 1st Status of individual cases cited above:

- #8 Park drops action in exchange for signing of 30 year lease for \$300.00 per month (previous rent \$167.00).
- #32 Hearing scheduled January 21 District II. Judge David Ryan Judgement for defendant Ronsee/Hamilton.
- #33 7 day notice served January 30
- #28 Could not reach Ruth Whalen.
- #44 Hearing January 14. Judge David Ryan. Judgement for eviction -- Attorney not cognizant of Chapter 2.5 -- inadequate defense.
- #54 No Action.

As an act of deliberate extortion - the unit at space #44 - owned by Ann Young was destroyed.

This unit (8X25 feet) had an attached glass encased cabana, 8X16 with ceramic floor.

This unit was purchased by Young from Larry Canavan (see eviction Space 44, above) (see sales agreement dated Sept 3rd) price was reduced on distress sale to \$500.00 after notice to vacate was posted.

Management was advised of change in ownership Jan. 25. (Young's family will testify)

Del Phillips
514 Morse St. Sp# 33
Oceanside, CA. 92054

January 27, between hours of 2-3:00 PM, **WHLE** park residents attended a meeting where Melba Bishop was scheduled to speak, Manager, Terry Miller, acting on instructions from park owners, broke connection between units, removed supports under unit and tilted unit over to such a degree that unit was uninhabitable and access to coach was impossible for Young, age 69.

Young called police. But according to her recollection, the "Dispatcher" told her that police **COULD TAKE NO ACTION.**

Resident calls to news paper, City Attorney, and Legal Aid brought only the news that they were "**UNABLE**" to stop further dismantling of the unit.

Tuesday, January 29th, management jerry-rigged a trailering device and pulled the unit from the park. As no care was taken in this move, it is our belief that plumbing, gas and electrical systems were so badly damaged, that this unit can never be used for human habitation in the future.

PARK STATUS -- 1991

Approximate age in parenthesis
** Residents before sale of park

Space No.

- ** # 1 Shirley Parson (60) Signed Lease
- # 2 Eviction Executed. Unit and Accessory structures dismantled and removed by buyer at salvage value. Empty Pad. \$350.00 lease demand for tenancy.
- ** #3 Glenda Helms (65) Signed lease
- ** #4 David Norberg
- ** #5 Fred Wethly (65)
- ** #6 Jean Berry Signed lease
- ** #7 Jean Ryan Signed lease
- ** #7A Marie Bergeson (94) Signed lease
- ** #8 Doug and Louise Schwam and baby (11Mos) Signed lease in exchange for drop of eviction action. (Deposition on file).
- ** #9 Travis and Sheri Clark
- #10 Ruth and Terry Miller Manager
- ** #11 Ernestine Acosta (65+)
- ** #12 Joe Herrick (80+)
- #13 No such space
- #26 Empty Pad. Previous owner will testify (Dick Taylor). \$350.00 lease as condition of tenancy.

- ** #27 Leta Babcock (95)
- ** #28 Ruth Whalen Notice of eviction (retaliatory) No Cause.
- ** #29 Dorothy Arrington (65)
- ** #30 Empty Pad. \$350.00 lease required for tenancy.
- ** #31 David Love Assistant Manager
- ** #32 Victorine Hamilton/John Ronsee co-Owners Notice of eviction (retaliatory) Quinton Tennant -- Buyer --Buyer seeks protection under City Ordinance -- Park denies tenancy.
- ** #33 Del Phillips (72) Notice of eviction. Will testify to retaliation and harassment.
- ** #34 Ray Thexton (50+)
- #35 Motor-home on lease
- ** #47 Ted Lynch (70+)
- ** #48 Connie Warren (55+)
- ** #49 Ruth Webber (75+)
- ** #51 Clell and Viola Scott (85+) Signed lease
- ** #50 Lester Coats (40)
- #52 Jan and Steve Warren (50+) Will testify to misrepresentation on lease to move in.
- ** #53 Kay Schrubner (70+)
- ** #54 Nancy Craig (45+) Will testify to assault and battery.
- ** #55 Gretchen Phillips (45+)
- ** #56 Louise Dezso (85) Parkinsons disease.

SEVEN (7) DAY NOTICE
TO COMPLY WITH RULES AND REGULATIONS

CATALINA MOBILE ESTATES INC,

TO: DELL PHILLIPS Space 33 Phone 439-3496
(Resident's Name)

and to all Resident(s) in possession of the mobilehome or premises located at 514 MORSE ST. Sp. #33
(Address/Space No.)
OCEANSIDE, CA. 92054

WITHIN SEVEN DAYS, after service on you of this notice, you are required to comply with the following Rule(s) and/or Regulation(s) of the Park:

Rule No. 13, which states: NO STRUCTURE, CEMENT ANTENNAS, ACCESSORY EQUIPMENT OR FENCE MAY BE INSTALLED OR SIGNIFICANTLY MODIFIED WITHOUT THE PRIOR WRITTEN PERMISSION OF THE PARK. NO MOBILEHOME OR RECREATIONAL VEHICLE ELECTRICAL RATING SHALL EXCEED THE PARK'S SOURCE OF SUPPLY TO THAT HOME SITE. NO APPLIANCE OF ANY KIND MAY

Rule No. 13 ^{CONTINUED} which states: BE INSTALLED ANYWHERE WITHIN THE PARK WITHOUT THE PARK'S WRITTEN PERMISSION INCLUDING WASHERS, DRYERS, ELECTRIC STOVES OR AIR CONDITIONING EQUIPMENT.

Structure: Cited in this Notice is a HOT WATER Heater - if Homeowner required to remove, THIS becomes a Health & Safety Issue.

THIS NOTICE IS INTENDED AS A SEVEN DAY NOTICE TO PERFORM COVENANTS AS PROVIDED BY CALIFORNIA LAW AND IS THE 1st NOTICE OF A VIOLATION OF THE ABOVE-MENTIONED RULE(S) AND/OR REGULATION(S) DURING A TWELVE MONTH PERIOD.

Failure to comply with the above-mentioned rule(s) and/or regulation(s) may result in legal proceedings to terminate your tenancy as provided in Section 798.56 of the California Civil Code.

Dated: 1-30-92

Terry Muth
Park Management

Jobless man fears eviction by county

By TOM MAURER
Californian staff writer

HAVILAH — Larry Johnson lives in a ramshackle trailer in this small mountain town that once was home to county government.

He lives on \$111 a month in food stamps and the kindness of a pioneer family. He spends his days feeding chickens, a dog and three cats, and tries not to bother anyone.

But Kern County government, which moved to the big city of Bakersfield in 1874, has discovered Larry and his 35-foot trailer — which apparently is five feet too short to legally call home.

So, unless county government bends its rules, Larry must go.

"If they kick me out of my home, I don't have any place to go," said Johnson, a 62-year-old former motorcycle mechanic. "I'd have to move out into the middle of Caliente-Bodfish Road."

For seven years, he's lived in the trailer on land owned by Jim and Ellen Fluhart, who took him in for no reason other than kindness. The Fluharts' ancestors have been raising children and ranching in Havilah for 100 years.

"I know this law exists so that farm workers don't live in substandard housing," Ellen Fluhart said. "But Larry's just Larry. He didn't have any place else to go, so we told him he could come here. We didn't know we were doing anything illegal."

A county building inspector found Larry and his trailer in August while responding to a complaint from a neighbor that the Fluhart property was run down. The Fluharts admit that during a recent family illness they had not kept up the property.

The Fluharts tried to resolve the situation but could not get the inspector to budge. Late last month, the inspector gave Larry and the Fluharts until March 31 to move the trailer out.

"I'd let him have the trailer and haul it to a mobile



Johnson

Continued from B1
home park, but Larry has no money to pay for rent or utilities," Ellen Fluhart said. Larry's trailer is connected to the Fluharts' utilities and septic tank.

Even though Larry and the Fluharts contacted Supervisor Roy Ashburn's office several times, they never talked to Ashburn himself. Instead, an aide assured them he would help, then they never heard from him again.

Ashburn, after hearing of Larry's plight Tuesday, stepped in and stopped the bureaucratic machinery. The March 31 deadline was rescinded and county government is now trying to find a loophole for Johnson.

"This is government at its worst," Ashburn said. "We have rules and regulations that are so rigid they're actually hurting instead of helping. We already have too many people living in cardboard boxes, and that may be the alternative that we are presenting to this man. He now gets to live in a cardboard box or in a trash bin under the Beale overpass. Is that the way we help somebody?"

Planning Director Ted James said his inspectors are bound by law to respond to complaints and write up any building-code violations.

"Trailers, or recreational vehicles, are just not supposed to be permanent homes," he said. "But I'm researching this to see if we can grandfather him in, since the trailer has been there since 1980, or find some other answer or option."

Johnson says he gets along fine on his food stamps and coupons. He's diabetic and has to travel to Kern Medical Center in Bakersfield, where he is treated under the county's Medically Indigent Adult program.

He left his job as a motorcycle mechanic in San Jose in 1984 for a better job in Santa Maria. But he was laid off within three days and couldn't find another job.

"I've tried to find work, but no one wants to hire someone my age," he said. "One guy told me that if he hired me, his medical insurance would skyrocket. I've done some minimum-wage work, but then they take away my food stamps and I lose money."

Larry was at the end of his rope when he called Jim Fluhart.

"He was a truck driver who delivered motorcycles to my shop," Larry said. "He and I would talk about his land up here. So, when I was desperate, I called him."

"He needed somebody to help him," Jim Fluhart said. "My wife and I talked about it and we decided to take him in. I've never regretted it. He helps out around here and watches over the place when we're gone. He's a member of the family now."

Larry realizes county government still might force him out. And he realizes the Fluharts don't have the money to buy him a mobile home, put in a new septic tank and pay for county permits.

"Only if the county says I have to go would they make me leave," Larry said. "I would be very sad to go, but I wouldn't be angry with the Fluharts. They've been very good to me. They couldn't have treated me any better if I was really part of the family."

"I just don't understand how this happened to me. I wasn't bothering anyone up here."

Mobile-home resident fights eviction

By Evan Dreyer
Staff Writer

OCEANSIDE — John Whalen seems like a happy-go-lucky kind of guy.

At 39, he still exudes the youthful excitement of a teen-ager, talking a mile a minute.

And the stories he can tell, relaying escapades from his travels in Ireland to his days tending bar in San Francisco to his attempts at an acting career. Maybe Whalen hasn't done the proverbial "all," but he's giving it a pretty good shot.

But the past few months have been rough, and he's become a bit jaded. He is, after all, fighting an eviction from his modest abode at the Catalina Mobile Estates mobile-home park at Hill and Morse streets in Oceanside.

"They really should have picked on someone else, someone



Photo / Jennifer Koisky

► See Eviction, Page A-11 John Whalen says landlords 'made a mistake' in trying to evict him.

Eviction

► From Page A-1

weaker," Whalen said, sitting inside his mobile home, which, according to the law, may not be a mobile home after all. "They made a mistake."

The park's owners, including La Jolla real estate broker John Grant, filed an eviction notice against Whalen in February, giving him 30 days to get out of the 57-space park.

While the notice doesn't state a reason for the eviction, Whalen thinks it's because he led an active association of park residents who lobbied for improvements. He was also vocal in trying to extend the city's rent control ordinance to cover the Catalina park.

Grant said he served Whalen, now the North County representative for the California Association of Mobilehome Owners, with the eviction notice after "quite a significant number" of other park tenants complained that Whalen was

harassing them. Grant declined to elaborate.

In any case, Whalen, who is collecting workers compensation from the North County Transit District for a back injury, challenged the eviction and took the case to court.

Whalen claims the eviction was improper for a number of reasons. First, park owners should have given him 60 days to vacate the premises. Second, the eviction should have been for a specific reason — as is required by state law for the eviction of mobile-home residents — such as failure to pay rent or for violating park rules.

Grant and his attorney, Joseph Jewell of Vista, disagree with Whalen, also for a number of reasons. And so far, the courts have sided with them.

A judge from Municipal Court in Escondido ruled in their favor in April and a three-judge panel from the appellate division of San Diego Superior Court upheld the eviction Nov. 15.

Jewell said Whalen isn't protected by the state's mobile-home laws

because he doesn't live in a "mobile home" per se. State codes

say a mobile home must be wider than 8 feet and longer than 40 feet. Whalen's unit is just 8 feet wide, and thus qualifies as a recreational vehicle under state law, Jewell said.

And as a recreational vehicle, Whalen isn't afforded the same protections — such as a 60-day eviction notice with definitive reasons for the eviction — as mobile-home residents, Jewell said.

But Whalen, who has vowed to ask the state 4th District Court of Appeal to hear the case, and other experts on mobile-home law say the state codes aren't that clear.

Nor do the experts agree on what the law says. For example, some experts claim recreational vehicles such as Whalen's are protected as mobile homes if they've been on the same spot for more than nine months.

But other experts say that's only true if the particular tenant has resided there for longer than nine months, not whether the trailer has

been there for longer than nine months.

Whalen's trailer has rested in the same spot for 26 years, but when the eviction notice was filed in February, he'd only lived there for a few months.

Regardless, Whalen said the law is flawed. Under all circumstances his home, the remaining 50 so-called RVs in his mobile home park and other permanent-occupancy RVs throughout the state should be afforded the same protections as mobile homes, he said.

Even Grant admitted the law isn't very clear. "It's really technical and it's really gray," he said. "Some other judge and some other court might go the other way."

And, as Whalen points out, his home is hardly recreational.

"This is a 1951 trailer," he said, "and it was never meant to be hooked up to a car for a weekend trip to Yosemite. They might call this a recreational vehicle, but if you try to recreate in this thing you're not going to get very far."

OCEANSIDE, CA. BLADE-CITIZEN - NOV 29 1991

Rent-control activist fights eviction



Staff Photo / Scott Varley

By Evan Dreyer
Staff Writer

OCEANSIDE — An outspoken resident of a small Oceanside mobile-home park has accused her landlord of trying to evict her because she supports rent control.

"This definitely was a retaliatory thing," said Del Phillips, a resident of the 57-space Catalina Mobile Estate mobile-home park at Hill and Morris streets.

"It's obvious to me he (the park owner) is retaliating against (Phillips)," Councilwoman Melba Bishop said. "Del was very active in advocating for rent control."

Park owner John Grant denies the allegation.

"There were other residents who were just as vocal as her, if not more, about the rent-control issue, and we haven't given them a notice," Grant said.

He said he had no qualms with park residents speaking up in favor of rent control and trying to get the best deal possible for themselves, although he opposes rent control.

Del Phillips says her eviction from Catalina Mobile Estate in Oceanside is an act of retaliation.

► See Eviction, Page B-4

Eviction

► From Page B-1

Phillips, who moved into the park on Christmas Eve 1979, was given her eviction notice Wednesday "for harassment of other homeowners in the park and of the resident manager," Grant said.

He said Phillips was pressuring residents to "do things they didn't want to do," such as not signing a five-year lease.

Phillips and other park tenants had banded together and offered to buy the park from Grant for his \$1.5 million asking price. But Grant said the deal fell apart when residents refused to sign the five-year leases.

Phillips alleges it was her public support for rent control and her advice to residents not to sign the lease that led to her eviction notice,

which gives her 30 days to clear out of the park.

Four other park residents were also given 30-day eviction notices this week for a variety of reasons, Grant said, including failure to pay rent, operating a business — a massage parlor — out of a trailer and subleasing the mobile home.

Earlier this summer, the City Council — at the behest of the outspoken Phillips and several other mobile-home park residents — adopted two ordinances that essentially extended rent control to six of the city's smaller parks, including Catalina.

In the meantime, Grant and the corporation that owns the park had been trying to sell it, advertising that a new owner could benefit from "large rent increases on tenant turnovers," according to a copy of an ad published in the Blade-Citizen Sept. 29.

A prospectus on the park shows

rents could increase from the current \$167 monthly rent to \$300 to \$375 upon tenant turnover.

Park residents typically own their trailer units, but rent space from the park owner.

Acting City Attorney Dan Hentschke said the eviction notices served on Phillips and the other park tenants may not be entirely legal.

For one thing, the notice should have given them 60 days to vacate the premises, he said. Moreover, it doesn't explain the reasons for eviction.

"The eviction notice is defective on its face," Hentschke wrote in a memo to Councilwoman Bishop.

Phillips vowed to fight the eviction notice.

"We're going to take this to court," she said. "We already offered to buy the place to get them out of our hair. But now they want to play hard ball."

Park owner denies code violation

By Evan Dreyer
Staff Writer

OCEANSIDE — The owner of an embattled Oceanside mobile-home park categorically denied allegations Wednesday of violating the city's rent-control ordinance.

City officials have launched a probe into numerous complaints that the owners of Catalina Mobile Estates are serving tenants with retaliatory 30-day eviction notices and forcing tenants to sign long-term leases.

But park co-owner John Grant flatly

rebuffed the accusations Wednesday in a telephone interview from his La Jolla office.

He said no tenants have been pressured or forced to sign the five-year leases, although in May 1991 he did "offer" tenants a chance to sign the lease.

Of the park's 57 homes, only residents of 10 signed, he said.

Nor have prospective or new tenants been pressured to sign the five-year leases, which allow the park to charge higher rents than rent control allows but give tenants the

security of long-term residency.

Under rent control, Catalina tenants pay an average monthly rent of \$180. Tenants who signed the five-year lease in May pay \$199 a month and any subsequent tenant who signs a lease would pay \$295, according to Grant.

The city amended its 1984 rent-control ordinance in October, expressly prohibiting park owners from forcing prospective or current tenants to sign these long-term leases.

► See Owner, Page A-9

Owner

► From Page A-1

es — known as Greene-bill leases named after state Sen. Leroy Greene, D-Sacramento.

Despite complaints from tenants and the city's apparent belief something may be amiss at the park, Grant denied pushing Greene-bill leases on anyone in violation of the

city's codes.

Additionally, Grant also denied serving tenants with so-called "retaliatory" eviction notices. He said a few tenants have been served with eviction notices, but not in retaliation for their refusal to sign the long-term leases, outspoken support of rent control or cries for improvements within the park.

Nevertheless, he said he has decided to drop eviction proceedings against two tenants, Ruth

Whalen and her son, John.

"Certainly we appreciate Mr. Grant's action on that," acting City Attorney Dan Hentschke said. "And we hope he'll comply with the rest of our ordinances. But as to whether (his dropping the evictions) proceedings against the Whalens will have a bearing on our investigation, I'll have to refer you to (Deputy City Attorney Joe Stine)."

Stine could not be reached for comment.

Asked why — if his park has not violated city laws, as he contends — the city is pursuing the park so vigorously, Grant replied:

"Maybe because we're new owners, and they (city officials) feel they have to beat us down like every other park owner in the city."

Grant said he's currently negotiating to sell the park and is "pretty close" to closing the deal.

Previous advertisements list the sale price as \$1.5 million.

Oceanside Blade - Citizen

January 23, 1992

Front Page

Owners of park face legal action

By Evan Dreyer
Staff Writer

OCEANSIDE — A small Oceanside mobile-home park, accused of “blatantly” violating the city’s rent-control ordinance, faces possible legal action by the city attorney, officials said Tuesday.

Several tenants of the Catalina Mobile Estates mobile-home park have complained to the city that the park owners have attempted to illegally evict them and have pressured tenants to sign long-term leases, according to Oceanside Housing Director Richard Good-

man, acting City Attorney Dan Hentschke and Deputy City Attorney Joseph Stine.

Goodman said the owners are “blatantly telling the city, ‘In your face.’”

“We’re investigating the complaints, and if necessary we’ll take appropriate action, which could mean prosecution,” Stine said. The city’s probe should be finished in 10 days, he said.

Neither park owner John Grant nor his Vista attorney, Joseph Jewell, could be reached for comment

► See Mobile homes, Page A-9

Mobile homes

► From Page A-1

Tuesday. The park is located at Morse and Hill streets.

Stine said he also is drafting an emergency ordinance for City Council consideration next week to supplement state eviction laws.

According to Stine, Hentschke and Goodman, numerous tenants — including Ruth Whalen — are accusing Catalina’s owners of retaliatory eviction practices because they openly supported rent control or vocally sought improvements for the park.

Legal Aid attorney Catherine Rodman, representing Whalen, said Tuesday the 30-day notice served on her client and others in the 57-space park is illegal for two reasons: state law calls for 60-day notices, and the notices must specify why the tenant is being evicted, such as for failing to pay rent or violating park rules.

But some courts have ruled that

state law only provides those protections to residents of mobile homes, and a mobile home is defined as having dimensions larger than 8 feet wide and 40 feet long.

Whalen and many other tenants, however, live in what state codes describe as recreational vehicles, which are smaller than the 8-by-40-foot dimensions.

Whether recreational vehicles are afforded the same protections as mobile homes is debateable. In the case of Whalen’s son, John, evicted from Catalina last February, municipal and superior court judges have said no, they’re not.

So at Legal Aid’s urging, Stine is drafting an emergency ordinance that would close the loophole in state law, providing recreational-vehicle tenants with the same eviction protections as those afforded to mobile-home residents.

In addition, Stine also said residents are complaining that Catalina owners have pressured tenants to sign long-term leases, known as Greene-bill leases, named after state Sen. Leroy Greene, D-Sacra-

mento.

The 1985 Greene bill allows park owners to offer tenants long-term leases. If signed, the lease exempts a tenant from rent control — allowing the landlord to charge higher rents — but gives the tenant the protection of long-term residency.

Tenants, however, have complained that the park’s owners are trying to force tenants to sign the leases as a way to increase the park’s revenue and circumvent rent control.

The Oceanside City Council amended its 1984 rent-control ordinance in October to prohibit landlords from forcing Greene-bill leases on current or prospective tenants. If Oceanside does take action against Catalina park owners, it would be the first time the city actively enforced its rent-control ordinance.

“Instead of the city saying, ‘Yeah, you’ve got a problem and you better get a lawyer,’ this would actually be coming to the legal defense of an individual,” Goodman said.

O'side protects mobile-home tenants

by Evan Dreyer
Staff Writer

OCEANSIDE — In a move aimed toward helping unprotected residents of mobile-home parks, the City Council on Wednesday tightened a noose on a loophole in state law.

The council unanimously adopted an urgency ordinance that requires mobile-home park owners to give at least 60 days notice of eviction to residents of small mobile homes, defined by state law as recreational vehicles.

State law now allows park owners to evict tenants of the small coaches with just 30 days notice, and park owners don't have to state the reason for eviction.

But with the council's action Wednesday, Oceanside's 20 park owners can now only evict tenants of those small RVs if they're given 60 days notice and they state a reason for the eviction, such as failure to pay rent, or failure to obey park rules.

State law only provides that 60-day protection to large mobile

homes, defined as being larger than 8 feet wide and 40 feet long, or 320 square feet.

"This is the respect that's due the homeowner of something that's now smaller than what the Legislature deems a mobile home," Legal Aid of San Diego attorney Catherine Rodman told the council before the vote.

Rodman urged the council to approve the emergency ordinance to close the "loophole in state law."

"These people are facing eviction proceedings which are very unfair," Councilwoman Nancy York

said. "They can be evicted on 30 days notice with no reason given whatsoever. This ordinance gives them a little more protection."

Rodman, York and other city officials have pointed to the Catalina Mobile Estates mobile-home park as a prime example of a landlord seemingly issuing 30-day eviction notices in an attempt to clear the park of rent-controlled tenants to bring in higher-paying tenants who've signed long-term leases.

Park owner John Grant has vehemently denied the charge.

Mobile

► From Page A-1

The problem, Stine says, is that state law differentiates between mobile homes and recreational vehicles. A mobile home is larger than 400 square feet; an RV is smaller than 400 square feet.

For tenants who've lived in a mobile home for at least nine months, it's much harder for a landlord to evict them. Landlords must give at least 60 days' notice and have a specific reason, such as failure to pay rent or failure to obey park rules, for serving the eviction notice, the law states.

But for mobile-home park residents who live in state-defined RVs, California law doesn't provide the same protections. Landlords only have to give 30 days' notice, and they don't have to give a reason for the eviction.

This makes it easier for landlords to kick low-paying rent-controlled tenants out of their parks and bring in higher paying tenants who have signed long-term leases, Stine said. Those long-term leases are exempt from rent control.

But some attorneys — and judges — say the law actually provides the same protections to both RV and mobile-home tenants.

"The Legislature did not intend

to create orphans out of the thousands of RV residents who live in mobile-home parks," said Catherine Rodman, an attorney in the Oceanside office of the Legal Aid Society of San Diego Inc.

It was Rodman's office, as well as countless citizen complaints, that has prompted the city attorney's office to draft the emergency ordinance. Rodman conceded the city needs to close the "perceived loophole" in the law — a loophole big enough for any park owner to slip through.

In a 1991 court case out of Catalina Mobile Estates in Oceanside, that's exactly what happened.

The park's landlord had served tenant John Whalen, who lived in an RV, with a 30-day, no-cause eviction notice. And in February 1991, North County Municipal Court Judge Victor E. Ramirez ruled that Catalina's landlord could indeed evict Whalen with just a 30-day, no-cause notice.

The eviction was sustained by an appellate panel of San Diego Superior Court late last year.

But like a wet snake, the law is slippery, and in a case with the exact same circumstances, Municipal Court Judge David W. Ryan ruled the other way this past week.

Catalina's landlord served 89-year-old Victorine Hamilton with a 30-day, no-cause eviction notice Nov. 20, court records showed. But this time, the court ruled that

Hamilton — who like Whalen lives in an RV — should be afforded the same protections as a mobile-home tenant. This meant Catalina's landlords should have served Hamilton with a 60-day eviction notice and stated why they wanted her out of the park.

"Last year, a judge decided (RVs) were not protected, and that was affirmed by the appellate division of the Superior Court," said Joseph Jewell, the attorney for Catalina Mobile Estates, located at Hill and Morse streets.

"But this year, a different judge decided the other way," Jewell said. "I can't fault the judge, because the way the law is written, you can reason it either way. The Legislature needs to straighten this out one way or another. I'd like to see some solidity to the law."

John Tennyson, a consultant to the state Senate select committee on mobile homes, said Sen. William Craven, R-Oceanside, is considering such legislation.

But, Tennyson said, the park owners' powerful lobbying group could kill a bill of this sort, and he suggested that the Legislature may leave it up to local-level officials to decide how they want to handle it.

In Oceanside's case, the city is going to attempt to do just that Wednesday.

The proposed Oceanside ordinance would afford the same 60-day eviction-notice protections to all residents of mobile-home and RV parks, regardless of whether the tenant lives in a mobile home or a recreational vehicle.

Deputy City Attorney Stine said the ordinance is being introduced as emergency legislation because numerous park residents have complained that landlords are trying to force them out by using the 30-day eviction notice.

"We believe that the circumstances here — where we've got a number of egregious short-term eviction complaints — were such that this is an extreme situation," Stine said. "There is an urgent need to protect the public."

City to fill gaps in mobile-home law

By Evan Dreyer
Staff Writer

OCEANSIDE — With Oceanside officials poised to bolster legal protections for certain residents of mobile-home parks, a Municipal Court ruling last week appears to aid in the effort.

The city attorney's office has proposed an emergency ordinance that would extend eviction protections to tenants of smaller manufactured homes, defined by state

law not as mobile homes but as recreational vehicles.

The City Council will consider the ordinance Wednesday. Though there are 2,700 homes in the city's 20 mobile-home parks, officials did not know how many were classified as RVs.

"We feel this is an area of law the city can regulate," Deputy City Attorney Joseph Stine said Friday. "The intention is to fill in the gaps in state law."

► See Mobile, Page A-7

LEGAL AID SOCIETY OF SAN DIEGO, INC.

Office of the Public Attorney

216 S. Tremont St.

Oceanside, CA 92054

(619) 724-2740

(619) 722-1955



FAXED AND MAILED

January 3, 1992

Daniel S. Hentschke
Brown, Harper, Burns & Hentschke
12770 High Bluff Drive, Suite 240
San Diego, CA 92130

Re: Catalina Mobile Estates, 514 Morse Street,
Oceanside, California 92054

Dear Mr. Hentschke:

I am writing you on behalf of a client of Legal Aid Society's, Ruth Whelan, to request that the City take emergency measures to protect her tenancy, and others like hers. Ms. Whelan lives in what the state law now defines as a recreational vehicle, within a mobilehome park. Because the Mobilehome Residency Law ("MRL") and Recreational Vehicle Law ("RVL") are less than artfully drafted, and the subject of much political compromise, the interpretation of these laws by landlords and some trial Courts has not afforded adequate protection to this special class.

I have earlier provided you with a copy of Legal Aid Society's Petition for Writ of Mandamus to the Fourth District Court of Appeals. That brief outlines Legal Aid Society's position with regard to the interface of the MRL and RVL. The Society believes the Legislature intended to afford recreational vehicles, located within mobilehome parks for in excess of nine months, special protection. Pursuant to Civil Code § 799.45(b), a long-term recreational vehicle owner, living in a mobilehome park, is entitled to the same protection against termination of their tenancy as is afforded to mobilehome owners. Civil Code § 798.55, et seq. Like other recreational vehicle owners in Catalina Mobile Estates, Ms. Whelan has received a 30-Day Notice terminating her tenancy. The notice violates the law because it does not provide sixty days' notice, nor state any legitimate basis whatsoever for terminating Ms. Whelan's tenancy.

To assure that Ms. Whelan, and other homeowners like her, are given the protection that the State Legislature intended, or should the City of Oceanside deem appropriate, even greater

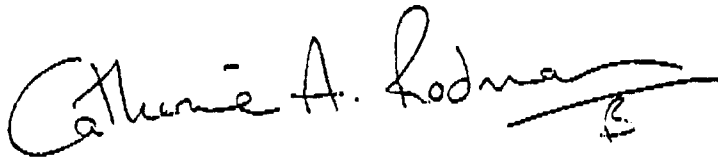


Daniel S. Hentschel
January 3, 1992
Page 2

protection, the Society is requesting that the City adopt an ordinance protecting such tenancies from eviction without good cause and adequate notice. In Ms. Whelan's case, she was served with a notice dated December 16, 1991, on December 17, 1991. Other recreational vehicle owners within this and other parks may have been served with 30-Day Notices, pursuant to Civil Code § 1946, earlier than this. To protect Ms. Whelan and these other homeowners, the emergency ordinance should bar evictions on the basis of inadequate notices served, and prosecuted, but upon which no judgment has been rendered before the date of the ordinance's adoption. If you would like any assistance in drafting this legislation, Richard Steirer and I would be anxious to help.

I would greatly appreciate having a chance to review any Staff report and proposed ordinance before the City Council hearing on this matter, should you deem it appropriate to proceed. Thanking you in advance for your anticipated cooperation in this matter. I remain,

Sincerely,
LEGAL AID SOCIETY OF SAN DIEGO, INC.



CATHERINE A. RODMAN
Attorney at Law
CAR/b

cc: Joe Stein, Assistant City Attorney, City of Oceanside
Ruth Whelan, 514 Morse Street, #28, Oceanside, CA 92054

STAFF REPORT



CITY OF OCEANSIDE

TO: Honorable Mayor and City Council Members

FROM: City Attorney

DATE: January 29, 1992

RE: Introduction and Adoption of an Urgency Ordinance of the City of Oceanside Amending Chapter 16.3 of the Oceanside City Code Pertaining to the Termination of Tenancies for Permanent Residences of Manufactured Home Parks Occupying Small Manufactured Homes and Introduction of a Similar Ordinance Without a Finding of Urgency

PURPOSE:

City Rent Control Ordinances do not currently protect long term residents of small manufactured homes, including recreational vehicles, from being summarily evicted from spaces in manufactured home parks.

The purpose of the proposed urgency ordinance and similar non urgency ordinance is to provide such residents with procedural safeguards to eviction similar to those now enjoyed by the owners of large manufactured homes pursuant to state law.

The proposed ordinance is being offered at the request of the Legal Aid Society of San Diego, Inc., and in response to numerous complaints which the city has received from residents of small manufactured homes which have been threatened by or subjected to summary eviction procedures.

ANALYSIS:

On August 28, 1991, the City Council adopted companion rent control ordinances which significantly extended the scope of rent restrictions on manufactured home park spaces.

Ordinance #91-37, amending Chapter 16B of the Oceanside City Code, applies rent controls to small manufactured home parks. The Ordinance requires that the rent at such parks be rolled back to the rent effective April 1, 1991, subject to adjustment that may be approved by the City.

Ordinance #91-38, amending Chapter 16C of the Oceanside City Code, applies rent controls to the owners of small manufactured homes, including recreational vehicles, who have become permanent residents of manufactured home parks by occupying a space for a

period of nine (9) consecutive months. The ordinance exempts from the requirement, tenancies which are established under agreements which comply with strict state standards which are expressly exempt from local rent controls by state law (see Civil Code §798.17).

For the last several months, the City has received numerous complaints about manufactured home parks which are summarily evicting residents of small manufactured homes. Many such tenants have lived in their parks for many months or years and consider themselves as permanent residents. Such residents are often low income persons who have added fixed structures to their original units in order to provide additional and much needed living space. Expeditious relocation or prompt sales of such homes is often difficult or impossible.

In addition, this office has received a special request for urgency assistance in this matter from the Oceanside office of the Legal aid Society of San Diego, Inc. Counsel for the Society has indicated that the mere 30 day eviction notice requirement for recreational vehicles poses a severe hardship on long term residents of the Catalina Mobile Estates. A copy of the society's appeal is attached as an exhibit.

The proposed ordinance is intended to provide such residents with certain basic procedural guarantees prior to eviction. In particular, the ordinance would require that termination be based on the same sixty (60) day notice presently required by state law prior to the eviction of owners of larger manufactured homes. The current thirty-day (30) requirement for the smaller homes on month-to-month tenancies is often a wholly inadequate time for the resident to relocate or sell his home.

This ordinance also restricts the reasons for eviction to those reasons approved for evicting owners of larger manufactured home units pursuant to state law (see Civil Code §798.56). In addition, it would expressly forbid park owners from evicting owners of small homes so as to accommodate the location of a home sold by an owner or owners' representative.

Finally, the proposed ordinance is being offered for urgency adoption because of the immediate and extreme hardship which is presently suffered by owners of smaller manufactured homes due to the absence of state law protections. The City has received numerous complaints about such summary evictions including complaints suggesting that some evictions may be efforts retaliate against tenants who have openly supported rent controls. (A similar ordinance requiring the standard two readings is also submitted in anticipation of a possible legal challenge to the special urgency findings.)

FISCAL IMPACT:

The ordinance will not involve additional direct expenditures of City funds.

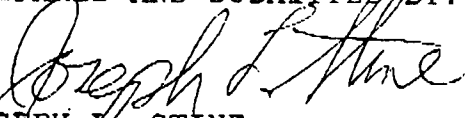
However, it could result in an undetermined staff enforcement costs.

Moreover, the City also could sustain additional legal costs in court proceedings to enforce or defend the ordinance.

RECOMMENDATION:

It is recommended that the City Council adopt the attached urgency ordinance and waive the first reading of the attached non-urgency ordinance.

PREPARED AND SUBMITTED BY:


JOSEPH L. STINE
Deputy City Attorney

g:staffrpt.jla

ORDINANCE NO. 092-06

AN URGENCY ORDINANCE OF THE CITY OF OCEANSIDE AMENDING CHAPTER 16C OF THE OCEANSIDE CITY CODE REGULATING THE TERMINATION OF TENANCIES FOR PERMANENT RESIDENTS OF MANUFACTURED HOME PARKS OCCUPYING SMALL MANUFACTURED HOMES

WHEREAS, on June 23, 1983, the City Council of the City of Oceanside adopted Ordinance #82-27 providing control over rents being charged the owners and residents of manufactured homes located in manufactured home parks in the City of Oceanside; and

WHEREAS, on August 28, 1991, the City Council of the City of Oceanside adopted Ordinance #91-37 to amend Chapter 16B of the Oceanside City Code to include under rent control manufactured home parks having 25 or fewer manufactured home spaces; and

WHEREAS, also on August 28, 1991, the City Council of the City of Oceanside adopted Ordinance #91-38 adding Chapter 16C of the Oceanside City Code providing rent control in small manufactured home parks; and

WHEREAS, since the effective date of Chapters 16B and 16C of the Oceanside City Code, residents of small manufactured homes have been subject to tenancy termination proceedings without proper justification; and

WHEREAS, the termination of tenancies appears to be in response to the application of the above referenced rent control; and

WHEREAS, small manufactured homes provide this city with a valuable and significant source of affordable housing; and

WHEREAS, in many instances, small manufactured homes can

1 not be relocated to spaces in other manufactured home parks
2 without great, inordinate or cost prohibitive expense; and

3 WHEREAS, many residents of small manufactured homes within
4 the city have occupied their homes in the same space for many
5 years and, in so doing, have become permanent residents of the
6 site; and

7 WHEREAS, nothing in the state law prohibits smaller
8 manufactured homes or recreational vehicles which have been in
9 manufactured home parks for many years from remaining in those
10 parks, subject to the ability of a park owner to cause a small
11 manufactured home or recreational vehicle which does not meet
12 current standards for manufactured homes in the park to be
13 removed upon transfer of the home; and

14 WHEREAS, owners of manufactured home parks have sought to
15 terminate the tenancies of owners of small manufactured homes
16 without complying with the notice requirements otherwise
17 provided under state law for residents of other manufactured
18 homes; and

19 WHEREAS, the state Mobilehome Residency Law (Civil Code .
20 §798 et. seq.), establishes restrictions upon the termination of
21 tenancies within mobilehome parks as defined in that law; and

22 WHEREAS, the state Recreational Vehicle Park Occupancy Law
23 (Civil Code §799.20 et. seq.) contains certain provisions
24 relating to termination of tenancies within recreational vehicle
25 parks; and

26 WHEREAS, Mobilehome Residency Law provides significant
27 protections to homeowners against termination of tenancies, but
28 may not provide such protection to homeowners of small

1 manufactured homes or recreational vehicles which have been
2 located in manufactured home parks and used for permanent
3 residency and, likewise, the Recreational Vehicle Occupancy law
4 protections would appear not to apply within mobilehome parks
5 unless the site where the vehicle is located is within a
6 separate designated area of the mobilehome park; and

7 WHEREAS, as a result of this apparent gap between the
8 protections of the Mobilehome Residency law and the Recreational
9 Vehicle Occupancy law, courts have permitted the owners of
10 manufactured home parks to unfairly evict residents occupying
11 smaller manufactured homes and recreational vehicles as
12 permanent residences where such evictions comply with the
13 technical requirements of evicting statute; and

14 WHEREAS, such evictions and the threat of such evictions
15 have created a serious problem in the city; and

16 WHEREAS, this ordinance is necessary to implement the
17 provisions of Chapter 16C of the Oceanside City Code; and

18 WHEREAS, there is an urgent need to protect the public
19 health, safety and welfare by safeguarding permanent residents
20 of small manufactured homes from immediate termination of their
21 tenancies without practical and realistic options for
22 relocation.

23 NOW, THEREFORE, the City Council of the City of Oceanside
24 DOES ORDAIN as follows:

25 SECTION 1. Chapter 16C of the Oceanside City Code is
26 hereby amended to add the following section:

27 "Section 16C.17. Termination of Tenancies.

28 (a) No owner of any manufactured home park shall

1 terminate or seek to terminate, refuse or fail to
2 renew the tenancy of any small manufactured home
3 used as a permanent residence without giving such
4 resident a written notice in the manner
5 prescribed by Code of Civil Procedure §1162 to
6 remove the small manufactured home from the park
7 on a date not less than sixty (60) days from the
8 date of the giving of such notice which date
9 shall be stated on a notice.

10 (b) If the legal owner or registered owner is other
11 than the resident of the small manufactured home,
12 a copy of the notice prescribed in subsection (a)
13 shall be mailed by U.S. mail to such legal or
14 registered owner on the same day that such notice
15 is given to the resident.

16 (c) No termination or failure or refusal to renew any
17 tenancy of a small manufactured home resident
18 shall be for any reason not specified in Civil
19 Code §798.56 and, under no circumstances, shall
20 any such action be taken so as to make the
21 manufactured home space available for occupation
22 by a manufactured home which has been purchased
23 from an owner or manager of the subject
24 manufactured home park or any agent,
25 representative, or employee of such owner or
26 manager."

27 (d) Nothing in this section shall preclude a park
28 owner from requiring the removal of a small

1 manufactured home from a park upon sale of the
2 home to a third party if the home does not meet
3 with the standards for homes within the park.

4 (e) Nothing in this section shall be construed to
5 apply to mobilehomes within mobilehome parks as
6 those terms are defined in the state Mobilehome
7 Residency Law or to recreational vehicles in
8 recreational vehicle parks as those terms are
9 defined in the state Recreational Vehicle Park
10 Occupancy Law.

11 Section 16C.18. Severability.

12 If any provision or cause of this ordinance or the
13 application thereof to any person or circumstance is held to be
14 unconstitutional or to be otherwise invalid by any court of
15 competent jurisdiction, such invalidity shall not effect other
16 chapter provisions or causes or applications thereof which may
17 be implemented without the invalid provision or cause or
18 application; and to this end the provisions and clauses of this
19 chapter are declared to be severable.

20 SECTION 2. This ordinance shall be considered an urgency
21 ordinance adopted pursuant to the authority of Government Code
22 §36934 for the reasons set forth above and, as such, shall take
23 effect immediately upon adoption.

24 SECTION 3. The City Clerk shall publish this ordinance in
25 a newspaper of general circulation within fifteen (15) days of
26 its adoption.

27 SECTION 4. This ordinance shall be codified.

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URGENCY ORDINANCE AMENDING CHAPTER 16C

PASSED, APPROVED AND ADOPTED by the City Council of the City of Oceanside, California, this 29th day of January, 1992, by the following vote:

- AYES: BAGLEY, WILLIAMSON, BISHOP, YORK, RODEE
- NAYS: NONE
- ABSENT: NONE
- ABSTAIN: NONE

ATTEST:

City Clerk

Mayor, City of Oceanside

APPROVED AS TO FORM:
Joseph F. [Signature]

City Attorney

Q:\RO\AMEND16C.JLS

F KENNETH E. MARTONE D
Clerk of the Superior Court

JAN 2 - 1991

By: N. PERNICANO, Deputy

SUPERIOR COURT OF THE STATE OF CALIFORNIA
IN AND FOR THE COUNTY OF SAN DIEGO

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SOPHIE TERRY, individually
and on behalf of all others
similarly situated,

Plaintiffs,

v.

DONALD METZLER, et al.,

Defendants.

Case No.: 606877

[CLASS ACTION]

STATEMENT OF DECISION

The following shall constitute the Court's written Statement of Decision explaining the factual and legal basis for its decision as to each of the principal controverted issues stated in the plaintiffs' Request for Statement of Decision.

ISSUE NUMBER ONE

Whether allowing plaintiffs' to amend their complaint to conform to proof would have prejudiced defendants.

Plaintiffs' Amended Complaint for Declaratory Relief and Damages alleged three causes of action:

///

1 The First Cause of Action for Declaratory Relief requested a
2 declaration:

3 (1) that COASTAL TRAILER VILLA MOBILE HOME PARK is, in fact,
4 a mobile home park;

5 (2) that the residents live in mobile homes; and

6 (3) that the residents are entitled to the protection of
7 inter alia the Mobile Home Residency Law (CC Section 798, et
8 seq.).

9 The Second Cause of Action sought damages for statutory
10 violations of the Mobilehome Residency Law.

11 The Third Cause of Action incorporated the introductory
12 allegations of the complaint and the allegations of the Second
13 Cause of Action and sought general and punitive damages pursuant
14 to Business and Professions Code Section 17,200 for alleged
15 violations of the Mobile Home Residency Law.

16 Plaintiffs, during trial, requested permission of the Court
17 to file a Second Amended Complaint to conform to proof which
18 motion was denied by the Court.

19 The proposed Second Amended Complaint was the same as the
20 First Amended Complaint except for the following changes in the
21 Second and Third Causes of Action:

22 (a) The allegation at page nine of said pleading,

23 "Plaintiffs have also suffered
24 actual damages because of rent
25 increases made by management in
violation of statute."

26 (b) The addition to the prayer in the Second Cause of
Action,

27 "for actual damages according to
28 proof"

1 and the addition to the prayer in the Third Cause
2 of Action,

3 "for restitution of monies paid by
4 plaintiffs for rent increases
according to proof."

5 Thus all relief requested by plaintiffs in the Second and
6 Third Causes of Action in both the Amended Complaint and the
7 proposed Second Amended Complaint was based on alleged violations
8 of the Mobilehome Residency Law and the proposed Second Amended
9 Complaint did not change the First Cause of Action.

10 For the reasons stated hereafter, the Court finds that the
11 Mobilehome Residency Law has no application to the Second and
12 Third Causes of Action in this case. Accordingly, the allegations
13 of the proposed Second Amended Complaint and the prejudice to
14 defendants which would have resulted from its filing were
15 irrelevant to the factual and legal basis of the Court's decision,
16 and Issue Number 6 (Whether a Private Right of Action Exists Under
17 the Mobilehome Residency Law) is moot.

18 For ease of explanation, the other Issues set forth in the
19 Request for Statement of Decision will be addressed in a different
20 order than as stated in the Request for Statement of Decision.

21 ISSUE NUMBER FIVE

22 Whether the Mobilehome Residency Law (MHRL) applies.

23 The Court discussed with counsel the problem that there are
24 a number of definitions of mobilehome parks and counsel agreed
25 that the decision of the Court should determine only whether
26 COASTAL TRAILER VILLA is a mobilehome park within the meaning of
27 the Mobilehome Residency Law and not whether it is a mobilehome
28 park for any other purpose. This is logical because of the

1 The Mobilehome Residency Law does not apply to the plaintiffs
2 in this case. Therefore plaintiffs cannot recover on their Second
3 and Third Causes of Action.

4 ISSUE NUMBER TWO

5 Whether COASTAL TRAILER VILLA is a mobilehome park; and

6 ISSUE NUMBER SEVEN

7 Whether there are mobilehomes at COASTAL TRAILER VILLA.

8 Civil Code Section 798.3 which defines "mobilehome" states
9 that mobilehome includes a manufactured home as defined in Section
10 18007 of the Health and Safety Code and a mobilehome as defined in
11 Section 18008 of the Health and Safety Code. It seems significant
12 that in making reference to the two sections of the Health and
13 Safety Code the term "mobilehome" in Civil Code Section 798.3 is
14 not in quotes. Health and Safety Code Section 18007 provides as
15 follows:

16 "'Manufactured home,' for the purposes of this
17 part, means a structure, transportable in one
18 or more sections, which, in the traveling
19 mode, is eight body feet or more in width, or
20 40 body feet or more in length, or, when
21 erected on site, is 320 or more square feet,
22 and which is built on a permanent chassis and
23 designed to be used as a dwelling with or
24 without a permanent foundation when connected
25 to the required utilities, and includes the
26 plumbing, heating, air conditioning, and
27 electrical systems contained therein; except
28 that such term shall include any structure
which meets all the requirements of this
paragraph except the size requirements and
with respect to which the manufacturer
voluntarily files a certification and complies
with the standards established under this
part. 'Manufactured Home' includes a
mobilehome subject to the National
Manufactured Housing Construction and Safety
Act of 1974 (42 U.S.C., Sec. 5401, et seq.)."

1 Health and Safety Code Section 18008 which was effective at
2 the date of the filing of the complaint was as follows:

3 "Mobilehome," for the purposes of this part, means
4 a structure transportable in one or more sections,
5 designed and equipped to contain not more than two
6 dwelling units to be used with or without a
7 foundation system. Mobilehome does not include a
8 recreational vehicle, commercial coach, or factory-
9 built housing as defined in Section 19971.

10 The portion of Health and Safety Code Section 18007 which
11 reads as follows:

12 "...except that such term shall include any
13 structure which meets all the requirements of
14 this paragraph except the size requirements
15 and with respect to which the manufacturer
16 voluntarily files a certification and complies
17 with the standards established under this
18 part."

19 has no applicability to this case as no evidence was introduced of
20 the filing of a certification by any manufacturer.

21 The last sentence of Health and Safety Code Section 18007
22 states:

23 "'Manufactured home' includes a mobilehome
24 subject to the National Manufactured Housing
25 Construction and Safety Act of 1974 (42
26 U.S.C., Sec. 5401, et seq.)."

27 42 U.S.C. Section 5402(6) entitled "Definitions", of the
28 National Manufactured Housing Construction and Safety Act of 1974
does not define "mobilehome" but in Subsection six defines
"manufactured home" as follows:

"...a structure, transportable in one or more
sections, which, in the traveling mode, is
eight body feet or more in width or forty body
feet or more in length, or, when erected on
site, is three hundred twenty or more square
feet, and which is built on a permanent
chassis and designed to be used as a dwelling
with or without a permanent foundation when
connected to the required utilities, and

1 includes the plumbing, heating, air-
2 conditioning, and electrical systems contained
3 therein; except that such term shall include
4 any structure which meets all the requirements
5 of this paragraph except the size requirements
6 and with respect to which the manufacturer
7 voluntarily files a certification required by
8 the Secretary and complies with the standards
9 established under this title."

10 As stated above, no evidence was introduced of the filing of such
11 a certification.

12 There appears to be an inconsistency between the definition
13 of mobilehome in the first sentence of Civil Code Section 798.3
14 and the Vehicle Code Sections previously quoted on the one hand,
15 and the provisions of Health and Safety Code Section 18007 and 42
16 U.S.C. Section 5402(6) on the other hand, which define a
17 manufactured home, but Section 798.3 gives no real definition of
18 a mobilehome other than to say that it is a structure designed for
19 human habitation. The balance of the definition is provided by
20 reference to the Vehicle Code Section, the two Health and Safety
21 Code Sections, and the exclusion of recreational vehicles and
22 commercial coaches in Civil Code Section 798.3.

23 If the provisions of the Vehicle Code previously quoted,
24 providing that a mobilehome is a structure more than eight feet,
25 six inches wide is altered by the measurements stated in the
26 Health and Safety Code sections and the U.S. Code section
27 previously quoted, a large part of the first sentence of Civil
28 Code Section 798.3 has no meaning.

In construing Civil Code Section 798.3 it is important

(1) to ascertain the intent of the legislature, so as to
effectuate the purpose of the law;

1 (2) to give a provision, a reasonable and common sense
2 interpretation consistent with the apparent purpose which will
3 result in wise policy rather than mischief or absurdity; and, most
4 importantly

5 (3) to give significance, if possible, to every word or part
6 and harmonize the parts by considering a particular clause or
7 section in the context of the whole. De Young v. San Diego, 147
8 Cal. App. 3d 11, 17; 7 Witkin Summary of California Law,
9 Constitutional Law, paragraph 94.

10 The Court finds that the primary statutory purpose of the
11 first sentence of Civil Code Section 798.3 was to define the size
12 of vehicles subject to the Mobilehome Residency Law. The balance
13 of the Section with the exception of the portion that excludes
14 recreational vehicles and commercial coaches was intended to
15 define the characteristics of vehicles of the size specified which
16 are subject to the Mobilehome Residency Law.

17 The Court finds that Civil Code Section 798.3 defines a
18 mobilehome as a structure designed for human habitation which
19 among the many attributes set forth in the Code Section previously
20 reviewed is more than eight feet, six inches wide.

21 Civil Code Section 798.4 defines a mobilehome park as an area
22 of land where two or more mobilehome sites are rented or held out
23 for rent, to accommodate mobilehomes used for human habitation.
24 The uncontradicted testimony of Mr. Metzler was that there were no
25 such sites and that he had instructed all of his managers to not
26 accept vehicles more than eight feet wide.

27 / / /

28 / / /

1 Therefore, the Court finds that COASTAL TRAILER VILLA is not
2 a mobilehome park within the meaning of the Mobilehome Residency
3 Law and the residents do not live in mobilehomes.

4 Civil Code Section 799.48 in pertinent part provides that
5 Sections 798 through 798.61 of the Mobilehome Residency Law shall
6 apply to tenants who have continually resided in a recreational
7 vehicle park for nine months or more after January 1, 1980.

8 ISSUE NUMBER THREE

9 Whether COASTAL TRAILER VILLA is a recreational vehicle park.

10 Civil Code Section 799.25 defines recreational vehicle park.¹

11 COASTAL TRAILER VILLA PARK is not located within an area
12 zoned for recreational use. The land is zoned commercial and R-1-
13 5000.

14 The testimony at trial was that the Park is not customarily
15 occupied for temporary purposes but is occupied by permanent
16 residents and the Court so finds. There was no evidence that one
17

18 1 "Recreational vehicle park" means either of the following:
19 (a) An area or tract of land, within an area zoned for
20 recreational use, where one or more lots are occupied by
21 owners or users of recreational vehicles or tents and which
22 is customarily occupied for temporary purposes and where
23 there is displayed in plain view on the property a sign
24 indicating that the recreational vehicle may be removed from
25 the premises for the reasons specified in Section 799.24 and
26 containing the telephone number of the local traffic law
27 enforcement agency.

28 (b) An area or tract of land or a separate designated
section within a mobilehome park where one or more lots are
occupied by owners or users of recreational vehicles used for
travel or recreational purposes and where there is displayed
in plain view in that area or tract of land or separate
section within a mobilehome park a sign indicating that the
recreational vehicle may be removed from the premises for the
reasons specified in Section 799.24 and containing the
telephone number of the local traffic law enforcement agency.


1 or more lots were occupied by owners or users of recreational
2 vehicles used for travel or recreational purposes. COASTAL
3 TRAILER VILLA is not a mobilehome park and is not a recreational
4 vehicle park.

5 ISSUE NUMBER FOUR

6 Whether the Recreational Vehicle Occupancy Law (RVOL)
7 applies. Inasmuch as COASTAL TRAILER VILLA is not a recreational
8 vehicle park, the Recreational Vehicle Occupancy Law does not
9 apply.

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Dated: 12/28/90


ROBERT C. THAXTON, JR.
Judge of the Superior Court

R. C. THAXTON

0738

Superior Court of California
County of San Diego

COURT USE ONLY

F KENNETH E. MARTONE D
Clerk of the Superior Court

JAN 2 - 1991

By: N. PERNICANO, Deputy

DEFENDANT(S) SOPHIE TERRY, et al.

PLAINTIFF(S) DONALD METZLER, et al.

CLERK'S CERTIFICATE OF SERVICE BY MAIL (CCP 1013(4))

CASE NUMBER 606877

KENNETH E. MARTONE, Clerk of the Superior Court of the State of California, for the County of San Diego, do
by certify that: I am not a party to the cause referred to herein; On the date shown below, I placed a true copy of:
STATEMENT OF DECISION

separate envelope, addressed to each addressee shown below; each envelope was then sealed and, with postage
fully pre-paid, was deposited in the United States Postal Service at:
San Diego, California Vista, California El Cajon, California

<u>NAME</u>	<u>ADDRESS</u>
ROY R. WITHERS, ESQ. WITHERS & WITHERS, GOULDING & YOUNG	2251 San Diego Avenue, Ste. B251 San Diego, CA 92110
CHARLES R. GREBING, ESQ. WINGERT, GREBING, ANELLO & BRUBAKER	1750 Bank of America Plaza 450 B Street San Diego, CA 92101

KENNETH E. MARTONE
Clerk of the Superior Court

By: Nellie A. Pernicano, Deputy
Nellie A. Pernicano

January 2, 1991

F KENNETH E. MARTONE D
Clerk of the Superior Court

FEB 4 - 1991

By: N. PERNICANO, Deputy

SUPERIOR COURT OF THE STATE OF CALIFORNIA
IN AND FOR THE COUNTY OF SAN DIEGO

SOPHIE TERRY, individually)
and on behalf of all others)
similarly situated,)

Case No.: 606877

Plaintiffs,)

JUDGMENT AFTER TRIAL BY COURT

v.)

DONALD METZLER, an individual,)
DONALD METZLER, dba COASTAL)
TRAILER VILLA MOBILE HOME)
PARK, DOROTHY BROWN PICKERING)
and PAUL P. PICKERING III,)
Trustees of the PICKERING)
TRUST, LAWRENCE T. MOORE,)
M.D., As Trustee under)
Declaration of Trust dated)
March 14, 1985; APPEL)
DEVELOPMENT CORPORATION, a)
California corporation, and)
DOES 1 through 100, inclusive,)

ENTERED

FEB 04 1991 157 360
Judgment Book Pg

Defendants.)

The above action came on regularly for trial on October 18, 1990, at 9 a.m. in front of the Honorable Robert Thaxton in Department 17 of the above-entitled Court. Plaintiff, on behalf of herself individually and as representative of a class previously certified, appeared through their attorneys, Roy R.

1 Withers and Daniel J. Goulding, and defendants DONALD METZLER,
 2 DOROTHY BROWN PICKERING, PAUL P. PICKERING III, trustees of the
 3 Pickering Trust, and LAWRENCE T. MOORE, M.D., trustee under
 4 Declaration of Trust dated 1985, and LAWRENCE T. MOORE,
 5 individually, appeared through their attorneys Charles R. Grebing
 6 and Shawn D. Morris. A jury trial having been duly waived, the
 7 Court having heard and considered the testimony of the witnesses,
 8 the documentary evidence submitted and received and all applicable
 9 statutes and decisions, and having heard the argument of counsel,
 10 the matter having been submitted for decision and the Court having
 11 issued a decision,

12 IT IS ADJUDGED that:

- 13 1. On the First Cause of Action for Declaratory Relief:
- 14 a. COASTAL TRAILER VILLA (erroneously referred to in
 15 plaintiff's complaint as COASTAL TRAILER VILLA
 16 MOBILE HOME PARK) is not a mobilehome park within
 17 the meaning of the Mobilehome Residency Law (Civil
 18 Code Section 798, et seq.)
- 19 b. The residents of COASTAL TRAILER VILLA do not live
 20 in mobilehomes.
- 21 c. The residents of COASTAL TRAILER VILLA are not
 22 entitled to the protection of the Mobile Home
 23 Residency Law (Civil Code Section 798, et seq.)

24 / / /
 25 / / /
 26 / / /
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 28 / / /

2. That defendants have judgment that plaintiff take nothing on her Second and Third Causes of Action and that defendants recover costs and disbursements taxed in the sum of \$ _____.

Dated: 2/4/91 FEB 4 1991

R. C. Thaxton, Jr.
ROBERT C. THAXTON, JR.
Judge of the Superior Court
R. C. THAXTON

Judgment entered on _____, 1991, in the Judgment Book, Volume No. _____, Page _____.

_____, Clerk
By _____, Deputy

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Superior Court of California
County of San Diego

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Clerk of the Superior Court

FEB 4 - 1991

By: N. PERNICANO, Deputy

PLAINTIFF(S)

SOPHIE TERRY

DEFENDANT(S)

DONALD METZLER, et al.

CLERK'S CERTIFICATE OF SERVICE BY MAIL (CCP 1013(4))

CASE NUMBER

606877

KENNETH E. MARTONE, Clerk of the Superior Court of the State of California, for the County of San Diego, do hereby certify that: I am not a party to the cause referred to herein; On the date shown below, I placed a true copy of:

JUDGMENT AFTER TRIAL BY COURT

in a separate envelope, addressed to each addressee shown below; each envelope was then sealed and, with postage thereon fully pre-paid, was deposited in the United States Postal Service at:
 San Diego, California Vista, California El Cajon, California

NAME

ADDRESS

Roy R. Withers, Esq.
Daniel J. Goulding, Esq.

WITHERS, WITHERS, GOULDING and
YOUNG
2251 San Diego Avenue, Suite B-251
San Diego, California 92110

Charles R. Grebing, Esq.
Shawn D. Morris, Esq.

WINGERT, GREBING, ANELLO and
BRUBAKER
1750 Bank of America Plaza
450 "B" Street
San Diego, California 92101

FEB 4 1991

KENNETH E. MARTONE
Clerk of the Superior Court

By: Nellie A Pernicano Deputy
Nellie Pernicano

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