CALIFORNIA LEGISLATURE

SENATE SELECT COMMITTEE

ON MOBILE AND MANUFACTURED HOMES

Senator Joseph L. Dunn
Chair

TRANSCRIPT AND REPORT ON HEARING ON

"Code Enforcement Problems in Mobilehome Parks"

March 12, 2002

Sacramento, California

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BACKGROUND PAPER

MARCH 12, 2002

Senate Select Committee on Mobile and Manufactured Homes
March 12, 2002 Hearing, 2:30 – 4:30 p.m.
State Capitol, Room 2040, Sacramento, CA

Informational Hearing on Code Enforcement Problems in Mobilehome Parks

Background Paper

Summary

This paper provides a thumbnail sketch of the issues that are the subject of this hearing. There are a number of different state laws relating to mobilehomes and parks, including the Mobilehome Parks Act, the Mobilehomes-Manufactured Housing Act, the Mobilehome Residency Law, and numerous other laws not unique to mobilehomes, such as Public Utility Code requirements relating to master meter utilities and Health and Safety Code drinking water safety standards. The Select Committee has received many complaints in recent years alleging inadequate enforcement of a number of these laws, with problems or violations sometimes lasting for years. Some enforcement issues have been reviewed before but are difficult to resolve. There is confusion about how different laws or agencies work, there is overlapping bureaucracy, different attitudes about what constitutes sufficient enforcement, and possibly inadequate resources to do the job.

Introduction

Select committees of the Legislature, unlike standing committees, do not hear or vote on legislation. Rather, they research specialized issues and hold hearings which may result in recommendations for future legislation. The Senate Select Committee on Mobile and Manufactured Homes receives a large volume of calls and complaints from the public and as constituent referrals from legislators' offices and state and local agencies. The committee has received an increasing number of complaints regarding the alleged lack of enforcement of existing laws relating to manufactured homes and mobilehome parks, specifically in the areas of landlord-tenant, utility, occupational licensing, and health and safety laws. The common thread of these complaints is, generally speaking, that while the Legislature has enacted many new laws relating to mobilehomes over the past few decades, state and local governments either ignore or do not adequately enforce them.

Purpose

The purpose of the hearing is to take testimony on mobilehome and mobilehome park enforcement complaints and ideas on how enforcement problems can be resolved. The committee will publish a committee transcript and report at a subsequent date.

Procedure

The hearing is relatively informal. Witnesses will be asked to give statements or make presentations in the order in which they appear on the agenda. Witnesses are not sworn in and cross-examination by opposing parties is not permitted. However, witnesses are asked to identify themselves and their city of residence and may be asked questions by legislators and staff on the committee panel. Each presentation should be short and to the point, about 5 minutes or less, and witnesses should avoid repetitious testimony. Written information will also be accepted by the committee for the record.

Major Mobilehome Laws & Regulations

There are many laws - federal, state and local - that are either unique to or affect manufactured housing. For the purposes of this hearing, the focus is on state laws. The major bodies of state law relating to manufactured homes and parks include:

The Mobilehome Parks Act: These Health and Safety Code provisions authorize the Department of Housing and Community Development (HCD) to regulate the construction, use, maintenance, and occupancy of mobilehome parks and the installation, use, maintenance and occupancy of mobilehomes in those parks. Specific requirements, such as set back requirements for mobilehomes from the lot lines, utility connections, notices or signs, the width of park roadways, or specifications for storage sheds, for example, are spelled out, not in statute, but by a multitude of department regulations, commonly known as "Title 25" of the California Code of Regulations. These regulations are enforced by inspection at the time of the construction of the park, as a condition of granting the initial permit to operate, and subsequently upon complaint. Both park owners and homeowners are subject to citation. HCD has agreements with 88 local jurisdictions to carry out these inspections within parks in their communities. Between 1991 and 1999, HCD or local agencies also conducted at least one full or "regular" inspection of every mobilehome park in the state. The renewal of the "regular" inspection program for 2000-2006 focuses the 7-year full inspection on parks with the worst record of violations during the first inspection cycle (1991-1999). Citations for Parks Act violations, depending on the nature of the violation, either must be corrected immediately or within 90 days. Complaints to the committee over the past few years generally include allegations that enforcement agencies are too slow to respond, that inspectors refuse to cite some violations, that follow-through by inspectors with homeowners on their complaints is uncommon or non-existent, and that even where violations are cited enforcement is too slow or non-existent, resulting in substandard conditions that may last for years.

The Mobilehomes-Manufactured Housing Act of 1980: HCD also enforces Health and Safety Code provisions regulating the sale, installation, registration and license fee taxation of manufactured homes. Mobilehome dealers sell both new and used manufactured homes, and one of HCD's primary functions is to license mobilehome dealers and salespersons. Among other dealer laws, HCD enforces requirements that dealers must sell a mobilehome at the advertised price, display the suggested manufacturer's price by make and model on each new home sold on the dealer's lot, use a purchase contract, place all buyer deposits in an escrow not controlled by the dealer, and be responsible for correcting defects in the home under a one-year warranty applicable to new manufactured homes sold in California. Many of the enforcement complaints received by the committee in this area include unlicensed activity, failure to correct defects under warranty, and failure to fulfill dealer promises. The committee has also received some complaints about real estate brokers, licensed by the Department of Real Estate (DRE), who are authorized to sell only used mobilehomes.

The Mobilehome Residency Law (MRL): The MRL is basically the landlord-tenant law for mobilehome parks and manufactured housing communities. These Civil Code sections set forth the requirements for rent and fee increases, content of the rental agreement, just cause eviction, rent control-exempt leases, guests, pets, park rules, resale of the mobilehome in place, and the like. MRL violations, like provisions of conventional landlord-tenant law, are enforced by the courts, not state or local administrative agencies. Among the complaints the committee receives, MRL problems are probably the most common. These include claims that some park managers raise rents or fees without adequate notice, change rules without notice, refuse to meet residents about rule changes as required by law, refuse to permit homeowners to resell their homes that meet code in the park to another party, impose limitations on guests more stringent than the law allows, etc. Although the Legislature has made many changes or additions to the MRL over the past 20 years to protect homeowners, a frequent complaint by homeowners is that they carry the burden of suing if the park management will not comply with the provisions of the MRL. Homeowners contend that most of them cannot afford to hire an attorney and, in any case, there are few attorneys knowledgeable about mobilehome law who will take individual cases. In the past, some homeowners have argued that the state Attorney General, district attorneys, or other state or local agencies should be responsible to enforce the Mobilehome Residency Law.

Master-meter Utility Laws: The Public Utilities Code governs various aspects of gas, electric and water service in mobilehome parks. In most parks utility service is provided by the park owner to individual mobilehome spaces through a so-called 'master meter' system, with the public utility providing water or power to the master meter but not to individual park spaces. The park operates and controls the utility system within the park, distributing the water or power to individual spaces in the park that is normally submetered. The Public Utilities Code provides that master-meter customers, including mobilehome parks, shall charge residential users at the same rate applicable if the user were receiving electric, gas or water service directly from a regulated utility, and a master-meter customer who receives a gas or electric rebate from a public utility shall credit residents for their share of the rebate. Master-meter parks are also required to provide an itemized billing of charges for utilities, including opening and closing readings for the meter, and post, in a conspicuous place in the park, the local utility's residential electric or gas rate schedule. The committee has fielded complaints about the failure of some parks to comply with these requirements. But because park residents are serviced by the parks and do not have a direct relationship with utilities regulated by the California Public Utilities Commission (PUC), the PUC has been unwilling to handle most of these complaints. Some county sealers have been willing to look into some of these issues, but generally complainants have had to seek legal redress for enforcement.

Safe Water Issues: The Department of Health Services (DHS) is responsible for enforcing drinking water quality standards under the Health & Safety Code and certifying potable water treatment operators of private water systems. County environmental health departments also have responsibility for enforcing and monitoring health standards to assure that drinking water is not contaminated. Most parks receive their water from the city or a public water district, others from a water company regulated by the PUC. But mobilehome parks in small towns or rural areas that are not hooked up to municipal water systems have their own wells or obtain drinking water from lakes or streams. Park operators or their contracted water treatment operators must treat the park water. A park that provides water to its residents from water supplies that it owns is not regulated by the Public Utilities Commission, although upon a complaint the PUC has jurisdiction to determine whether the rates charged are just and reasonable and whether the service provided is adequate. Within the past year, the committee has received several complaints about parks with long-standing problems of contamination, usually bacterial or chemical, of the park's drinking water. In more than one case, residents complain that the county has allowed the park management to take samples of well water and bring them to the county for testing without cross checking to determine whether the well water is coming from the wells or another source. In another case, where a park pumps contaminated water from an adjacent lake, the park has been out of compliance with treatment standards since at least 1994 and under citation by DHS since early 1999. Attempts to excavate a well and construct a new treatment system have been fraught with problems, and DHS has continued to extend the park owner's deadline for compliance at various times for over two years. In yet another park, a county health department has given the park a waiver from complying with standards because potable water manually chlorinated is available at the park's laundry room, where for 4 years residents say they have had to take their own empty bottles to fill themselves. Generally, complainants believe agencies responsible for assuring their water is safe are not doing the job.

Comments

Revisited. This is not the first hearing held on enforcement issues, but the issues are difficult to resolve. In a December 2000 hearing in Anaheim, the committee considered issues specifically involving enforcement of the Mobilehome Parks Act. At an April 2001 hearing in Garden Grove, the committee reviewed enforcement of master-meter utility laws. Since those hearings, several legislative proposals were introduced that addressed some of these issues. Senate Bill 339 (Dunn, 2001), among other provisions, would have required HCD and local enforcement agencies to follow-through with complainants by informing them of the date they would inspect and let the complainant know the result of the inspection. This bill passed the Senate but died in the Assembly Appropriations Committee last August. Another bill, Assembly Bill 1648 (Salinas, 2001), would have permitted HCD inspectors to impose fines of $100 to $250 for citations that were not fixed within 30 days

of a final notice. That bill was never heard in the Assembly Appropriations Committee, where it died in January. In response to the utility hearing, Senate Bill 920 (Dunn, 2001) amended the MRL to require that parks pass on information to residents provided to them by utilities about the utilities' CARE rate discount program and pass through any CARE rate discounts to low-income residents who qualify for the program. The bill passed and was signed by the Governor. The Select Committee is also currently working with the PUC to try to get that agency to establish procedures for accepting master-meter resident complaints.

Legislature as enforcer? The Legislature can authorize or even mandate – but essentially enforcement ultimately is an administrative matter. Public understanding of how the various branches of government - legislative, executive, and judicial - function is important. The Senate Select Committee on Mobile and Manufactured Homes is involved in the law making process but has no administrative authority. Complainants are often as frustrated that the committee can hold oversight hearings or jawbone administrators but has no authority to order them to carry out the laws.

How the laws work. Part of the problem with enforcement is confusion on the part of complainants on how the laws work. The Mobilehome Residency Law (MRL) is not enforced by a government agency. Landlord-tenant laws, including the MRL, are civil laws enforced by the courts. Unless it is a small claims court matter (under $5,000) this requires the aggrieved party to hire an attorney to go to court to obtain enforcement and/or damages. HCD or local enforcement agencies enforce the Mobilehome Parks Act (Title 25), but these agencies have limitations as well. Like a police officer citing a speeder for a traffic violation, code inspectors can cite a park for a health and safety violation but have no authority to prosecute the violator in court. That is the district attorney's job. If the district attorney will not prosecute, that is as far as it goes.

Bureaucratic tango. In some cases the committee has looked into, particularly in the utility and water quality areas, there is almost a maze to confront about which agency has jurisdiction. In some cases there appears to be overlapping jurisdiction, with different agencies having different powers. One agency may be able to cite the park for failure to provide adequate water to residents and order the park to supply bottled water. Another may be able to cite a park for violation of drinking water standards and impose a "boil order." Enforcement agencies, like a district attorney in a criminal case, have some discretion on whether to enforce or prosecute, depending on the circumstances or the evidence. One agency may hesitate to take action, claiming another has jurisdiction, or awaiting the other to take some action. The committee has found that some agency officials at both the state and local level are very responsive, while others are almost reluctant to act. At the field level, there is inconsistency as well. Some inspectors are more aggressive, while others don't like confrontation and prefer the "carrot and stick" approach. Whether this is a matter of attitude about a given case or circumstances of the problem, or attitude about how the law should be enforced, is not always clear.

Dollars and sense. There may also be a problem of resources. For example, in the past, some have said that the fee structure originally enacted 20 plus years ago to support enforcement of the Mobilehome Parks Act is now inadequate. Costs of salaries, benefits, equipment and travel have increased for government as well as the private sector. To date both park owner and mobilehome owner groups have opposed fee increases for inspection programs. If the public wants a higher level of enforcement, such as more inspectors in the field, more dollars will have to come from somewhere to pay for it.

New Bills. Two new bills just introduced in 2002 appear to also address enforcement issues. These include Senate Bill 1778 (Dunn), relating to dealer escrows and fines for violations of dealer laws, and Assembly Bill 2382 (Corbett), giving county counsels, city attorneys or the state Attorney General authority to bring nuisance actions under both the MRL and the Mobilehome Parks Act.

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TRANSCRIPT OF TESTIMONY

MARCH 12, 2002

SENATE SELECT COMMITTEE ON MOBILE AND MANUFACTURED HOMES

"Code Enforcement Problems in Mobilehome Parks"

March 12, 2002
Sacramento, CA

Senator Joe Dunn, Chair

SENATOR JOE DUNN, CHAIR: Good afternoon everybody. My name is Senator Joe Dunn. I'm the Chair of the Select Committee on Mobile and Manufactured Homes. On one side of me is John, on the other side is Melanie, both staff to the committee. They're the ones who make it work, actually, and two individuals that I think probably everybody in this room have had many contacts with, and dealings with, over the years on mobile and manufactured home community issues.

We are here today on one very specific issue, and that is, the issue of enforcement. I want to make some introductory comments; they are going to be brief; and then I want to get right to the witnesses. We have approximately 20 witnesses. We have until exactly 4:30. The discipline in today's hearing is going to be rather severe to keep everybody on target on that timeframe. So, let me get right to my introductory comments so we can get to the more important issue, which is to hear from the witnesses today.

It's one thing to get the Legislature to enact laws about how things should occur, or not occur, within our mobile and manufactured home communities; it's another thing to get those laws enforced.

There is a background paper, as I think most of you now have a copy of, that's on the back table, that covers many of the major, though

not all, the laws that affect mobilehome parks; what they are and how those laws work.

We have heard from many of you that are here today and many throughout the State of California, about how, in the view of the residents, the state or local officials either are not, or won't, enforce these laws. Or, where they do enforce laws, they do so poorly.

The issue before us today, and for those of you who are testifying, and you know who you are, we have one question that we want each and everyone of you to address, and that is, how can we get better enforcement of the laws that are currently in place with respect to our mobile and manufactured home communities?

I know many of you have specific problems related to your park, or your community. Our preference would be, that as to those specific issues, those are best provided to the committee via a letter to the committee.

Today, again, the question is, how do we get better enforcement? We, the committee, are painfully aware that there are huge enforcement problems, and in virtually every park there is some issue that falls into this category. But our focus today is how we get better enforcement, not the issue of whether we need better enforcement; we know that that is necessary. We're looking to how we get the better enforcement.

I want to make sure though that everybody has realistic expectations. Many of you have been to our committee hearings before amd have been involved in the political process over the years. You know that it is a rather lengthy, frustrating process, and that if we identify even a potential solution today, that solution won't be in place tomorrow. It takes quite a bit of time to get even the least controversial issue through the legislative process and actually enact it into law. So, please

make sure everybody bears in mind, particularly those who are new to the process, that even if we hear a consistent recommendation on how to obtain better enforcement, it will take time to get there. So, please be patient with the process.

Also, bear in mind, we've been here before. This is not a new issue. This is an issue that the Legislature has examined year in and year out. There have been proposals almost every year on how to get better enforcement. Most, unfortunately, have died throughout the process for one reason or another. And, in fact, there is new legislation already pending in this legislative cycle that address some of the enforcement issues, and time will tell whether there is any better success in getting them through the entire legislative process.

Also, bear in mind that the solution doesn't necessarily have to be legislation. We are trying to develop more cooperative relationships between park owners and resident groups, particularly in more troublesome areas so that we can try to resolve some of these problems short of legislation. Obviously, legislation is always an option, but sometimes it's not the best option.

A few of the nuts and bolts today: First of all, when you're called to testify, I'm going to call you up in groups of threes. When you start your testimony, please, state your name and your city of residence clearly so that everybody can hear. You need to limit your comments, and I'm going to underscore this quite a few times, to five minutes or less. And, John will be monitoring the time clock. The fact that it's limited to five minutes does not mean that you have to take five minutes. If you can do your comments in less than that time, it will be greatly appreciated. However, once you hit the five minute timeframe, we are going to have to cut you off. So, please, bear that in mind. Take no offense if we have to

stop your testimony. But, five minutes is the limit for any one speaker. Again, we appreciate anybody who can do -- make your points in less than that five-minute time span.

As you can see, we have a rather crowded house today. For those of you who have cell phones, either turn them off, or turn them on vibrate so we don't all have to be disturbed by the rest of the world trying to get ahold of you today. If you have written materials, if you please give them to one of our Sergeants. You don't need to give them to us. You can give them to the Sergeants. They will, of course, get them to us. So, if you have written materials, please handle them in that respect.

You'll note that some of the other committee members are missing at this point in time. It doesn't mean they don't care about this issue, not at all. As those who are familiar with the process realize, there are always multiple hearings and different committees going on at the same time. That's true this afternoon. And I expect that several of the other committee members may wander in and out as their time allows. And while we are not voting on anything specifically today, for those committee members who do not make it here, we will fully brief both the members and their offices as to the testimony that we hear today.

Again, I want to underscore, as I warned you I would, five minutes or less for any of the witnesses that will testify today. I will be calling you up in groups of three. At the end, we will, or after the hearing is done today, there will be a time when a report is ready as far as the testimony that was provided today. It will be put together in written form. Although I will address this at the end, if you would like a copy of that, there is a signup sheet for that record of this hearing. Please put your name and address on it.

For those of you who would like to testify that are not on our witness list, if everybody talks for one minute, we'll be able to add some on to it. I'm not holding my breath for that, however. And so, if we do not have additional time before 4:30, to add on some who are not currently on the list, that doesn't mean your voice won't be heard. If you have written testimony today, turn it in, as it will take us some time to put this record together. We certainly will accept a letter from you in the coming days saying, "I wish I could have testified. Here is what I would have said," and we accept that as well, too. That's equally as effective as those folks who are testifying today.

So, enough. Unless, John, do you have anything you'd like to add?

Just to forewarn you, my third time, John already has his watch off. It's here. He's going to monitor how many minutes for everybody.

Okay, let's start with our first three witnesses. If I mispronounce your name, please pardon me. But the first three are, Rosemary Tomai, Steve Gullage and Fred Haines. If those three individuals would come forward. And we will go in the order that I call them, as the list has been given to me. And remember everybody, as these three are settling in, the question we really want to hear from each witness is, how can we, the Legislature, improve the enforcement process? We know enforcement is a problem. You don't have to convince us of that. We need to hear your recommendations on how we get better enforcement.

Rosemary, please start by stating your name and your city of residence and then to your testimony.

MS. ROSEMARY TOMAI: Thank you. Good afternoon, Senator Dunn and Mr. Tennyson and Melanie. My name is Rosemary Tomai. I'm president of the Homeowners Coalition of Mobilehome Parks of Tuolumne County, and it's a non-profit public benefit corporation. And we also

have a very good rent control ordinance in that county. And we represent 48 parks in the county.

And I know there have been serious water problems throughout the state, and we've had our share in Tuolumne County.

In one park, called Sierra Village, there was no water. The homeowners were told by management, "There's plenty of snow up here that can be melted and used for drinking, cooking and bathroom purposes."

When calls started coming into the Coalition, homeowners were advised that this would be a health hazard and to notify the county environmental health department. The department responded immediately, and the park owners trucked in potable water until the system could be repaired.

However, this didn't come out that way in Gold Rush Mobilehome Park. Our Tuolumne County ordinance also has a "fair rate of return" clause in there which we felt was only proper to have, and it is enforced by our county supervisors.

And the people that purchased Columbia Mobilehome Park asked for a "fair rate of return" when they purchased the park. And so, when the Gold -- oh gosh, I jumped the gun. So, on March of 2001, the new owners took over. And on June the 7th, the Housing and Community Develop Department sent a notice of violation to the homeowners -- I mean to the park owners and to the Columbia Mobilehome Park is listing those things constituting an unreasonable risk to life, health and safety required to be corrected within 90 days. The 90 days has turned into eight months, and that happens to be Exhibit 2. And these are just some of the problems that we're having in mobilehome parks.

And back to Gold Rush Mobilehome Park, they had a water problem for three years. And four homeowners there have had giardia. Homeowners in spaces five and nine have skin problems. And I don't know if you've ever heard of Hepatitis E. It's very rare in the United States, and it is caused by bacteria in the water. And the lady in space 26 has this disease. That's your first Exhibit, incidentally, and there's a completed and highlighted letter that I'll present to you in Exhibit 1.

And I would read excerpts from her letter, but I'd like to save time if it's all right.

SENATOR DUNN: Please.

MS. TOMAI: And the residents have not been furnished sufficient water for drinking and cooking. And please be reminded that these park residents are seniors and/or, disabled with incomes below the poverty level.

And as far as that goes, I would like to say, thank you, to all the people that have invited us. And I'd like to thank each and everyone of you for all the hard work that you've done on the Senate Select Committee and continue to do throughout the state. And I wanted to say thank you for this opportunity. And I'd like to have my Exhibits 1, 2 and 3 recorded, please.

SENATOR DUNN: Okay. All right. Rosemary, thank you. Hold on. What I want to do is have all three witnesses testify, then I may have some follow-up questions, as well. So, the Sergeant right next to you, just give the Exhibits to him. And while you're doing so, Rosemary, let's move onto -- I'm assuming you're through with your comments, Rosemary? Are you through with your comments?

MS. TOMAI: Yes. Thank you.

SENATOR DUNN: Okay. All right, Steve.

MR. STEVE GULLAGE: Good afternoon, Senator Dunn, Mr. Tennyson, Senator Chesbro and Melanie. My name is Steve Gullage. I'm from Huntington Beach. I'm also the state president of Golden State Manufactured Homeowners Association, or, League. And, I came here today prepared to list many of the complaints that we get in our home office that we receive almost daily relating to inadequate enforcement of our state laws. But, having reviewed the list of witnesses who have volunteered to give statements today, and the fact that most, if not all of them, are mobilehome owners, I'm sure that anything that I would bring to the table would be almost a duplication of what they're going to be bringing to you. So, rather than take the wind out of their sails, I would like to just expound on one, just one particular issue that has been bothering me lately, and one that I am sure the Senator is familiar with, and it seems to be a bureaucratic road blocking, if that could be the proper term.

So many times we have a cut and dried case where there is an absolute violation of a health and safety law and we find that enforcement of that law has been blocked by a person in a state agency who has the power to block of an enforcement in order to appease, probably, the park owner who is a violator, rather than bring him to the justice that he so rightly deserves.

And so, consequently, a lot of our people feel that they lose trust in the agency that is supposed to be doing the enforcing. And so, consequently, they just lose all hope of trying to get the laws that we've worked so hard to have enacted be enforced. When they go to a district attorney to try to get something done for them to work on, the district attorney seems to have something that's a little more important to work on, and consequently just can't handle something like that.

We would like to see a change in our laws that would state that a district attorney -- I believe our laws say that they "may" work on a violation. I would like to see that law changed to where they "shall," so that they are dedicated to enforcing the laws, so that the enforcement of all these laws that we've worked so hard to get are something that we can realize.

And so, I don't want to expound too much time. But I know that one case that we have found where an official has overstepped his authority in stopping enforcement is one that you're very familiar with, and this is, the Ford's Acres water problem. And the gentleman that sits to my right has been a victim of that lack of enforcement for approximately eight years.

And so, I would like to, whatever time I have, I'd like to dedicate my time to Mr. Fred Haines, if it's possible.

SENATOR DUNN: Steve, thank you. And just for -- if everybody heard what Steve's recommendation was, to change it from "may," to make it mandatory for DAs to move it forward with enforcement actions. There is currently pending legislation that would also give the AG, city attorneys and county councils, broader authority on the residency laws and parks nuisance enforcements, as well, too. I just wanted to note that that legislation currently is out there.

Mr. Haines, please.

MR. FRED HAINES: My name is Fred Haines. I'm a resident of Ford's Acres Mobilehome Park in Kelseyville.

The rule of law, the California Health and Safety Code is quite specific concerning the intent of the Legislature, the required quality of water and the means for the Department of Health Services to monitor

and to enforce the regulations. And I'll skip reading them because I'm sure you're familiar with them.

Practice: During the past eight years, Ford's Acres water system has been cited ten times both in regard to uncertified means of water treatment, and the delivery of water of unacceptable quality to the residents. Those violations of law have been compounded by continuous failure of the Department of Health Services, as well as the Department of Housing and Community Development to enforce correction of those violations. As characterized by my wife, the regulators are the drivers of the getaway car for the bank robbers. It is this repetitious behavior that assures a park owner that he can violate the law without jeopardy, and that the resident cannot obtain a remedy from the bureaucracy, because the schedule of the bureaucrat is quite apparently directed to serve the interest of the park owner.

I brought samples of water, but I'll skip that because it's well documented.

Health: For 25 years, my wife has had an immune disorder called Lupus, which affects both internal and external organs. Four years ago, she acquired another immune disorder named Parvo virus B19, which may have originated with unsafe water. For 70 years, I've had a lung disease named bronchiectasis. For four years I've had a heart disorder known as tachycardia. These conditions, coupled with our advanced years, make us very fearful of acquiring further health problems caused by the use of unhealthful water.

Safety: Mr. Chair, you expressed the motive for this hearing, the problem we want to look at is how the bureaucracy can pick and choose among the laws the Legislature enacts.

The regulations which pertain to public water systems require the Department of Health Services to certify the operator, inspect the water system, ascertain the financial capability of the owner, then, to issue a permit to operate the system, in that order. Failure to issue a permit for seven years, confirms the fact of pick and choose. It certainly proves that the bureaucracy cannot be trusted with appropriate enforcement.

Focus: The Legislature should provide for the services of an independent engineer who will audit the findings of the bureaucracy, just as the cash drawer is balanced at the end of the day. The Legislature should provide funding for legal enforcement when recommended by an independent engineer, thus placing a hammer of justice in the Mobilehome Residency Law.

Conclusion: Mr. Chair, in the beginning of my remarks I cited, I didn't read them, five sections from the California Code of Regulations. There is a word which is a common theme in these laws....health.

It is our health that is at risk at Ford's Acres Mobilehome Park. It is our health that the Legislature proposed to protect in enacting the laws quoted here. It is our health that my wife and myself rely upon for the enjoyment of our later years. It is our health which will benefit from this new method of enforcement.

I thank you very much.

SENATOR DUNN: Mr. Haines, do you have an extra copy of your comments.

MR. HAINES: Yes, I have.

SENATOR DUNN: Make sure you give them to the Sergeants so that we have them as well too, if you would please, Mr. Haines. Any questions for this panel? Senator Chesbro.

SENATOR WESLEY CHESBRO: Well, Mr. Chairman, I just -- of course, this is my district, so I'm especially sensitive to it. But, certainly, this example jumps out as pointing out the inadequacy of the response of the various regulatory enforcement agencies. And I really feel for the residents of this park. I know you, Mr. Chairman, and the committee, have responded very forcefully. And I think we need to assist these folks. But it's not enough for us to intervene on an individual case. We need to make sure that the regulatory process doesn't allow this to happen again. So I hope we use it not just as a case where the residents deserve relief, but also as one that points out the need for change, and reform, and better enforcement at all levels to protect residents of mobilehome parks.

So, thank you very much for bringing it to us. And I'm sorry on behalf of state government, even though we're the legislative branch, that you've had to put up with this mess for so long.

MR. HAINES: I appreciate your help too.

SENATOR DUNN: Thank you, Senator Chesbro. Seeing no further questions, I'd like to thank each of the three of you. And while they are heading back to their seats, I just want to use them as a shining star example, of all three, who maintained the five-minute limit. Greatly appreciated. And let's call up the next three. They are, Coleman Persily, Donna Simpson and Milt Burdick. Let's start with Coleman.

MR. COLEMAN PERSILY: My name is Coleman Persily. I'm vice president in charge of Northern California of the GSMOL. I live in San Rafael, California. And I'm here to testify as requested. So I wrote it out so I'd make sure I'm within your five minutes, otherwise I'd speak an hour.

Dear State Senator Joe Dunn and members of the State Legislature: Many of our speakers will endeavor to explain why something must be done to enforce the MRL laws now in existence and Title 25 laws which protect health and safety of residents in mobilehome parks.

Hundreds of cases have been brought forward to prove that enforcement of the existing MRL laws is necessary. You will not be the first state to pass laws to protect residents of mobilehome parks. We already have a statute which states that the district attorneys may prosecute for failure to maintain. All you have to do is change one word from "may" to "shall."

Perhaps you may want to copy laws passed by other state legislatures. The State of Minnesota, Rhode Island and possibly Florida, have enforcement laws. It is for the benefit of the residents in parks, to enable the residents to buy the parks. A number of states give the residents the first right to buy a park when it is up for sale.

If you want further details as to the enforcement and first right of residents to buy the park, please do not hesitate to contact me. All we are asking is what is right.

Your legislative body has tried very hard to protect and don't think we don't appreciate it. You have spent much time and money to protect us. All I ask is that you direct the district attorneys to enforce the MRL laws and simply change the word from "may" to "shall."

Thank you ever so much for having this hearing, and I hope the thousands of residents in mobilehome parks will benefit from this hearing.

Thank you.

SENATOR DUNN: Coleman, thank you very much. Milt.

MR. MILT BURDICK: My name is Milt Burdick. I am from Brea, California, in Orange County. I am president of Chapter 955 of Hollydale Mobilehome Park.

I hope that the Senator from Palo Alto, anyway, Stanford, has the same problems that we have in Orange County. I would like to open up with the part taken from the GSMOL newspaper, of eleven cases that are pending in the courts, showing the magnitude of the laws and the violations of the Mobilehome Residency Law and Title 25 and the issue at hand there.

And Senator Dunn held a hearing in Anaheim on December 14, 2000. And the issues that he brought up at the December 14th hearing still apply today; maybe some few minor changes; maybe more.

Another item is that, when you have disclosure -- Senator Dunn, in the past, introduced a bill which was signed by the governor, for disclosure notices. This should also be given to the purchaser of mobilehomes. It's got a lot of tremendous information about mobilehomes and the rules and regulations. And this should be made a requirement that this be given out to the new purchaser of mobilehomes so they understand what they are getting into. Not like me, jumping in and then finding out that the water is too deep.

Another item is, I think they should -- that the state should set up a single website to codify all these laws, rules and regulations that a person can go in on the internet and research these and maybe have links to other areas where they affect mobilehome parks.

Inspectors: We have a shortage of inspectors in HCD in the northern and southern part of the state. We don't have enough funds. We had $10 billion that was done away with in the energy shortage. Well

I have a few suggestions where we can come up with some additional funds.

Increase the fees in Title 25, such as article 1 section -- I listed all the sections. I'm not going into them. You each have a copy of my testimony. So it's in Title 25, increase the fees and get additional funds that will be used for hiring additional inspectors. Appendix B - decals, etc. Appendix C - there are some things in there that you can go in there and increase these fines, fees or whatever you want to call them, to hire more inspectors.

Another two items I have are: 1) assess each owner of a mobilehome $10 per year to be used for the enforcement of Mobilehome Residency Laws in Title 25 and other laws that affect mobilehomes; and 2) assess the owners of the park, the park owners, $10 per space regardless whether it's rented or not. These funds will be used only to hire additional inspectors and for enforcing the laws if it even takes going to court. We already have a similar law like this in the Health and Safety Code 18502(c)(2)(3), and the owners presently split that with some of the parks; like in my particular case, the fee is $4, and we, as the residents, pay $2. And then the thing is, the park owners cannot pass this cost through to homeowners as a fee. Rent cannot be increased to cover the cost. If the park owners are in a rent control area, a request can be made to the rent control board to split the cost 50/50 with residents, using rents as the medium.

Due to the lack of enforcement the tree and driveway law is almost a farce. The owners just laugh at us. And in my particular park they tell us if we have a tree and driveway problem we have to contact HCD to have an inspector come out to say it's unsafe, then they might do

something about it. Try to get a hold of HCD, and try to get an inspector out there. Good luck.

The other part is, some of the inspectors that HCD has hired aren't qualified. I have a letter here that I submitted as part of my testimony from an inspector from the Riverside Department. He didn't even know what in the hell Title 25 was.

He said, "I'm not familiar with that law."

Then I asked him, I said, "Well, you know, I'm a GSMOL member."

He said, "What the hell is GSMOL?"

So, here's two key people in HCD and they don't even know what we're talking about. And it was on a lot line, encroachment on a lot line, on my lot.

And he said, "I don't see anything wrong with what you're talking about."

I said, "Well, the thing that's wrong is this piece of thing is in my lot and it should be in the neighbor's lot."

He said, "So what?"

And so this is the attitude of somebody inspecting -- okay, and I conclude.

Thank you for your hearing. And I have a letter here from the president of our homeowners group that is submitted as part of the testimony. Thank you very much.

SENATOR DUNN: Milt, have you already turned that in, that letter you just identified?

MR. BURDICK: Yes. Everything I just said is in that packet; a copy for each committee member.

SENATOR DUNN: All right. Great. Thank you, Coleman. Thank you, Milt, very, very much. Let's go to the next three panelists who are, Bill Clement, David Burwell and Fred Irwin.

Again, I want to extend a thank you. All the witnesses have been doing a great job in staying within the time constraints. I greatly appreciate it.

Okay, let's start in the order that I called them. Mr. Clement.

MR. BILL CLEMENT: Wonderful. Can I take Rosemary's place? She wasn't here for five minutes.

My name is Bill Clement. I'm a resident of the Castle Crags River Resort in Castella, California. I found it very difficult to reduce to the five minutes the frustrations that I have endured with the Castle Crags River Resort and HCD.

Since April 18, 2000, Castle Crags River Resort has been in violation of 30 Mobilehome Residency Laws, 21 violations of the Health and Safety Code, Title 25, and the California Fire Code. I presently have four file drawers and three brief cases filled with letters that I have written to HCD, the Public Health, Senator Johannessen, Senator Dickson, John Tennyson, Senator Dunn, the Governor, the Office of Ombudsman, just to mention a few. I've been to court for an eviction. I've been harassed, and my space has been used as a dumping ground.

On, or about, March of 2000, I began requesting an inspection and enforcement by HCD. One year later, approximately March of 2001, I received notification that an inspection would be held within 60 days. After the 60 days had elapsed and no inspection had been made, I wrote to the Legislature, requesting that action be taken and implement the inspection as soon as possible.

HCD, again, sent out their notification of their impending inspection for the second time.

On July 6, 2001, I submitted to HCD a packet listing the above mentioned violations, complete with each violation and the citation of the California Civil Code that applied to each infraction. This entire packet consumed 60 pages in its entirety.

The result was that the Mobilehome Residency Law was not addressed due to HCD's lack of power to enforce it. The other 28 violations were addressed by HCD in their letter to me on September 4, 2001. I took issue with their responses, and particularly on two violations that were not cited. The response of HCD bordered on the somewhat ludicrous.

On one item, on lack of posting the Emergency Procedure, HCD stated that the department has not classified this violation as an immediate or unreasonable risk to life, health or safety. Therefore, no citation was issued. Emergency? I guess what I'm supposed to call is 911, and they're going to come out and repair my septic tank.

The other one was on the lack of an Ombudsman sign. The department has not classified this violation as an immediate or unreasonable risk to life, safety or health. Therefore, no citation was issued.

If HCD can override the Legislature and the Governor's signature, then the owners and tenants should be notified prior to filing these violations. This section of law must be revisited and redefined.

Time precludes me from reviewing the other 28 items on the September 24th letter. However, I must address item 14 regarding the park lighting. This violation was not cited for correction. No reason and no comments were given.

If you do nothing else, you must read the HCD letter of September 24th to me and compare it to the citations I listed in my letter to them. If you wish, I'll send a copy to John Tennyson.

If the committee wishes to pursue this action further, please let me know. And I thank you very much.

SENATOR DUNN: Okay. Our next witness is Dave Burwell.

MR. DAVE BURWELL: Yes. Dave Burwell, Region 4 Manager, GSMOL, Northern California, Shasta County.

The problems that are being experienced in mobilehome communities are not new, but instead are a long-time thing. This is the reason GSMOL came into existence some 40 years ago. It is now no longer a ma and pa manufactured home community, but a money making affair. The community owners have brought in community management corporations. These corporations have on their staff their own attorneys, and on their payroll. Now even community homeowner resident meetings are facing these same attorneys. It is no longer just a simple community owner/management resident meeting. The manufactured home community residents cannot afford to have such legal guidance and comfort. The manufactured home communities were once affordable housing, but now are facing large companies.

The bill I'd like to bring up here right now is coming up for -- a new bill that will be brought into legislation -- AB 2382, which improves enforcement through Attorney General, by Assemblymember Ellen Corbett. This bill, as I asked questions just the other day in a meeting, I found out that it has not been mandated. It's a bill that comes back and kind of leaves it where, "if," "maybe," not direct. This bill was not mandated. If this bill were to be mandated, it would cost taxpayers money I was told, and we don't want that. Well, tell me then, what good

would this bill be? Same as others. If it is only a bill written to say, well if you have the time, or if you have the space, or if you want to, you can enforce this if you choose. There is no enforcement in this type of bill writing. The only thing that I see is, willful intent to make the mobilehome owners think that they will have enforcement. This is only leading the sheep into the slaughter house.

As far as the taxpayers paying, they really are not paying out on this bill to cover the -- they already are paying out to cover the expense of the state offices.

If this bill were to be mandated, there would not be a cost to the taxpayers for the revenue would be coming only from the person, or persons, that broke the law in the form of a fine, jail time, or fine and jail time. Then add to this the fact that the person or persons that broke the law would also have to correct the problems that the law stated in the first place.

Collecting the fines or revenue, from the person or persons who broke the law only, would not be affecting the taxpayers. What is the problem in doing this? I can bet that after a few of these cases were tried, there would be fewer mobilehome park owners on both sides -- problems on both sides. Make the problem maker pay for these expenses for a while and the word would get around that this is very expensive and it would be much cheaper to fix the problem in the first place.

Please, let's stop the false hope of writing bills. Stop taking the homeowners to the slaughter house. This bill, as well as others, are written up so the mobilehome owner has to either lose their home, or live with it, because these bills are so that an attorney will be needed. The mobilehome business cannot afford this. Just make all mobliehome laws

mandated and criminal. Which would go back to, again, "shall" as Coleman and Steve have already said. Thank you.

SENATOR DUNN: Okay. David, thank you. Mr. Irwin.

MR. FRED IRWIN: My name is Fred Irwin, and we're down here from Corning, California. We live in the Woodson Bridge Estates. I've been the president of Chapter 1648 since 1996. And I have a document here I've written concerning Civil Code Section 798.44, which is the section of the MRL that concerns liquefied petroleum gas.

The following document concerns 798.44 and the inability to enforce it. I call it, the years of 798.44.

I remember reading in the *Californian* that a few owners -- this was a few years ago -- of mobilehome parks within the state of California had been caught gouging the residents of their parks on the cost of liquefied petroleum gas known as, LPG. I thought at the time that someone should write a law to cover those folks who lived in mobilehome parks that use sub-metered LPG.

In 1999, Senator Chesbro did just that. The law was passed, signed and went into the MRL as Civil Code Section 798.44 and became a law on January 1, 2000. The law stated that in a mobilehome park where residents could only buy LPG from a park owner that the most he could charge his residents was 110 percent of his actual cost and the amount he was paying from the distributor had to be posted in a conspicuous place for all residents to view.

The park owners soon found a loophole in the law by stating the residents did not have to buy LPG from them and gave them permission to buy it from some other distributors, and even furnished them names of the other distributors. That was considered a loophole in the law, but Senator Chesbro did not give up writing the law to close the loophole.

The amended law stated that even though owners gave the residents the right to buy LPG from another source, he still could not charge his residents more than 110 percent of his costs and that his costs had to be displayed for all residents to view it.

I live in a park that has never complied with the original law nor the amended law. I am also the president of GSMOL Chapter 1648 and thought it was up to myself to find out why the owner would not comply with the law.

In January 2000, I sent a letter to the then park owner asking him why he was not complying with 798.44? I was promptly told that the residents could buy their LPG from someone else. And that was the loophole in the law. But, there was nothing else done the rest of the year because the law was being amended to go into effect January 1, 2001; the amended law.

The park was sold late in the year 2000, and we also had new park managers.

In January 2001, the new owner was not complying with the new law so I inquired why he would not comply with 798.44? I was told he was exempt from complying with the law because the residents could buy LPG from another source. And he had sent letters to all residents telling them that -- where they could buy the gas and what they would have to do to have new tanks installed on their property according to HCD.

In the meantime, the park manager had called, I think, most everybody in the park and told them they could -- certainly they could install tanks on their own property, but it was going to be more expensive; they would have to pay leases on the tanks; they would have to pay extra money to have it installed; besides the cost of the LPG was

at a premium and they were going to pay more than what they were paying from the park owner. So everybody listened to him and they decided not to install tanks. So he complied -- he said he was complying with the law and that he was exempt because of that.

Well, what the manager did not tell the rest of the park residents was that even though he had given them permission to do that, he still had to comply with part A and B of that law, which stated that he could not charge more than 110 percent of the cost or that he had to place his actual cost in a place for everyone to view it.

So, I then talked to Bettie Thompson, who is a manager from Region 11, and she says, "Go to your district attorney."

So, I thought, well, I'll try going to the district attorney, which was a waste of my time. It was just absolutely a waste of time. I called the district attorney and he says, "No, we do not handle cases like that. We handle criminal cases only. But if you want to talk to the Sheriff, maybe he'll help you out."

So, I called the Sheriff. He says, "We'll send a deputy out there and make out a report."

Well, the deputy came out to the house and I gave him the whole story and he says, "I'll get back to you." I haven't seen him to this day. And that was better than a year ago.

So, then, I went to work for the undersheriff of Tehama County in the STARS Program. And, I went to him and I said, "Mr. Undersheriff, how about helping me out?"

He said, "Sure. I've got a tech sergeant here that handles all that kind of stuff." And you know, I haven't heard from him to this day.

So, the point is, that I have had no luck trying to enforce this law at all. And I think what we need is some kind of enforcement like you've got

right here out on the highway. If you're coming down the highway at 85mph, and the black and white stops you and he says, "Hey, you're going 85mph, here's a ticket. Show up on Friday the 13th, and you're going to have to pay $345 or go to jail for 345 days." We need something like that; somebody with enough guts and education to come along and say, "You're violating, and if you don't straighten it out you're going to pay." That is, in my opinion, the kind of enforcement we need.

I thank you. That's all I have to say about that.

No, I've got one more thing.

I asked the new manager just recently, "What are you going to do about 798.44?" She looked at me like it was the Chinese New Year or something. I said, "No, it's a law that the park owner is supposed to comply with."

And she says, "Okay. I'll talk to him about it and he'll get back to you and arrange a meeting."

So, a few days later, I says, "Where's the park owner. Is he going to have a meeting?"

She says, "He won't even talk to you."

And that, today, is where the problem is in Woodson Bridge Estates. I can't get anybody to do anything.

SENATOR DUNN: Okay. All right. Thank you very much, Bill, David, Fred. Our next three presenters are, Barbara McLaughlin, Louise Hanson and Jean Phillips.

MS. BARBARA MCLAUGHLIN: My name is Barbara McLaughlin. I'm from Paradise, California. The cards going around now with pictures on them are conditions that I fought for four years to get corrected. And, I did get those corrected by going to the city, fire marshal, and just letting them know I had pictures.

This next card coming around, which will be the fifth one, shows how brave the park owners have gotten.

My mobilehome is built on a slope in a created space. I was flooded for four years and I kept complaining. And finally, my space started to collapse and it did damage to my mobilehome. And, I finally convinced them that they had to do something about it. So they decided to put a retaining wall up to stop my space from collapsing, and in the process, without my permission, took down my 10 x 14 shed, which was a good shed. It could have been moved over, but the contractor said it was faster just to tear it down and put a new one up.

I got a letter from the property manager's attorney saying that they would replace my shed with the same size and quality.

Then, we got a new property manager. And last September, she gave us an agreement in writing that they would replace my shed. In the meantime, all my things are stored in my son's extra bedroom.

Finally, just recently, the park manager told me, no, they are not going to replace my shed. So, they have taken my property, torn down without my permission and now have refused to give it back to me. To me, that's stealing. They also, at one point, were going to build another shed and the contractor shoved up some dirt, loose dirt, didn't pack it down; no gravel; no sand; and was going to pour a cement slab on top of the loose dirt and put a shed on it. Which I complained and they stopped. But anyway, there's a picture of my site. And I still don't have the shed.

The final thing is a sewage backup. For almost five years, I've had sewage backup that comes up in my shower; has ruined my bathroom floor; comes up in people's bathtubs. We had sewage running down the

hill for a year on top of the ground and they used garden lines trying to correct it.

We also have inadequate lighting in the park. An electrical pole fell down; they tied it to a tree with a rope. Here's a picture of it.

I won't give you this one. This one just shows how I keep my place and what I've done to it since I started.

My suggestions are: That park rules be part of rental agreements. There is an implied contract. When you move in a park and they give you a set of rules, you believe this is the way they're going to conduct themselves and run the park.

Just recently, our property manager said, "We can change the rules any time we want. It doesn't matter what the tenants say." And that's not right. It should be with the vote of the tenants if they're going to change those rules.

Secondly, managers are usually not qualified and they should have to take some training. Even a babysitter, day care provider, has to take some training. And I think the state should mandate that mobilehome park managers should take some kind of training, because, they don't know the laws. And they pick somebody off the street, and I don't think the owners really want them to know the laws, quite frankly.

I believe that the inspectors, somebody should put some pressure on the inspectors. They become friends, usually, with the park managers from what I've seen. And I believe that the inspectors should give them a certain length of time to fix a complaint, and if they haven't, he should turn it into the DA.

And incidentally, Coleman, the Health and Safety Code, I believe it's 18400, says the DA "shall" bring a suit, not, "may."

And that's a problem with your laws that the Legislature has brought up, sometimes they conflict. The MRL says the DA "may" bring a suit. The Health and Safety Code, at least what I pulled up on the internet, says, "shall."

Incorrect?

SENATOR DUNN: If it's a nuisance.

MS. MCLAUGHLIN: Well, but it also says that it can be declared a nuisance.

SENATOR DUNN: Barbara, we're not here to argue that issue, so please, wrap it up.

MS. MCLAUGHLIN: And when the inspector turns it over to the DA, then the DA should have a way to fine them. That would support the enforcement. If they don't pay the fine, put a lien on the mobilehome park.

Thank you for your time.

SENATOR DUNN: Senator Sher.

SENATOR BYRON SHER: Senator, I just wanted to thank all of the witnesses for coming. I have to go to another meeting and wanted to excuse myself, not because of lack of interest. And I want to work with you to try to address these problems. And thanks to all of the witnesses who have come long distances to tell us about their problems and concerns.

SENATOR DUNN: Thank you very much, Senator Sher. Louise Hanson.

MS. LOUISE HANSON: Thank you, Sir. Thank you for the opportunity to speak for the mobilehome residents regarding the lack of enforcement of Health and Safety Codes.

I live in a mobilehome park that is not maintained. Our water supply is frequently contaminated with bacteria, and, in fact, we cannot even shower in it without becoming ill.

SENATOR DUNN: Louise, let me interrupt you one more time. So folks who could not hear you in the back, can you restate your name and your place of residence?

MS. HANSON: I'm sorry.

SENATOR DUNN: That's all right. Don't worry about it.

MS. HANSON: I'm Louise Hanson. I live in San Diego County, a little town called Cotati. And I'm the president of the homeowners association for our park which is called, Heavenly Oaks, but certainly isn't.

Anyway, our water supply is frequently contaminated with bacteria. We can't even shower in it without becoming ill and requiring emergency medical care. Yet, the CAO of San Diego County states that we should expect our water to be contaminated from time to time. He also tells us that it is a seasonal problem. Unfortunately, the season is 365 days long.

However, the County was quick to act to cleanup a sewage spill into the seasonal creek next to national forest land; required the owner to rebuild a septic field. Apparently, it's far more important that wild animals and fish be protected than humans. Even though the sewage backs up into our homes periodically, the County will not insist that he remove tree roots from the sewer lines leading into our homes.

Since the laws that are passed are routinely ignored by the agencies that are supposed to enforce them, the only logical action to take is to abolish rental mobilehome parks; make all parks resident owned. With low interest financing available to the residents, even parks

like mine, with all systems failing, could be rehabilitated and it would require over $3 million. There should be some way that tenants can purchase these parks at a reasonable price, not an inflated one.

Regarding last year's propane law, we're now paying a much higher percentage for propane than we did before it was passed. Our owner pays 73 cents a gallon and charges us $1.79 a gallon.

And putting in your own tanks, there's an up front cost of several hundred dollars, making it impossible for those on fixed incomes to do so. Also, in many cases, the lots are too small to accommodate one because of the fire department's required setbacks. This law is virtually worthless to us homeowners, but it has given the park owners another way to gouge the tenants.

The county park inspector will approve any mobilehome on any lot regardless of size and regulations. We have one that was approved even though no car can drive onto the carport because there's a three-foot high telephone connection in the center of the entrance to the carport.

The park inspector also says, that because this park was a campground in the 1950s, he must allow camp trailers on any lot, even though there have been only mobilehomes on those lots for the last 40 years. The park is permitted for an RV section of eleven dedicated lots, but now has many more than that, probably without changing the permit. With old camp trailers next to new manufactured homes, this drives down our home's value even more.

I would not be surprised to come home from work someday and find another travel trailer up on my roof with a permit from the park inspector.

And these are samples of our clean water.

SENATOR DUNN: And can you just briefly tell us what each of those are, please.

MS. HANSON: Okay. This is a seasonal problem. It's not supposed to be brown except in the summer. Well, this is a park water sample taken in October and you can see the crud on the bottom.

This was a park sample taken the next day and it's clear and I panicked and thought they must have been using the well that was condemned.

And this is a current sample, with all the crud on the bottom.

And these are filters that are just loaded with this brown stuff.

SENATOR DUNN: Filters out of what?

MS. HANSON: Filters out of our home filtering system. Everyone has had to put in a filter.

And this is the winter filter. The summer filters you have to change almost on a weekly basis because they're that bad, and they're supposed to last three months.

SENATOR DUNN: All right. Thank you. Then let's go to Jean.

MS. JEAN PHILLIPS: My name is Jean Phillips. I live in Napa, California. And I'm regional manager of Region 2, which extends from Solano and Marin Counties in the south up to the Oregon border.

My concern has been, for the last year I have spent countless hours at meetings in both Santa Rosa, and now in Vallejo, regarding the MRL 798.49, and that of course would be, D4, which relates to property taxes. That's an essential point that I make, although in Santa Rosa there was a change in the entire ordinance not to the advantage of the homeowners. And my effort there was to be as supportive as possible to help those people get some kind of protection from an ordinance that was written clearly for a park owner.

The ordinance got through and I have included it in my packet here, my letters which were my testimony at several of those meetings, and the final outcome of it. I know there is not time for all this.

We're still not through with this, I'm sure, and I think it may end in the courts before it's all over because of the fact that these people are under great stress in every direction. And the only thing they took out of the Sonoma County ordinance and put in the City of Santa Rosa ordinance was their arbitration process. And, with that dimension of cruelty within it, it's back to serfdom. And as far as I can see, it will be useless to have an arbitrator, because they'll have to go along with what the ordinance says and abide by it.

In Vallejo, the problem is property tax. And we have in both instances, it's been a change of financing either due to partners separating, and in the instance of Vallejo, park owners who are new to the park, they're passing through their tax to the homeowners. They have noticed them with that. It's now in a state of being held up because we are in the final hearing, so it's still a matter that is not yet decided. We do feel in each instance where my own testimony, I think, is reflected very well by the representatives of the parks. And there are two parks that are being affected by the same property tax inclusion, not the same park owners, but the same attorney. And it's very important that this be a win-win thing for the homeowners position, because otherwise it's tantamount to highway robbery, as far as I'm concerned.

It is important also to note, that in both Santa Rosa and Vallejo, we have had the participation of Maurice Priest, as our legislative advocate for GSMOL. He sent excellent letters explaining the intent of this particular item.

There is the misimpression, I believe it's a misimpression, and unfortunately, the staff of these communities seem to buy these things. And it seems as though the park owner attorney is somehow getting the word to these people before it comes before the Rent Board, or the city council, because there is staff support for the park owner position, and it's very blatantly clear.

However, that being an aside, there is hope because the council members seem to be wise to the importance of the clarification on the reason that the property tax should not be passed through. If it is to be included at all, it must be included as part of the operating expenses and counted in as part of the fair return equation. That is also a problem because of the fact that they never come clean with the fact that they have taken IRS deductions for either taxes, or anything else that they will benefit by, including road work, which is one of the other assessments being put upon the same residents of Vallejo Mobile Estates, which is one of the parks that is being assessed for not just taxes, but road work, as well.

And it's very important that we get the Corbett bill strengthened, mandated -- this was a word that was used earlier -- and see that there is protection and see that these people know that state law supercedes mobilehome law at a local level. That's what they're trying to say, "Our ordinances can say what they want to, to heck with the state law."

And I will pass my entire packet to you. As I say, there's more here than I could possibly say in five minutes. And thank you very much for your time and help.

SENATOR DUNN: Jean, thank you very much. The Sergeant is coming up behind you. If you give it to him, he'll make sure to give it to

us. Thank you, the three of you, very much. Let's go onto our next three presenters. They are, Gary Ellingwood, Bettie Thompson and Joan Hall.

MR. GARY ELLINGWOOD: I'm Gary Ellingwood of Santa Rosa. The Civil Code has been pretty much -- everybody has basically talked about it. I believe that 90 percent of our problems would cease to exist if it was enforced in some way. I've already presented this. Anyway, I think I'll move on.

Fair rate of return: The park owners say that we are denying them their fair rate of return during arbitration because they they're not getting their raise. Well, when we go to sell our homes, they deny us to sell our homes in the park, and that's denying us our fair rate of return. Because, basically, used homes, used mobilehomes, there's not too many parks that will accept a used one, only new. And it's so costly to move them, and they're really not mobile.

I'd like to move on to the inspectors. We have a state inspector in our area and I'm not afraid to name him. His name is Ron Bellevia . He basically says he doesn't have the manpower. He's only one person. He can't do it all. And I talked with him in our park two weeks ago on a matter that he could have handled in two sentences, faxing it or mailing it to our park owner, but instead of doing that he talked with me for over an hour, but he doesn't have time.

And last, I'll make this short and sweet. The Civil Code should be done, I believe, in Spanish, and it is not. Fifty percent of the residents in California mobilehomes are Spanish, I understand.

SENATOR DUNN: Let me interrupt you, Gary. The Mobilehome Residency Law is available in Spanish from the Department of Housing Community Development. I believe they're working on it. We also have it available in Spanish. GSMOL has it available in Spanish. The park

owners are not required to provide it to the residents in Spanish, however. I don't know if that's the issue you're trying to address.

MR. ELLINGWOOD: Well, this is what I got from the Ombudsman. It basically says, go to your Barnes & Noble or Barclays Bookstore and purchase it yourself. So, over the last year, I did it myself, and I'm passing it out in our park in Spanish. I think the Spanish people deserve a better break than they're getting. They do represent a vast majority of us in our parks. And, they're not getting it. Like I say, this is what I got from the Ombudsman here. Thank you very much.

SENATOR DUNN: Okay. Thank you very much. Bettie.

MS. THOMPSON: I'm Bettie Thompson from Diamond Springs, El Dorado County, and I want to thank you very much for allowing us to come before you, and John and Melanie.

In El Dorado County, we have -- I'm head of the Homeowners Coalition for Mobilehome Parks, and we are a non-profit public benefit corporation. Joan Hall, here, is my vice president. We are fighters. We work very hard and we fight very hard. We intimidate people; the Board of Supervisors and so forth. Right now, we're working on rent control, or rent stabilization, and sooner or later it's going through. However, we have gone to court, small claims court, with parks 15 times in El Dorado County, and we won every time. And, we have trained the judges because they had never heard of the Mobilehome Residency Law until we started working it. And we're training them to be mobilehome judges.

But, now we have about 13 cases before the district attorney, and he's had them since, oh, last August, and he is just now taking action on them. And the one's that we have with the district attorney are all propane violations, and very flagrant ones.

And, we have one thing that we're doing and suggest to others too, anytime there's an election for Board of Supervisors, or City Council, or district attorney, we're having them put in writing that they will enforce the Mobilehome Residency Law before we work for them.

And, I just wanted to thank you very much for all your help.

And also, is there such a thing as -- does the Attorney General have the authority to give a mandate to the district attorneys to enforce?

SENATOR DUNN: The answer is, no. He does not.

MS. THOMPSON: He does not. Thank you.

SENATOR DUNN: Okay. All right. Joan.

MS. JOAN HALL: Hi. I'm very happy to be here and to testify before you today. I'm from Cameron Park. There is nothing that I have heard today that surprises me, because we've all been through the mill, and we know it.

One of the little bureaucratic things that has not been mentioned before is, that we had trouble in our park with fire hydrants that did not work. Finally, finally, finally, the park owner did a partial job on repairing the system, but not to the extent that the fire department wanted done. So, what had happened was, when things weren't being done, I called the fire chief, I had been working with him, and I said, "Would you please cite our park owner?" He told me they were very reluctant to do that because he was a businessman. Now, that doesn't make any sense to me.

But, primarily one of the things that I wanted to talk to you about today was the fact that I understand a year or two ago, that there are funds available, or perhaps, that the HCD can turn over inspections to the county. Is this so, do you know?

SENATOR DUNN: There are circumstances where the local jurisdiction can takeover the inspection responsibility. That is correct. What we're finding, actually, is the reverse is occurring. Where local jurisdictions have in the past taken it over, they're trying to turn it back to HCD.

John, would you like to add to that?

MR. JOHN TENNYSON: That's true. But with regard to Fire Code enforcement, Senator Dunn also had some legislation a few years ago, that permits a local fire department, city, county or fire district, to take on specified Fire Code enforcement, such as the equipment access, fire hydrants, etc., and there have been three jurisdictions that have done so in the last year since that bill has been effective. So, your jurisdiction could also do that. They need to contact Mr. Rivers, with HCD, or someone else with HCD, on the process that's involved with that.

MS. HALL: Oh. Thank you, John. I was wondering because it seemed that I had just a smattering of information, and I know that there would be certain fees that would be applicable. But, I was wondering if some of our DMV monies, as far as our licensing goes each year, that could those funds automatically be given to the county, or transferred to the county, in order to provide for a person? You know, when you're kind of up in the boonies where we are, it's pretty difficult when you call down into Sacramento, you can rarely get anybody out -- you know, you can't get them out. Maybe three weeks from now, maybe.

MR. TENNYSON: Well, DMV monies would not -- you can't take DMV money for the Department of Motor Vehicle functions and transfer them to the county for fire enforcement. It wouldn't be appropriate.

MS. HALL: Well, I just meant that was -- you know, when you're paying your fees on your -- what would be licensing for your mobilehomes, they're all paid to DMV, and I was wondering if some of --

MR. TENNYSON: No. They're paid to the HCD, the Department of Housing and Community Development. On your car, they're paid to the DMV.

MS. HALL: Oh. Okay. All right. I'm sorry.

MR. TENNYSON: Now if your county takes over total enforcement, then yes, they would get the fees that would otherwise go to HCD, because now they're doing the enforcement.

MS. HALL: I just wondered if this would be a possibility for a lot of us to think about in terms of more local control.

Senator Dunn, I thank you. I don't think I have anything to add. It's already been said. Thank you.

SENATOR DUNN: Okay. Thank you very much, the three of you. Let's go onto our next three. They are Irma Hart, Marty Brittan and Albert Johnson.

MS. IRMA HART: Thank you, Senator Dunn. I really appreciate this opportunity. And, I have just a little article that I cut out of the paper. It is the *Bee News*, San Jose. It says, "A San Jose landlord has been sentenced to live two months in one of her own rundown apartments, wear an electric monitoring bracelet to make sure she stays there." I would like to see that in our parks.

Regional officer for WMA, Doug Johnson, wrote an article called, "Day In Court," and it made the seniors in mobilehome parks look very bad. He was very rude, and the article was written just before we went to small claims court over the problems in our park, which is Folsom Manor Mobilehome Park in Folsom. And, we did win the small claims court.

Then thanks to Maurice Priest, when he appealed the small claims, we won that also this spring. So, I'm feeling really good about that.

But, what I do not feel good about is, we had an inspection in June of 2001. We have approximately 60 homes. There hasn't been any improvements. And then the new owners took over. We have had three improvements only. And, the things I want to talk about -- Mayor Jeff Starsky is now councilman, or was councilman at the time, had an article in the paper that this park had been cited before. So it's very well known, the problems we have.

Endangerment: The walkways are not lighted, except we only have SMUD lighting in there. They've taken out all of the lights that are at each walkway. And, we had a broken gas line which resulted from digging to repair a water line that had run underneath number 23 Cedar Way that had been broken, and it ran for two years before we could get anyone there to repair it. In the process, it was the habit of these people, the park owners, to have people who were not very good at their job, and some who were not licensed to do the particular thing that they did. They broke a gas line. And, you will see in the folder that I've given you, that we had to have HAZMAT out there. We had to have ambulances. It was disastrous. It could have been -- if it had caught fire it would have been not only our park, but Lakeside, which Dr. Brittan lives in. And we had to evacuate. It was so serious, and yet, nothing was said about it. It wasn't in the paper, nothing.

We have electrical pedestal problems, or master meter. I think you've mentioned that in your call, that master meters were calling it pedestals.

Six people have had very serious problems. SMUD even took one pedestal completely out so that it could not even be attempted to repair;

it was so poor. And, we just have not been able to get any help on those at all. These six people paid for their own expenses. And, we've written to the city. We've had inspectors out, and nothing is done.

We've had standing water; 28 years under number 10; and, they've used a pump for all these years. The city inspector did come out. We were able to get some help there, but the pump is still being used because the water has not been stopped.

And, the other people in the park all have problems with their pedestals. The repairmen who are willing to come to our park, there's many electrical men who will not even come to that park, but the one who does come, says that everyone in there is going to have a problem. They are that serious. So we're pretty worried about that.

The pool has been unkempt. The new owners have added a new pump. We do not have heat in the pool, which is uncomfortable for the elderly people. They put cold water in it to fill it up because it has a leak, which is not addressed.

SENATOR DUNN: We need to bring it to a conclusion here.

MS. HART: Okay. In 1995, Mr. Crowle, was the inspector for the city, and he wrote up a good article about the retaining walls. And so, we have a serious problem with retaining walls. We have a serious problem with trees. We have letters of interference with sales of homes and lack of maintenance, denied clubhouse, that kind of thing. And that will be all enclosed in your folder.

And, like I say, we've had three band-aid type things. They put an electrical light at the entrance finally, but it was hooked up to one of the homeowners electricity. They were paying the bill until they found out about it. Now we have an ugly looking entrance light, but we do have a light.

MR. TENNYSON: Your five minutes has expired, I'm sorry to say.

MS. HART: Okay. Very good. Thank you so much.

SENATOR DUNN: Thank you, Irma. Mr. Brittan.

MR. MARTY BRITTAN: I could go into how much her park has suffered. Everything she says is true, and a little more besides. The park owner has been absolutely recalcitrant. And in spite of losing in court, she has simply refused to do anything about it. She then sold out. The people who came in, promised to make changes and have only carried out a small number of those.

This retaining wall is between my park, which is Lake Park Estates, and sort of lies immediately up the slope. The water drains out of our park under this retaining wall, which is a pretty shoddy job. The retaining wall is on their property, that is, on Folsom Manor's property, and the owners of that park are responsible for it.

Now, you cannot stop the flow of that water. It's due to the lay of the land; the water is flowing along on top of bedrock. However, there should be some mandatory drainage there to take that water out from under people's houses. There are about 8 or 10 houses that in one way are affected during the winter. And I've seen a couple of houses with their skirting off completely so they can dry out underneath. And, one house has had to pump, as she said, sump pump for many years. But, others have to use them periodically.

Now, we're in the City of Folsom, and HCD has handed off to the City of Folsom for code enforcement. I would say the enforcement has been lackadaisical, to say the least. Complaints are not followed up on. Things are stretched out. I think there needs to be some kind of state law, regulations, that would put a time limit on this kind of a thing.

If you can work hard enough, you can get most of them into the Health and Safety Code. But, this particular owner ignores it. Ours doesn't. I admit, we're in a pretty decent park. Although, I have complaints too, which I won't go into. But, I do believe there needs to be some teeth in the law. And perhaps, the Legislature, as well as HCD, need to be a little bit, shall I say, imaginative, on how they work out some of these things.

We also have rather severe speed problems. We've had some fatalities in front of my park, in particular. In that particular case, the city states that CalTrans is the ruling authority on that. Although, it's my impression, if they really wanted to, they could ask for a study, to try to do something about it.

But, there is this common pattern of one agency handing off excuses to another. And, I'm not sure whether HCD is doing a better job than the cities are. I think there is so much variability there locally, that some are doing a good job, and some aren't.

But, at any rate, we might look into some sort of a sub agency that would be created to enforce laws for mobilehome/manufactured home parks only. Thank you.

SENATOR DUNN: Okay. Thank you, Mr. Brittan. Mr. Johnson.

MR. ALBERT JOHNSON: I'll try to get this to you. My voice is kind of bad, but I'll try. This is something entirely different than you've been hearing.

My complaint is on Section 1680 of the California Health and Safety Code for mobilehomes and recreation vehicle drains. Now, not all mobilehomes let recreation vehicles in, but there's a lot of them that do.

The Subsection(A) for mobilehomes is very satisfactory for schedule 40ABS piping, and is doing a very good job, and is very easy to build, and has also been improved by the users.

Section (B), requires recreational vehicles to have a non-collapsible hose having a smooth interior finish, which is a very good thing. But, until this time, they have not been able to install it for the lack of parts, therefore, it has not been used. Now that parts are available it makes a greater sewer system. I make them very cheap, and they can make them themselves. I'll show them how.

And, then we go into Appendix E, which is international pipe fitters code on how to handle Section 40 pipe.

Section (E)(8), all drainage sewage connection lines Schedule 40, shall be located in trenches of sufficient depth to be free of breaking with traffic or other movements (they don't say what the movements are). The movements are, expansion and contraction from being exposed to differences in temperature. Cold nights and heat of the days will cause enough movement to break either end of the connector.

RVs are not as stable as mobilehomes as far as tipping. And, RV sewage lines often run sometimes as much as 20 feet. The longer the pipe, the more difference in expansion. It will amount to about 5/8 of an inch to a 10 foot piece. And when you put that pipe on, it's solid, firm, hard. And when the wind blows your vehicle a little bit, it's going to break the pipe right out of the tank under the RV. I've experienced it myself.

The second sentence of Subsection(B) shall be omitted in its entirety. In other words, don't try to use Subsection (40)(B) pipe on an RV. You'll have more trouble than you'll know what to do with. And it should be taken out of that code entirely.

Now, HSC 18400.3 does not cover Section 1680 problems. Therefore, they will never be inspected and never be corrected.

And that is all the truth.

SENATOR DUNN: Okay. All right. Thank you, the three of you, very much. Let's go to our next two, and then we're going to actually tap into our reserve list. As you can see, we're a little ahead schedule. Not a lot, but a little. I want to extend a thank you to all the presenters so far, for keeping their comments to our five-minute or under requirement. Let me invite up Judy Nevis and Tony Ban and our first reserve list is CeCi Matthews. And again, let me call one more time for CeCi Matthews. Donna Simpson, who we called earlier. I don't know if she was a little late in arriving. No. All right, let's go to our second reserve, and that's Suzette Hanson. Judy, why don't we start with you, please.

MS. JUDY NEVIS: Thank you, Mr. Chairman and members. My name is Judy Nevis. I'm the Chief Deputy Director for the Department of Housing and Community Development. I'm pleased to be here today on behalf of our Director, Julie Bornstein. Also with me in the room are, Dan Rivers, who oversees our field inspection operations, and Ms. Renee Franken, our Legislative Director.

Given these time constraints, I'm going to keep these comments very brief. However, Ms. Franken and Mr. Rivers and I will remain following the conclusion of testimony to answer any questions and obtain information from those participants today who would like us to follow up on any of their specific concerns.

Today there are 5,595 mobilehome parks and special occupancy RV parks subject to the Mobilehome Parks Act in California. So, that's about 461,000 spaces, and HCD has enforcement responsibility in 3,948 parks, and there are 85 local jurisdictions that are the enforcement

agency in about 1,600 parks. So, as you probably know, either HCD or local enforcement agencies may enforce the act, but it really is a local option; if the local government chooses not to do it, then HCD must.

The State doesn't have an enforcement role for the Mobilehome Residency Law. The Mobilehome Ombudsman Office within HCD does try to assist in resolving mobilehome and certain park disputes, addressing over 1,400 written complaints annually. The majority of those require some type of department field investigation.

But today, we are focusing on mobilehome park enforcement.

We are committed to ensuring the health and safety of those residing in mobilehome parks, and we've tried to make every effort to hire and retain as many inspectors as our resources allow.

Since 1990, the number of spaces under HCD's jurisdiction has increased by about 21 percent. In the last 20 years, HCD's workload in the mobilehome parks program has almost tripled, but staff is at about half the level it was 20 years ago.

As the Select Committee's background report points out, this is the result of static fee levels compared to rising staff costs over time. During this period, HCD has assumed obligations for park maintenance inspection programs, implemented earthquake safety tie down inspections and approvals, and we've continued to receive workload return by local jurisdictions.

Since implementation of the park maintenance inspection in 1990, HCD inspected over 3,800 parks and over 200,000 lots, and there were over 500,000 violations. We routinely monitor about 20 cases that are pending with local district attorneys, and we issue hundreds of last chance letters to try to correct these violations. We also are continuing to absorb workload that comes to us from local jurisdictions.

With regard to the enforcement standards, and that has come up in the hearing today, after the enactment in 1999 of SB 700, HCD convened the Manufactured Housing Park Maintenance Inspection Task Force as required by law. The taskforce includes representatives of Golden State Manufactured Housing Owners League, the California Manufactured Housing Resource and Action Association, Western Manufactured Housing Communities Association, the Senate Select Committee, and other key groups and individuals. The taskforce initially classified the violations into various groups. The violation classifications are in accordance with law.

First, imminent hazards requiring immediate correction.

Then, second, unreasonable risks to life, health or safety, requiring correction within 30 days.

And, lastly, minor or technical violations which were prohibited from citation or notation on an inspection record after January 1, 2000.

So, although this classification system was intended to prevent either HCD, or local enforcement agencies, from over enforcing, it also means that there are some bothersome violations that folks would like to see corrected that we can't always correct. Neither HCD, nor it's individual inspectors have the authority to pick and choose which violations to enforce, but when HCD cannot enforce minor or technical violations, these may be important to residents or park owners, and sometimes, this is misinterpreted to be picking and choosing, when we are trying to comply with the law.

Of course, the Legislature could choose to alter the Mobilehome Parks Act to give greater priority for correction to violations that don't pose an unreasonable risk to life and safety. But unless this were

accompanied by a significant increase in resources, it would really mean that the more serious violations would go uncorrected.

Currently, the ultimate enforcement authority is the sole responsibility of the local district attorney. In HCD's experience, district attorney enforcement referrals compete with high profile crimes and other priorities in the district attorney's office, and park matters can go unresolved despite HCD's best efforts. When this occurs, it contributes to a perception that we are not actively enforcing the law.

To better ensure effective enforcement of higher level violations, HCD sponsored AB 1648 (Salinas) last year. That bill was not successful, but HCD continues to pursue those changes which would have permitted HCD to issue actual citations with fines to habitual and egregious violators of the Mobilehome Parks Act without the need to prosecute the violations through the district attorney.

A component of AB 1628 has been introduced in AB 2382 (Corbett), which has been discussed today. We think that would also be very helpful.

We are confident that if HCD is provided with the legislative authority to financially cite mobilehome parks, Mobilehome Park Act repeat and egregious offenders, the need to file enforcement cases with the district attorney would decrease substantially.

So, adequate enforcement of the Parks Act is challenging and complex, but we are committed to effectively carrying out our responsibilities. We'll continue to work with the taskforce established by AB 700, to identify strategies that may be pursued to reduce the incidence of lessor violations as these are nonetheless important to both park residents and operators. We would also appreciate the support of

the committee for the previously mentioned legislative efforts which would significantly improve our ability to be successful.

So, thank you very much to the committee. And we will remain after the testimony is complete in case there are individuals who would like us to follow up on any of their situations.

SENATOR DUNN: We appreciate that very much. Tony.

MR. TONY BAN: Thank you very much, Senator Dunn. And thank you committee members for having me here today. I'd like to pick up on where she left off. I'm going to deviate a little bit, but I think I can get through in less than five minutes.

I am going to recommend a couple of suggestions for amendment to the Mobilehome Residency Law that you might consider. And the reason for that is, exactly as she just stated, the so-called lesser violations are, in fact, numerically the greatest number of complaints that I have encountered in my tenure as president of the Sahara Mobile Village chapter of GSMOL, and I live in Mountain View, excuse me for not identifying myself.

Just to give you some brief examples that I have direct knowledge of what happened to me: When I purchased my home in October of 1999, I was informed, in violation of the MRL, Mobilehome Residency Law, that if I wanted to move in I was going to have to tear the porch down, which was in compliance with all the local ordinances, and I was going to have to make it smaller so that I could park two vehicles in the driveway. And, when I called HCD, I was told there was nothing they could do about it, talk to the Ombudsman. So not knowing any better, I went ahead and I spent $4,000 over and above the sale price, and I did exactly as I was told.

The following year, I advised management, according to our park rules, that I was going to repaint the mobilehome on the exterior, of course. And in accordance with those rules, I would submit for their consideration, some paint samples. I was told not to bother, I'm going to paint it white, or I'm not going to paint it. I called my attorney. The attorney told me to disregard that. When I told management that I was going to disregard that on advice of counsel, I was advised that, "Well, when I go to sell the home I will either do it, or the buyer is going to be required to do it before we approve them and we will make sure that they know that." This is obviously a direct violation of MRL 798.73.5, but it is very blatant and it goes on in my park. These are costly issues. They are not life safety issues. They are not health issues. And, therefore, they are what HCD classifies as lesser issues. So far, these lesser issues have cost me over $5,000.

After I joined GSMOL, I received a phone call from the general manager at the park on November 2, 2000, informing me that I was wasting my time. But, by the way, since I seemed to be an active individual, I will be prohibited from distributing any literature, any notices of meetings, anything of that type, because GSMOL is an enterprise and cannot carry on its activities. We've pretty well got that dealt with, but it is just a demonstration of the lengths to which they will go. These are all, in fact, violations of code. There's nothing to talk about. They are code violations and they are violations that concern me. But as I say, there are numerous other examples in the park. I receive the complaints. I get the specifics from so many people. I am totally helpless to provide any help and direction, and I would like to do that, but I know, as the Ombudsman told me to my face when I called on him, I should say on the telephone, "There is absolutely nothing we can do, or

HCD can do to enforce these things." So, we've given it some thought and there are two basic suggestions. One of them I seem to be far out, but let me put it in front of you anyway.

In addition to requiring a business license which is a local ordinance thing, if mobilehome park owners were licensed by the State of California, it would immediately open up a path to more expeditious enforcement of the MRL, because under the license they would be required to remain in compliance with it, and that would be a very expeditious, I would think, path to getting enforcement; the threat of having a license revoked. And I don't think that this is such an impossible thing. The State already has a department set up to handle licensing. I'm in the construction business. I'm very well aware of that.

The other suggestion I offer is, that recognizing that MRL is, in fact, the Civil Code, and that there are avenues already available if there is a Health and Safety violation, albeit they might be difficult to pursue, there are avenues available. And if there is a violation of local ordinance, then the district attorney of the local jurisdiction can indeed get involved. And normally, we've been told in our park, there has to be a local violation of a local ordinance, otherwise they're not interested in looking at it.

But as a Civil Code, I look on some organizations that I have dealt with; the Department of Defense, the General Services Administration, and your own CalTrans in the State of California, they have an administrative review law judge or review board. The administrative board has the authority to enforce and to make binding decisions on disputes that arise that are unreconciled with park owners. The only further authority that they would need is if the park owner, or a resident, obviously, declined to comply with the decision of an administrative review board or an administrative law judge. The administrator could

make the recommendation to the local district attorney to investigate the possibility of prosecuting a case, since there is a decision made based on a violation of a state code.

I think these are two suggestions that you might want to look at. But, certainly, I know better than most people because of the position with GSMOL, we need to do something to change the paths of enforcement to the MRL. And I'm sure that if you continue your good work it's going to happen, but I would hope that it happens in time to save a lot of people a lot of money.

There are no lesser violations as far as I'm concerned. There are only violations. Thank you very much, Senator Dunn and committee members.

SENATOR DUNN: Thank you, Tony. Suzette, before you start, Judy, I forgot, when you had identified the other representatives from HCD, could you introduce them so folks know which ones they are?

MS. NEVIS: This is Mr. Rivers and Ms. Franken.

SENATOR DUNN: Okay. Just so that at the end, since we're approaching the end here, I wanted to make sure everybody knew who they were, if there are any follow-up questions of anybody in the audience, since you made the gracious offer that you'll stay around a little bit after.

Suzette, please.

MS. SUZETTE HANSON: I'm Suzette Hanson from Cordova Mobilehome Estates. And, I thank you for hearing me. Mostly what I wanted to talk about one of the problems that we have in our park with the enforcement of the Civil Codes. And in our park, the owner, his attorney, usually addresses all the problems. When we communicate with the owner in written form, he in turn turns it over to his attorney.

His attorney then sends us 10 to 12 page letters in addressing the problems, in triplicate. And, what we get is that our lease agreements supercede the Civil Code, so anything that is in our lease agreement is what we have to live by, not the Civil Code. What they're trying to tell us is that the Civil Codes do not apply to us, only our lease agreements apply to us.

And, they charge us pass-through fees for maintenance on top of our rent, our space rent, and these aren't for capital improvements, these are for maintenance, such as repairs to the roof, a new roof, but repairs.

We had our spa broken down for a whole year and they kept putting it off saying, "We have a part on order. We're having trouble getting the part," various reasons for not repairing it, until finally they just stated, "We're not going to repair it." And, it was down for a whole year. Finally, they came up with a new pass-through fee and on that there was a receipt for spa parts, and that's how we are paying for it, through a pass-through fee. They finally did repair it.

They repaired the clubhouse. Made some repairs to the flooring that was damaged due to flooding. And, they passed that along to us as a capital improvement. Then they, in turn, locked the clubhouse up; cut our hours back.

They decreased a lot of our services. Our guest parking, they've decreased. They took our clothes drying area out. The managers informed us that, well, they didn't notice anybody using it, so apparently we don't need it. And this was during winter months. So we can no longer hang our clothes outside to dry. They decreased the one laundry room that we have by more than half, taking not only the space, but the washers and dryers out, until we only have three washers and two dryers left in the laundry room for a park of 177 spaces.

They are very selective, the management is very selective in their enforcement of rules. And they will allow some residents to be a few days late on their rent, whereas for others, that they've decided that they don't like for one reason or another, they start eviction action, and refuse their rent if they're late, and then start eviction, and then eventually end up taking their home.

Another thing that they do is, their lack of maintenance in the park, they usually turnaround and say that it's vandalism and try to pass that cost onto the residents, stating that somebody vandalized it, instead of when, in fact, it was lack of maintenance.

I'm under that position right now, where management has accused one of my children of vandalizing a gate to a play area and that they are billing me $180 for that gate repair. And they had the police out and cited my son for that. It hasn't even gone to court yet, and they're billing me for that. I have witnesses that are willing to testify that my son wasn't even there on that day in question, and I have lots of pictures showing that, in fact, the gate was not damaged, it was lack of maintenance. The hinges were all rusted and the pictures show that very clearly.

And so, these are the types of things that we are under. Thank you.

SENATOR DUNN: Suzette, thank you very much. The three of you, thank you very, very much. As you can see, we're about two minutes before 4:30, so we're not going to be able to bring on anymore from our reserve list. So, let me make some concluding comments.

First, and most importantly, I want to extend a heartfelt thank you to all of the presenters. I think when we started at 2:30 a lot of folks thought we'll never get through this many witnesses before 4:30. We did

it, and I appreciate the patience of everybody and everyone getting right to the point in their testimony. It's greatly appreciated so that we could hear from everybody.

I know that some of the presenters had more information they wanted to present, and there were others here that would have preferred an opportunity to present. I want to encourage either category, either presenters who didn't complete their presentation, or those who did not get an opportunity to present, to forward a letter to the committee. That letter will be made part of the official record of this proceeding.

We have also, I want to note for the record, that Assemblymember Manny Diaz, has submitted a letter to the committee about HCD code enforcement problems in the Hillview Mobilehome Park in San Jose.

We also have letters from several mobilehome owners already, and the California Mobilehome Resource and Action Association, CMRAA, about other enforcement issues that we will include in the record of these proceedings.

But again, if you did not get an opportunity to testify, or for those who did, you want to add additional information, we encourage you also to forward a letter and we will indeed put it in as part of the record.

As I noted, there will be a transcript of these proceedings prepared. It will be available later in the year. I know that the signup sheet made its way around the room today. If for some reason you did not get an opportunity to signup, it's still on the front table. So if you want to add your name to it, please feel free to do so.

Again, thank you to all the presenters. Again, thank you to a very attentive audience. I didn't hear one cell phone in the entire process, which is greatly appreciated by everyone.

And I know you probably watched as, particularly, I, remained rather quiet today. That was deliberate. This was just fact gathering today and I want to underscore my comment from earlier, that whatever comes out of this hearing in the coming weeks, the legislative process, if that's the route we should choose to proceed, is a slow one. It's frustrating. It was designed to be frustrating. And please, exercise patience as we try to address this well-known problem about enforcement at a variety of different levels on issues in our mobilehome parks.

So, again, I appreciate everybody and we are adjourned.

-oOo-

SUMMARY AND CONCLUSION

MARCH 12, 2002

SUMMARY & STAFF COMMENTS

The hearing elicited a number of disparate complaints about a variety of problems ranging from Mobilehome Residency Law (MRL) violations, enforcement of water quality laws, rent increases, property tax pass-throughs, lease problems, administration of local rent control ordinances, and state or local enforcement of park health and safety code standards, among others. The chair requested witnesses to address how the enforcement process can be improved. Some witnesses made specific suggestions for enforcement; others only listed their complaints.

Summary

Generally speaking residents said they were unhappy about having to use the courts to enforce Civil Code (landlord-tenant issues) under the Mobilehome Residency Law. Although there are many laws governing mobilehome parks, few, they say, are worth much if they can't be enforced. If a park manager will not abide by a provision of the MRL – such as giving residents the proper notice of a rule change, allowing residents to have guests in accordance with the law, or abiding by LPG (propane) requirements, residents have to go to court to seek compliance. Many homeowners cannot handle these cases themselves, lacking knowledge in civil procedure. Lawyers are expensive and most seniors and lower income persons cannot afford them. A number of residents testified that they would like to see public prosecutors or public attorneys mandated, not simply authorized, to enforce civil laws affecting mobilehome parks. One witness suggested that mobilehome laws should carry criminal, not civil, sanctions. Another recommended that parks be licensed and that compliance with the Residency Law be subject to an administrative law judge review process. One resident suggested that the state should require some kind of park management training. Still another said local activism – getting mobilehome owners organized to lobby local officials and bringing action in small claims court – is the key. One emphasized the need to have the state and park owners make the Mobilehome Residency Law available in Spanish so that all residents would know about their rights.

Some mobilehome residents also complained they are not happy with public agencies that, in their view, don't effectively enforce health and safety laws or water quality laws over which those agencies have jurisdiction. Residents testified that there is lack of consistent enforcement, lack of speedy enforcement, and confusion over which jurisdiction – state or local - or which of several departments or agencies of a given jurisdiction - has authority to enforce these laws, with some agencies passing the buck to others. According to one witness, the Department of Housing and Community Development (HCD) will not enforce a number of lesser regulatory requirements, such as the posting of required emergency phone numbers and the HCD Ombudsman sign in the parks. Inspectors, they claim, do not contact the complainant, overlook, or look the other way at violations, or do not follow-through with the complainant after an inspection. Allegedly, some inspectors are incompetent or are too "cozy" with park managers. Some contend it takes months if not years to get action – if any at all. But an HCD representative explained that with budget cutbacks, field enforcement is spread thin, that the Ombudsman is not empowered to deal with Civil Code issues or enforce the Mobilehome Residency Law, that some technical or minor violations were declassified by an administrative task force under SB 700 and are therefore not enforced, and that the department has sought, unsuccessfully, authority to impose fines for Mobilehome Parks Act citations. At least one resident testified that there should be more state funding for the inspection process – that fees and fines should be increased, as much as $10 per space, to hire more inspectors. Another suggested that the state should provide funding for an independent audit of Department of Health Services enforcement of water quality standards and money for legal enforcement.

Summary & Comments

Staff Comments

The committee has heard a number of the above complaints before. Residents are unhappy with the present state of government enforcement of health and safety laws, yet want additional government enforcement of civil laws as well. But the major problem boils down to the fact that the higher level of enforcement some residents would like government to achieve takes money . . . money which state and local governments find in short supply these days.

As mentioned in the background paper, enforcement by the state Department of Housing and Community Development (HCD) or local government of Mobilehome Parks Act (Health & Safety Code) provisions is supported by fees. HCD and many local governments claim that the park inspection program is underfunded and that fees have not been increased to reflect the reality of the times in years. Of the nearly 100 local governments that had been doing park enforcement for HCD in recent years, several have given up and turned enforcement back over to HCD, citing inadequate funding. With the current status of the State Budget, a hiring freeze is affecting the number of state inspectors available to canvass an increasing number of complaints. Even though no general fund money goes to HCD's park inspection program, inspectors who are retiring or moving on to other jobs cannot be replaced.

When the issue of enforcement funding was reviewed in the late 1990's by the Legislature, HCD contended that increases as high as $13 a space were needed. Although one homeowner group was willing to consider a $1 per space increase, both mobilehome park owners and mobilehome owners generally opposed fee increases, and park owners championed the idea of privatizing the inspection program to eliminate 'government inefficiency.' Instead, the Legislature made various fine tuning efforts with the inspection program, such as extending compliance schedules and eliminating citations for minor violations, but the basic problem of underfunding was not addressed. The inspection program will expire again in 4 years, when the Legislature will be faced with an even more difficult funding problem for this program than last time. A task force composed of park owners, residents, legislative and HCD staff now meets bi-annually to discuss the status of the program. Committee staff believes the Legislature needs to begin to evaluate different models of enforcement and funding for this program in the future, rather than waiting until 2005-2006. The task force could serve to begin these discussions. What is an adequate level of enforcement may be debated, but enforcement cannot be done on a shoestring. Fee increases for this program appear to be inevitable if a higher level of enforcement is desired.

Another approach that has already been proposed to put more teeth into the enforcement of mobilehome park health and safety code and regulatory requirements, is to authorize the enforcement agency to impose fines for citation of a violation. As referenced in the background paper, due to opposition, Assembly Bill 1648 (Salinas, 2001), that would have enacted such a program, was never taken up in the Assembly Appropriations Committee in 2001. Currently, the enforcement agency may cite a violation but if the violator (park owner or homeowner) refuses to correct the problem, ultimately the only recourse is for the agency to request a district attorney to either prosecute as a misdemeanor or as a civil abatement case. Many district attorneys' offices are too busy with higher priority cases to take on mobilehome park violations. Although neither homeowners or park owners like the idea of giving the bureaucracy the power to impose fines administratively, perhaps as a start such authority could be limited to the most serious violations (Class A and more important Class B violations). Alternatively, the enforcement agency could be given authority on a pilot program basis to administer the "fine" concept for a two-year period to test its effectiveness.

Summary & Comments

With regard to enforcement of the Mobilehome Residency Law (MRL), there are no easy answers. Again, there are two major problems: 1) Money; and 2) Changing the current system to put the bureaucracy in the role of adjudicating civil disputes. With the state's current fiscal situation, there is little likelihood of creating new programs when existing programs are already being cut. Traditionally, the enforcement mechanism for Civil Code violations is through the courts. Government attorneys or agencies normally do not provide "pro bono" assistance to private citizens in their disputes with other citizens. If the state was to establish a mandatory mechanism to enforce civil laws relating to mobilehomes, why shouldn't state or local officials be required to enforce other civil laws? Where does the Legislature draw the line?

A bill now pending in the Legislature, AB 2382 (Corbett), would expand the authority of district attorneys to enforce sections of the Mobilehome Residency Law that constitute a public nuisance, basically issues involving failure to maintain the park facilities in good condition, to other public attorneys or prosecutorial officials, including the state Attorney General. The bill would also affect enforcement of health and safety code issues. As mentioned above, district attorneys already have this power, but many will not act upon it, because of lack of resources or other priorities. AB 2382 authorizes the AG or other local public attorneys take these cases, not mandate them to do so as witnesses at this hearing testified they favor. The law requires the state to pay for the laws it mandates on local agencies, but the state does not have the money to subsidize such a mandated cost. Perhaps, however, an alternative would be to expand the kinds of MRL cases that public attorneys are authorized to take on – as another step beyond the purview of the Corbett bill.

In addition to mandating that public attorneys or officials litigate MRL cases, other suggestions for state involvement, such as establishing an administrative law judge to arbitrate or decide cases involving the Mobilehome Residency Law, would also require a significant funding source. That source would have to come either from fees on parks, which in turn would probably be passed on in the form of rent increases to residents, or subsidized by the state's taxpayers through the General Fund. Again, with the current condition of the state's finances that is not likely to happen soon. Despite the limitations of the current legal system, mobilehome owners who have organized homeowners associations and advocacy groups, have been modestly successful in addressing some of the most abusive civil violations, working with local task forces composed of park owners, homeowner and local officials, or getting local and state governmental officials to jawbone park owner associations, or where necessary through legal representation or class action lawsuits.

Note on Ford Acres:

One of the cases that gave rise to this hearing involved Ford Acres Mobilehome Park in Kelseyville, California (see related correspondence in the Appendix). This summary of Ford Acres is provided to explain the issue – not totally clear to those unacquainted with the problem from the testimony given at the hearing. The case points out the complexity of enforcement issues and the fact that what is "adequate enforcement" is often not clear-cut. The issue involves a drinking water quality issue for residents of a small park in rural Lake County in Northern California. For years the park obtained its drinking water from nearby Clear Lake, which was filtered and provided to the residents through the park's water system. But for most of the last decade the park has failed to meet state drinking water quality standards enforced by the Department of Health Services (DHS). Three agencies, Lake County, DHS, and HCD were all involved in the case, although the primary responsibility for enforcing the water quality remains with DHS. Despite DHS citations against the park and action by the district attorney, it has

taken years for the park to install a new water system. The alternative to lake water was to sink a well and build a new treatment system to treat the ground water for drinking purposes, but the first attempts to drill a well were beset with various technical problems. Compliance was also complicated by the fact that the first park owner died and the park was operated by the administrator of the estate for some time before it was finally sold to a new owner, who knew of the problems and reportedly purchased the park at a discount. Despite prodding from the Golden State Manufactured Home Owners League, the Senate Select Committee and state and local elected officials, and to the frustration of residents, DHS postponed or extended the park's compliance deadline several times, each time by up to 6 months at a time. Finally, DHS gave the park owner a final deadline. In the spring of 2002, the park completed the new well and treatment system and began pumping water to residents for drinking purposes. Although the new drinking water system is now in place, and DHS has signed off on the project and continues to monitor Ford Acres' water quality, at least a few residents are still dubious. They believe the water from the well, the monitoring system, and the private operator of the water system remain suspect, and that the park was never properly "fined" for dragging its feet for the years the water system was not in compliance with safe drinking water standards that possibly compromised their health. As a result of this case, one suggestion – to establish a reasonable statutory time limit or deadline for ultimate compliance of drinking water standards – rather than leaving it entirely to bureaucratic discretion - may be worthy of consideration.

###

APPENDIX

(Related Materials and Information)

March 12, 2002

Rosemary Tomai Attachments

Tomai

HOMEOWNERS' COALITION
Mobilehome Parks of Tuolumne County
14610 Mono Way #70
Sonora, Calif. 95370

March 12, 2002

GOOD AFTERNOON SENATOR DUNN AND MR. TENNYSON. MY NAME IS ROSEMARY TOMAI. I AM PRESIDENT, HOMEOWNERS' COALITION, MOBILEHOME PARKS OF TUOLUMNE COUNTY.

THERE HAVE BEEN SERIOUS WATER PROBLEMS IN SIERRA VILLAGE MHP. THERE WAS NO WATER. HOMEOWNERS WERE TOLD BY MANAGEMENT THERE IS PLENTY OF SNOW UP HERE THAT CAN BE MELTED AND USED FOR DRINKING, COOKING AND BATHROOM PURPOSES. WHEN CALLS STARTED COMING INTO THE COALITION, HOMEOWNERS WERE ADVISED THIS COULD BE A HEALTH HAZARD AND TO

-2-

NOTIFY THE COUNTY ENVIRONMENTAL HEALTH DEPT. THE DEPT. RESPONDED IMMEDIATELY AND THE PARK'S OWNER TRUCKED IN POTABLE WATER UNTIL THE SYSTEM COULD BE REPAIRED. THE COALITION COMMENDED THE DEPT. FOR ITS PROMPT ACTION.

GOLD RUSH MHP HAS HAD A WATER PROBLEM FOR THREE YEARS. FOUR HOMEWNERS THERE HAD GIARDIA; HOMEOWNERS IN SPACES 5 AND 9 HAVE SKIN PROBLEMS. HEPATITIS "E" IS RARE IN THE U.S. IT IS CAUSED BY BACTERIA IN WATER. THE LADY IN SPACE 26 HAS THE DISEASE. READ 2 EXCERPTS

-3-

FROM LETTER EXHIBIT 1.

RESIDENTS HAVE NOT BEEN FURNISHED SUFFICIENT WATER FOR DRINKING AND COOKING. PLEASE BE REMINDED THAT MANY PARK RESIDENTS ARE SENIORS AND/OR DISABLED WITH INCOMES BELOW POVERTY LEVEL.

ON JUNE 7, 2001, THE COMMUNITY DEVELOPMENT DEPT. NOTICE OF VIOLATIONS WAS SENT TO THE OWNERS AND MANAGER OF COLUMBIA MHP. "THE FOLLOWING IS A LIST OF ITEMS, "WHICH CONSTITUTE AN UNREASONABLE RISK TO LIFE, HEALTH, OR SAFETY, AND ARE REQUIRED TO BE

-4-

CORRECTED WITHIN 90 DAYS." 90 DAYS TURNED INTO 8 MONTHS -EXHIBIT 2. THESE ARE JUST SOME OF THE PROBLEMS WE ARE HAVING IN MANUFACTURED/MOBILEHOME COMMUNITIES IN TUOLUMNE COUNTY.

MOBILEHOME OWNERS IN TUOLUMNE COUNTY ARE DEEPLY GRATEFUL FOR ALL THE HARD WORK THE SENATE SELECT COMMITTEE HAS PERFORMED FOR THEM AND MOBILEHOME OWNERS THROUGHOUT THE STATE. THANK YOU FOR THE OPPORTUNITY

EXHIBIT 1.

J.Waltjen-De Mattos
22216 Parrotts Ferry RD. #26
Sonora, CA 95370-9007
209-536-0412

U.S. Senate
Senator J. Dunn

Senator Dunn:

I sincerely appreciate the opportunity to be heard in regards to the following:

Under California's Safe Drinking Water Act, public safety and health is most important.

We know that wells throughout the state do not meet the safe-water act, including the County of Tuolumne, and it is for that reason that I am writing this letter. As a resident of Tuolumne County, I have witnessed this through my own exasperations.

I have resided at the Gold Rush Mobile Home Park now for a period of five and a half years. During this time there has not been safe drinking water. To begin with, it was boil your water. From that time to the present, the water in this park has exceeded the *maximum contamination levels* with *fecal contamination*.

The Environmental Health Department of Tuolumne County has given the park owners "Notice of Violation" and time to comply and or correct the problem. However, it is now 3 years later and compliance has Not been enforced.

The owners have managed to delay putting in public water and have now succeeded in getting Environmental Health to approve a well on the adjacent property (owned by the park owners) to provide us with water. We are told that this water was tested and that its okay. This was done approximately within the last 2 months or so.

Tomai

Which leads me to the following; there are 2 wells, a septic tank, and a bottomless, contaminated pond on this adjacent property. Now, one would think that the potential for contamination and toxic contamination would be evident here. The county, I guess, doesn't agree!

Since this all started, there are residents that have been diagnosed with "Giardia " from the water and though we can't prove it totally, I have been diagnosed with an autoimmune disease of unknown etiology. There is one possible form of hepatitis that one could get from a contaminated water supply, that being " Hepatitis E". However, this is rare in the United States, yet is still very possible.

Phyllis Walker, a resident in the park, space #6, has had giardia and still does. There are others whom have various types of skin rashes, and giardia also. The park management states that they **Do Not** have to provide us with water. However, the management supplies each space with 4 gallons of bottled water per week. The park manager stated the Department of Environmental Health recommends "boiling your water ".

This is not what the state had in mind when this Act was written! To protect agricultural, watersheds, and open space is a good thing, but who protects us from gross contamination of our water supply?

There is no accountability for code enforcement or fines for failure to comply. We are unprotected because we can't fight these Counties with lawyers. We have no form of consumer protection. Who do we turn to for help?

The State has the resources needed to make such Counties like this responsible. Make this county and others like it accountable for not enforcing code violations and violating State laws. The counties should be subject to **strict accountability**.

Park owners, who are the utility providers, should be accountable and responsible just like any other utility provider. We should be protected from the park owners charging more then 10% over their cost for propane, going without water that's safe to drink, and from taking more than half our income for space rent.

We are not "Middle Class America". We are low income, disabled, and mostly women and seniors.

I thank you for your time and the opportunity to be heard.

Sincerely;

Jean Waltjen-De Mattos

JW

cc: Rosemary Tomai
Tuolumne County Board of Supervisors

Tami

March 11, 2002

Senate Select Committee on Mobile & Manufactured Homes
ATTN: Senator Joe Dunn
1020 "N" Street Room 520
Sacremento, Ca. 95814

Dear Senator Dunn,

Enclosed please find information directed to Department of Housing and Community Development, Office 0f the Mobilehome Ombudsman for your review. Also included are a copy of letter recieved from Golden West Homes pretaining to the Vaulted Roof System used in manufactued homes before 1994 . Names and Addresses of some of concerned manufactured home owners has also been included. Approximately 75 home owners residing at Mill Villa Estates received the letter from Golden West.

Thank you for your time in reviewing this problem which we do not feel should be the responsibility of the home owners.

Sincerely,

Richard D. Grundmeier
Representative for Home Owners
18717 Mill Villa Road #309
Jamestown, Ca. 95327

STATE OF CALIFORNIA
DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT
OFFICE OF THE MOBILEHOME OMBUDSMAN
Business, Transportation and Housing Agency
P. O. Box 31
Sacramento, CA 95812-0031
Toll Free 1-800-952-5275 or
Local (916) 323-9801

TOWAI

SECTION 1 - GENERAL INFORMATION

NAME: SEE ATTACHMENT #1 Date: 3-6-02

MAILING ADDRESS: 18717 MILL VILLA RD JAMESTOWN CA 95327
P. O. Box or Number and Street City State Zip

LOCATION OF HOME: MILL VILLA ESTATES JAMESTOWN CA 95327
If different from your mailing address City State Zip

TELEPHONE NUMBERS: Home: (____) ____ Work: (____) ____

SECTION 2 - DESCRIPTION OF THE PROBLEM(S)

Please use this section to generally describe the problem(s) for which you are requesting assistance. Please use Section 6 for describing specific defects in your home.

ATTACHED LETTER FROM GOLDEN WEST HOMES INDICATES MANUFACTURED HOMES MAY HAVE DEFECTS IN VAULTED CEILING SYSTEM USED BEFORE 1994. LETTER SUGGESTS OWNERS HAVE ROOF INSPECTED BY QUALIFIED CONTRACTOR LETTER ALSO STATES GOLDEN WEST IS NOT RESPONSIBLE. THE VAULTED ROOF SYSTEM WAS APPROVED BY THE STATE OF CALIFORNIA AND SATISFIED THE MANUFACTURED HOUSING CONSTRUCTION AND SAFETY STANDARDS ACT. THE COST OF INSPECTION, REPAIRS, AND SOLUTIONS OF THE PROBLEM SHOULD BE THE RESPONSIBILITY OF SOMEONE OTHER THAN THE HOMEOWNERS.

Please attach additional pages if necessary to describe the problem(s). If your home is located in a Mobilehome Park please complete the following information:

PARK NAME: MILL VILLA ESTATES

MANAGER OR OWNER'S NAME: ____ TELEPHONE: (____) ____

PARK ADDRESS: 18717 MILL VILLA RD JAMESTOWN 95327
If different from your mailing address City County Zip

Copy Total

GOLDEN WEST HOMES

A Subsidiary of Oakwood Homes Corporation

- The unvented roof design accompanied with the location of the home in higher elevations, cooler climates.
- Unrepaired roof leak, or conditions which resulted in the roof structure, sheathing, or insulation inside the roof to get wet and not dry out.

If you suspect, or a private inspection indicates your home has deteriorated wood structural members, precautions should be taken to reduce any chance of roof failure before the roof is repaired. Please consult with a qualified contractor for such precautions, which may include interior or exterior bracing.

A deteriorated roof structure, left unrepaired, could possibly cause physical harm to occupants walking on the roof or from portions of the roof collapsing inward. Possible warning signs of this type of occurrence could be any of the following: the ceiling noticeably sagging under its own weight, visible growth of mold along the ceiling or wall finished materials, ceiling moisture stains, blistered, cupped or wavy asphalt shingles.

In accordance with federal consumer complaint procedures, Golden West Homes is not responsible for providing repairs should you find that the defect exists in your home.

Golden West Homes advises that, should your home contain the above described defect, a licensed roof contractor should be contacted for an estimate of repairs. A drawing of the design of the roof system is attached. Please be advised any repairs of the roof system require permit and inspection by the Department of Housing and Community Development, Codes and Standards Division, PO Box 1407, Sacramento, CA 95812, (916) 255-2501.

3100 N. Perris Boulevard • Perris, CA 92571 • (909) 657-1611 • Fax (909) 943-9892

p. 1 of 4

Received Jane Tomai 2002 mft

Copy

GOLDEN WEST HOMES

A Subsidiary of Oakwood Homes Corporation

This notice is sent to you in accordance with the requirements of the National Manufactured Housing Construction and Safety Standards Act (herein referred to as the "Act").

The California State Administrative Agency ("SAA"), which enforces the Act for the U.S. Department of Housing and Urban Development (HUD), has determined that the design of the vaulted roof system in your Golden West Home may have created a defect in that the 2' x 6' rafter design may trap and retain moisture. Retention of moisture in the roof cavity may eventually cause premature decay or deterioration of the wood structural members and/or mold growth on the wood structural members and roof sheathing in the roof system. The roof system design was used in homes manufactured by Golden West before 1994.

The above described condition may be visible from the interior or exterior of your home, by looking for signs of the following:

- Excessive waviness of the shingles,
- A noticeably sagging roof, soft or sponginess of the roof sheathing or,
- Mold growth on or near the sheetrock ceiling material.

If you suspect that this condition exists in your home, you are advised to have the roof inspected by a qualified home inspector or roofing contractor. Decay or deterioration of the roof structure, if left unrepaired, may result in the failure and possible collapse of the roof system.

The conditions which may cause such consequences to arise are the following:

3100 N. Perris Boulevard • Perris, CA 92571 • (909) 657-1611 • Fax (909) 943-9892

Steve Gullage /Fred Haines/ Ford Acres Attachments

JOSEPH L. DUNN
CHAIRMAN
WESLEY CHESBRO
MAURICE JOHANNESSEN
BILL MORROW
JACK O'CONNELL
BYRON SHER

California Legislature

FORD ACRES

COMMITTEE ADDRESS
1020 N STREET
ROOM 520
SACRAMENTO, CA 95814
PHONE (916) 324-4282
FAX (916) 327-4480

JOHN G. TENNYSON
PRINCIPAL CONSULTANT

MELANIE SCHAUER
COMMITTEE ASSISTANT

Senate Select Committee on Mobile and Manufactured Homes

SENATOR JOSEPH L. DUNN
CHAIRMAN

September 4, 2001

Diana M. Bonta, Director
Department of Health Services
714 P St., Suite 1253
Sacramento, CA 95814

Dear Director Bonta:

As chair of the Senate Housing Committee and the Senate Select Committee on Mobile and Manufactured Homes, a matter regarding drinking water quality at Ford's Acres Mobilehome Park near Clear Lake has been brought to my attention by the Golden State Manufactured Homeowners League (GSMOL), a mobilehome owner advocacy group.

My offices receive hundreds of complaints each year about health and safety problems in California's mobilehome parks, but the case of Ford's Acres, 8940 Soda Bay Road in Kelseyville, is a "classic" in terms of foot dragging by enforcement authorities. John Tennyson of my staff has investigated this matter by speaking to most of the parties involved and obtaining information and records about the history of the problem. Ford's Acres is a small park with 43 spaces that serves as a mobilehome park for both year-around and part time residents. The park obtains its water from the lake near Konocti Bay and runs it through a park-owned treatment facility. As an operator of a water treatment facility, with respect to drinking water the park is regulated by the Department of Health Services.

GSMOL tells us that residents have complained to the park and both state and local officials for years about the clarity and suspected contamination of their drinking water. In April 1994, the Department of Health Services (DHS) inspected the park's water treatment facilities and determined the park was in violation of filtration and disinfecting requirements. Although a letter citing 10 violations was issued, little or nothing was done by the department to enforce compliance for almost 5 years, during which time the park operated an illegal water system. Finally, the department issued an order in early 1999 that the park comply by July 2000. A subsequent "boil order" was also issued. The park owner then dug a well, but the quality of the well water also did not meet

DHS standards. About the same time, the park owner died, and the estate later sold the park to a new owner, who received a discount on the price of the park in recognition of the cost to fix the water system. July 2000 came and went and enforcement was delayed again when the date for compliance was extended. The new owner applied for a DHS loan for a new well and treatment system but like the previous owner, other than some temporary fixes, has continued to delay compliance. Earlier this year, the department issued a permit for the park's water system and the "boil order" was lifted even though residents say the quality of the water cannot be met on a year-around or continuing basis.

Other agencies, including county environmental health and the state Department of Housing and Community Development (HCD) have been involved but have little or no power to enforce water quality standards. HCD did order the park to provide residents with bottled drinking water, although there has been a dispute between the park owner and some residents on the adequacy of the amount of that water. Additionally, I understand the county has determined that the park has been discharging wastewater from the water treatment facility into the lake and regional water quality has become involved to deal with that issue. The park owner is now supposed to be taking the wastewater away by truck.

Finally, by virtue of action by the local district attorney, who sued the park this past April and obtained a court order for the park to comply with DHS water quality standards, it now appears there may be a light at the end of the tunnel. A DHS loan, according to Bob Burton of your Santa Rosa office, will soon be approved for the park, and there is hope that a new well and treatment system will be operational by late fall. But park residents, who have been paying the park for potable water that they have not received for years, are dubious. Despite the change in park owners, residents have received promises from the park for more than 7 years that have never been fulfilled. Enforcement has been extended or delayed a number of times, and to my knowledge no fines have ever been levied. Residents believe the absentee park owners have had more clout with enforcement agencies than the residents who must use the water. With regard to water quality in housing developments or parks that operate their own treatment facilities, my staff is recommending possible future legislation to impose a statutory deadline for compliance by violators, with the alternative of mandatory fines.

The purpose of this letter is to draw your attention to this issue and to ask that your department keep the pressure on the park owner, rather than another extension, to comply with water quality requirements that should have been enforced years ago.

Very truly yours,

JOSEPH L. DUNN
Senator, 34th District

cc: Steve Gullage, GSMOL President

Ford Acres

Senate Select Committee on Mobile and Manufactured Homes. 18 September, 2001
Senator Joseph L Dunn Chairman
1020 N Street Room 520
Sacramento CA 95814

Dear Senator Dunn

I have received from Steve Gullage a copy of your letter to Ms Bonta. I appreciate very much your expressed interest and forthrightness.

As you are probably aware that I am one of two tenants of Ford's Acres Mobile Home Park in Kelseyville who have been vociferous in our attempts to have the condemned water system here replaced, I think it fitting to call your attention to the latest.

I have conversed via telephone with your Consultant, John Tennyson, and am in receipt of a copy of his letter to GSMOL President Steve Gullage concerning his investigation.

I am disappointed to read that Governor Davis vetoed your bill which would have made the office of the Ombudsman more sensitive to the needs of mobile home park tenants.

I think your bill was right on the mark, to make the *bureaucracy* understand that their responsibility is to the people of the state of California, as represented by those of you in office.

I do commend Mike Negrete, of the Regional Water Quality Control Board, for his decisive and successful action to prevent further discharge of poisonous waste water into Clear Lake. County officials have turned away from positive action concerning this water system.

As to the water system *fiasco*, Bruce Burton is on his third *dance* of *dalliance* with the park management.

Having failed to enforce the codes with the previous owner, Roy Goodman, then failed again to enforce the codes with the administrator of the estate, Rainier Guggenheim, he now has delayed for over a year any enforcement activity toward the present owner, William Oswood.

Bruce Burton, who is the obvious *villain* in this story, finally realized, (after the Lake County District Attorney filed a complaint, and received a response from Superior Court Judge David Herrick,) that he must do something to try to justify his failures. Nearly nine months after Mr Oswood purchased the park, Mr Burton issued a permit to operate the water system.

This permit has, as its final items two requirements with fulfillment dates:

August 1, 2001 An application for an amended permit to operate a ground water system.
(I have no information whether this application has been submitted.)

September 1, 2001 This system (ground water) was to be in place and operating.
(It is now over two weeks past the latter date.)

This spring, concerned about the condition of the park's water, I purchased a 300 gallon tank which I mounted on my pickup truck. Each week I make a 30 mile round trip to fill this tank; each day I pump water from this tank into the trailer tank. This is a monetary outlay of about $3.00 per day, besides taking my time and energy. As winter approaches, with the difficulties posed by cold weather, I must regretfully abandon this place of residence.

I think it is a travesty that those placed in a position to guarantee our health and safety, who instead place us in jeopardy and cause us unneeded monetary and physical expense.

I thank you for your interest in issues that concern us, and beg to emphasize the great importance of a proper water system, as has been defined over the past quarter century.

I am enclosing some pertinent documents, which you may not have seen.

Thank you, and kindest regards,

Fred E Haines Fred

8940 Soda Bay Road Space 30
Kelseyville CA 95451
707 277 9181

STATE OF CALIFORNIA - HEALTH AND HUMAN SERVICES AGENCY

GRAY DAVIS, *Governor*

DEPARTMENT OF HEALTH SERVICES
714/744 P STREET
P.O. BOX 942732
SACRAMENTO, CA 94234-7320
(916) 657-1493

November 5, 2001

The Honorable Joseph L. Dunn
Member of the Senate
1020 N Street, Room 520
Sacramento, CA 95814

Dear Senator Dunn:

Thank you for your recent letter to Diana M. Bontá, R.N., Dr.P.H., Director, Department of Health Services, regarding your concerns with drinking water quality and regulatory oversight of Ford's Acres Mobile Home Park (MPH) at Clearlake. Director Bontá has referred your letter to me for reply.

The Ford's Acres MHP water system serves 43 spaces of which approximately six to eight are occupied by year round residents. The water system was under the jurisdiction of the Lake County Health Department until a change in State law resulted in the Department becoming responsible for regulatory oversight on January 1, 1993. At that time, the Department became responsible on a statewide basis for regulatory oversight of over 2,500 small water systems, i.e. those with less than 200 service connections. As you can imagine, it took Department staff a significant time to inspect these systems. The Legislature, in recognition of the regulatory oversight workload, provided authority and funding to recruit and hire nine positions in 1996 for the Department to improve its oversight of small water systems. Many of these systems have serious problems, which require costly improvements to bring them into full compliance with State standards. Only since 1998, with the implementation of the federally funded State Revolving Funds (SRF), have monies been available to provide low-interest loans and grants to address these problems.

In regard to the Ford's Acres MHP, Department staff has spent a considerable amount of time working to bring this system into compliance. Currently, residences of the MPH are being served drinking water that meets all applicable regulations. The waste water you reference is not sewage but backwash water used to flush and clean the filters of the water treatment plant. The backwash water is now being disposed of in leach fields.

By way of background, the Department issued a compliance order to the former owner of Ford's Acres, Mr. Roy Goodman, on February 19, 1999. This compliance order directed Mr. Goodman to submit a plan and corrected schedule to the Department by August 1, 1999, to bring the Ford's Acres water system into full compliance with the state's Surface Water Treatment Regulations. The schedule for compliance was July 1, 2000. Mr. Goodman submitted an inadequate response to the Department's directive on July 20, 1999. Upon being notified his plan was inadequate, Mr. Goodman requested and was granted a one-month extension to satisfy the directive.

Ford Acres

Mr. Goodman submitted an acceptable plan and time schedule on August 27, 1999. This plan called for construction of a new well by July 1, 2000.

Drilling of the new well began on December 7, 1999, and it was completed on December 18, 1999. The water produced by this well was found to be high in dissolved iron and manganese. Iron and manganese are not a health concern, but are aesthetically unpleasant. However, State regulations prevented our permitting this new source for use in the water system without treatment to reduce the levels of these constituents to below their respective secondary maximum contaminant levels.

Unfortunately, Mr. Goodman died on December 8, 1999. This put his estate into probate and an administrator was not appointed by the courts until April 25, 2000. Dr. Guggenheim, the estate administrator, hired the engineering firm of Winzler and Kelly to do an analysis of the Ford's Acres water system and to recommend treatment options to bring the system into compliance. The draft of this report was completed in June 2000 and the report was finalized in July 2000. Ford's Acres was then sold to the current owner, Mr. Bill Oswood, with escrow closing in mid-September 2000.

You are correct in your statement that, "no enforcement action, in the way of penalties has taken place over this period of nearly six years." It is our policy not to fine water system owners as long as they are making a good faith effort to come into compliance, and delays in meeting deadlines are due to circumstances beyond their control. Mr. Goodman was issued a compliance order on February 19, 1999, and made a good faith effort to comply with the directives in the compliance order as described above. A one-month extension was granted to Mr. Goodman to submit an adequate plan and time schedule for bringing the water system into full compliance with the Surface Water Treatment Rule. This delay did not warrant civil penalties because Mr. Goodman was not being recalcitrant in the opinion of Department staff. Upon Mr. Goodman's death, the water system went into probate with the rest of Mr. Goodman's property. It was not appropriate to issue civil penalties at that point because the water system was not in violation of the compliance order. A plan and time schedule had been submitted, a new well had been drilled and the final compliance date of July 1, 2000, was still in the future. Once Dr. Guggenheim was appointed administrator of the estate in late April 2000, he took immediate steps to determine what permanent solution should be pursued. Dr. Guggenheim clearly indicated when he became the administrator of Mr. Goodman's estate, that Ford's Acres would be sold. The Department felt that a change of ownership was the quickest way to obtain a permanent solution to the problems with the water system. Civil penalties were not deemed appropriate because they could have had a negative impact on the ability of the estate to sell Ford's Acres. The current owner, Mr. Bill Oswood, has to date complied with all the Department's requests so that civil penalties are not warranted.

Mr. Oswood has submitted a completed SRF Program application to the Department to obtain a low-interest loan, and has been issued a Notice of Application Acceptance. He has also signed a contract to build a storage tank, and provide treatment of the well water for iron and manganese removal. It is expected that it will take several months to build these facilities. In the interim, Mr. Oswood must deliver potable hauled water if at any time he is unable to provide treated lake water meeting all standards. The bottled water usage you reference in your letter was discontinued when the water system was able to provide potable water from the lake that meets all applicable standards. Mr. Bruce Burton, District Engineer of the Department's district office in Santa Rosa, and his staff will continue to closely monitor the progress being made by the water system owner to complete the new facilities that will utilize the well water as the drinking water source. Should Mr. Oswood not continue his good faith effort to complete the facilities, he will be subject to citation and fines.

Hopefully this background information gives you a better understanding of the efforts that the Department has made to move this small water system into compliance. As with most small systems, solutions to physical problems are difficult to implement due both to financial and management shortcomings on the part of the systems. The problems encountered in bringing Ford's Acre water system into compliance are not unusual for a system of this size.

Your interest in drinking water supplies is appreciated. Should you have any further questions, please contact David P. Spath, Chief, Division of Drinking Water and Environmental Management, at (916) 657-1493.

Sincerely,

David P. Spath, Ph.D., P.E., Chief
Division of Drinking Water and
Environmental Management

JOSEPH L. DUNN
CHAIRMAN
WESLEY CHESBRO
MAURICE JOHANNESSEN
BILL MORROW
JACK O'CONNELL
BYRON SHER

California Legislature

~~JOHN~~ T.
Ford Acres

COMMITTEE ADDRESS
1020 N STREET
ROOM 520
SACRAMENTO, CA 95814
PHONE: (916) 324-4282
FAX: (916) 327-4480

JOHN G. TENNYSON
PRINICIPAL CONSULTANT

MELANIE SCHAUER
COMMITTEE ASSISTANT

Senate Select Committee on Mobile and Manufactured Homes

SENATOR JOSEPH L. DUNN
CHAIRMAN

DEC - 3 20

November 13, 2001

David P. Spath, Ph.D., P.E., Chief
Division of Drinking Water &
Environmental Management
Department of Health Services
714/744 P Street
Sacramento, CA 94234-7320

Dear Dr. Spath:

Thank you for your November 5th response to my September 4 letter to Director Bonta concerning drinking water quality at Ford's Acres Mobilehome Park in Kelseyville. As chair of the Senate Committee on Housing and Community Development and the Select Committee on Mobile and Manufactured Homes, I continue to remain concerned about the health and safety of residents of mobilehome parks, including Ford's Acres.

Your recitation of the background and facts concerning this case is helpful. However, due to research by my staff on this issue I am familiar with the case history, much of which was included in my own letter to Director Bonta. I also appreciate the fact that the Department has worked for some years to facilitate a resolution of this problem and that a final solution is closer at hand than before. However, your letter does not address the bottom line issue in the last paragraph of my September 4th letter, that the Department must keep the pressure on the park to complete the new park water treatment facility as soon as possible without issuing the park owner another lengthy extension to comply.

In fact, while waiting for your reply, we learned from Lake County officials that Bob Burton of DHS, as of October 5th, has granted Mr. Oswood, the park owner, yet another extension to March 30, 2002. See the attached document. Staff tells me that assurances have been made to residents by the park that the new system would be operational this fall. In September Mr. Burton told a member of my staff on the phone that a Windsor construction company had signed a contract and construction was commencing on a storage tank. Therefore, I do not take much comfort in another lengthy extension for Mr. Oswood. Absent more dire circumstances, another 6 months to comply would seem unnecessary, if not overly lenient.

From conversations my staff has had with residents of the park, the deputy district attorney and officials of other agencies familiar with the park's problems, your view that Mr. Oswood and his predecessors have acted in 'good faith' on the water issue does not appear to be generally shared. I understand Mr. Oswood knew of the water problems the park faced when he purchased it and received a discounted price from the Goodman estate on the purchase of the park to enable Oswood to fix the water system. He has now had more than a year to deal with it.

Therefore, I would respectfully request that you overrule the extension that Mr. Burton has granted Mr. Oswood and change it to a deadline that will assure a more timely compliance before Christmas, such as December 15, 2001.

Again, I look forward to your prompt response.

Very truly yours,

JOSEPH L. DUNN
Senator, 34th District

Attachment

cc: Director Diana Bonta
Senator Wes Chesbro
Steve Gullage, GSMOL

Ford Acres

'ATE OF CALIFORNIA—HEALTH AND HUMAN SERVICES AGENCY GRAY DAVIS, Governor

EPARTMENT OF HEALTH SERVICES
RINKING WATER FIELD OPERATIONS BRANCH
D STREET, SUITE 200
NTA ROSA, CALIFORNIA 95404
07) 576-2145 FAX (707) 576-2722

AMENDMENT TO WATER SUPPLY PERMIT NO. 02-03-01P17002

Issued To / Owner: William E. Oswood
6028 Golden Eagle Way
Clayton, CA 94517

RECEIVED
OCT 09 2001
LAKE COUNTY
ENVIRONMENTAL HEALTH

Water System Name: Ford's Acres Mobile Home Park
Water System No.: 1700610
Water System Classification: Community
Water System Location: 8940 Soda Bay Road, Kelseyville, CA 95451

In accordance with Section 116525 of the California Health and Safety Code (CHSC), the Ford's Acres Mobile Home Park public water system must be operated under a valid pubic water supply permit issued by the California Department of Health Services. Application was made by the Ford's Acres Mobile Home Park on October 1, 2001, to change the compliance date of provision 22 of Public Water Supply Permit 02-03-01P17-002 from September 1, 2001 to March 30, 2002. The contract for construction of the new iron and manganese treatment facility and new 30,000 gallon storage tank has been executed. Delivery of the treatment system and storage tank and installation will take up to six months.

It is the finding of the State Department of Health Services that Sections 116275 through 116750, inclusive of the CHSC can be met by the water system. Therefore, the State Department of Health Services hereby amends Water Supply Permit No. 02-03-01P17002 to operate the existing Ford's Acres Mobile Home Park water system, subject to the following provision:

22. The proposed treatment facility for removal of iron and manganese shall be installed and operational by March 30, 2002.

This permit amendment adds to the provisions of Water Supply Permit No. 02-03-01P17002 that was granted to the Ford's Acres Mobile Home Park on May 17, 2001.

Bruce H. Burton
Bruce H. Burton, P.E.
District Engineer
Mendocino District Office

Date: October 5, 2001

COPY

1700610 / Section 2
011001AdmendedPermit / GJS

Ford Acres

STANDING COMMITTEES:
BUDGET & FISCAL REVIEW
SUBCOMMITTEE #3 CHAIR
EDUCATION
ENVIRONMENTAL QUALITY
GOVERNMENTAL ORGANIZATION
HEALTH & HUMAN SERVICES
VETERANS AFFAIRS

STATE CAPITOL, ROOM 4081
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(916) 323-6958 FAX

California State Senate

SENATOR
WESLEY CHESBRO
SECOND SENATORIAL DISTRICT

SELECT COMMITTEES
CALIFORNIA'S WINE INDUSTRY
CHAIR
DEVELOPMENTAL DISABILITIES
& MENTAL HEALTH, CHAIR
BAY AREA TRANSPORTATION
FORESTRY
MOBILE & MANUFACTURED
HOMES
RURAL EDUCATION

November 29, 2001

Ms. Diana M. Bonta, Director
California Department of Health Services
P.O. Box 942732
Sacramento, CA 94234-7320

Dear Ms. Bonta:

I am writing to express my strong disappointment regarding the enforcement of clean and safe drinking water at "Ford's Acres" mobilehome park located in Lake County in my district.

You recently received a letter from Senator Dunn expressing his concerns and his request that the most recent 6-month extension given to the owner of "Ford's Acres" by the Department of Health Services (DHS) be revoked and changed. I too, am asking for revocation of that time extension and agree with a more timely deadline of December 15, 2001.

As you may know, residents of the park and the Lake County District Attorney's office have complained that the water system has been out of compliance for more than six years. DHS has time and time again given the park owner(s) time extensions to correct the many problems.

While the new owner seems close to having a safe water treatment system in place, it was my understanding that the system would be up and running by this Fall. I do not see that an extension to March of 2002 is necessary.

I appreciate your time and look forward to your reply.

Sincerely,

WESLEY CHESBRO
Senator, Second District

WC:jp

Cc: Senator Dunn, Chair, Senate Select Committee on Mobile and Manufactured Homes, 1020 N Street, Room 520, Sacramento, CA 95814

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710 E STREET, SUITE 150
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FAX (707) 445-6511

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RCD 12-18 FORDS ACRES

STATE OF CALIFORNIA—HEALTH AND HUMAN SERVICES AGENCY

GRAY DAVIS, *Governor*

DEPARTMENT OF HEALTH SERVICES
714/744 P STREET
P.O. BOX 942732 MS216
SACRAMENTO, CA 94234-7320
(916) 322-2308

December 13, 2001

The Honorable Joseph L. Dunn
Chair, Senate Select Committee on
Mobile and Manufactured Homes
1020 N Street, Room 520
Sacramento, CA 95814

Dear Senator Dunn:

Thank you for your recent letter in which you express concerns regarding the extension granted to Ford's Acres Mobile Home Park (MHP) for bringing its well into compliance with iron and manganese secondary drinking water standards. You have specifically requested that the Department issue a new date of compliance of December 15, 2001 instead of the previous date of March 30, 2002, for the water system to install an iron and manganese treatment facility and a 30,000-gallon storage tank.

Pursuant to your request, the Department attempted to accelerate the compliance date. Unfortunately, we have encountered two complications. The Department has looked into the contract that Ford's Acres has with the supplier, and determined that the contract requires that the installation be completed by end of March 2002. Although the contractor expects the project to be finished by January 31, 2002, the contractor is unwilling to renegotiate his contract agreement to change the date in case there are unforeseen problems such as bad weather, etc. that could affect the project.

The Department's legal counsel indicates that, although the date in the compliance order could be revised, the owner of the Ford's Acres MHP could contest the action by bringing a writ of mandate against the Department to move the action into court. Since the owner entered into the contractual agreement based on the March 2002 compliance date, legal counsel also feels that the Department's position in defending an earlier compliance date would be weak and probably reversed by the court since the drinking water supplied to all of the Ford's Acres MHP residents meets applicable water quality standards.

Due to these legal complications, an earlier date does not appear feasible. However, the Department will pursue several actions to ensure that the drinking water supplied to the residents of the Ford's Acres MHP continues to meet applicable standards.

- The Department staff will maintain daily contact with the MHP's water treatment operator and continue to perform periodic inspections of the water system. The Department staff has inspected the MHP water system three times since October 15, 2001.

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- In order to keep the pressure on the owner to comply with the water quality requirements between now and March 30, 2002, the Department will issue a notice to the park owner informing him that the Department will continue to periodically inspect the system as well as collect samples (i.e., turbidity) to determine that the water quality is acceptable, and should the water quality exceed drinking water standards, the Department will cite and fine the water system. Fines will be $250/day while the violation is occurring.
- Should the water exceed drinking water standards, the Department will also require that the water system immediately begin providing hauled water to the residents as required by the Lake County court order.

The residents at Ford's Acres MHP are currently receiving treated water from Clear Lake for their drinking water. The water system is presently in compliance with drinking water standards and poses no health risk to the MHP residents. Although the drinking water supplied to the residents from the lake meets applicable standards, we agree with you that the water system treatment facility and storage tank should be installed as soon as possible to eliminate any future drinking water quality problems and allow the MHP to cease using the lake as a drinking water source.

Once again, we appreciate your interest in the drinking water supplied to the residents of Ford's Acres MPH and will keep you informed of any change in the status of the water system. Should you have questions, please call me at (916) 322-2308.

Sincerely,

David P. Spath, Ph.D., P.E., Chief
Division of Drinking Water and
Environmental Management

Ford Acres

State of California—Health and Human Services Agency

Department of Health Services

California Department of Health Services

DIANA M. BONTÁ, R.N., Dr. P.H.
Director

APR 1 2002

GRAY DAVIS
Governor

March 28, 2002

The Honorable Joseph Dunn
State Senate
State Capitol, Room 2080
Sacramento, CA 95814

Dear Senator Dunn:

I am writing to update you on the status of the Ford Acres Mobile Home Park (MHP) drinking water compliance activities. As you are aware Ford Acres MHP has been under a compliance order from the Department of Health Services to replace the existing source of drinking water, Clear Lake, with groundwater from a new well by March 31, 2002. I am pleased to inform you that Ford Acres MHP has met the requirements of the compliance order.

As I indicated in my previous correspondence, Ford Acres MHP was in the process of installing the iron and manganese treatment plant on the new well. Since that time the installation has been completed, the treatment plant is in full operation and the well has begun producing water meeting all drinking water standards. The treated water is being pumped into the new storage tank, which delivers water to the residents as their needs require. We will be closely monitoring the iron and manganese treatment plant during the initial stage of operation to ensure that the treatment is fully optimized. In addition, with the new well now in operation we have ordered Ford Acres MHP to discontinue using the water from Clear Lake as their primary source of drinking water.

We have issued Ford Acres MHP a new water system operating permit that reflects the treatment plant and the new well as the primary source of drinking water. We have included the use of Clear Lake as an emergency backup source as a contingency if there are any problems with the new well during the first year of operation. Although we do not anticipate any problems with the well we believe that is a prudent reliability approach.

Finally, because the well water is a better source of drinking water than Clear Lake, the quality will be much more consistent through out the year. This will be reflected in the consistent aesthetic quality of the well water compared to the water from Clear Lake. For example, the Ford Acres MHP residents will not experience the seasonal

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Division of Drinking Water and Environmental Management
714/744 P Street, MS 216, P.O. Box 942732, Sacramento, CA 94234-7320
(916) 322-2308 (916) 323-9869 Fax #
Internet Address: www.dhs.ca.gov

differences in taste that historically have been a problem with water from Clear Lake. In addition, the well water will be uniform in temperature, about 25 degrees centigrade. Clear Lake water ranges in temperature from about 5 degrees centigrade in the winter to about 25 degrees centigrade in the summer. We believe that the residents will be pleased with the overall improvement in their drinking water quality.

We appreciate your continued interest in this matter. Please don't hesitate to call me at (916) 322-2308, if you have any questions or concerns.

Sincerely,

for David P. Spath, Ph.D., P.E., Chief
Division of Drinking Water and
Environmental Management

Ford Acres

State of California—Health and Human Services Agency

Department of Health Services

California
Department of
Health Services

DIANA M. BONTÁ, R.N., Dr. P.H.
Director

copy

GRAY DAVIS
Governor

May 31, 2002

John Tennyson
Senate Select Committee
on Mobile and Manufactured Homes
1020 N. Street, Room 520
Sacramento, CA 95814

Dear Mr. Tennyson:

This is in response to your recent letter concerning Ford Acres Mobile Home Park (MHP). Specifically you had several questions about the water quality at the MHP that had been raised to you by Mr. Fred Haines. In addition, you indicated Mr. Haines had expressed concern about the MHP's water treatment operator, Mr. Ralf Neff.

With regard to the water quality issues, I recently sent you a copy of a letter that I sent to Mr. Haines addressing his concerns about the water quality; specifically the pH of the water and the chlorine residual. Mr. Haines also expressed concerns about the corrosiveness of the water in terms of stains on the plumbing fixtures and sinks. The stains are most likely not the result of corrosion but due to low levels of iron and manganese that are precipitating out of the water due to oxidation once the water comes in contact with the air. The well water serving the MHP has natural iron and manganese, which is reduced significantly by the new treatment plant to below the secondary drinking water standards. However, there will still be low levels remaining in the water that is delivered to the residents. This situation is not uncommon where well water containing these natural constituents is used for drinking water.

With regard to Mr. Neff, he holds a grade three water treatment operator certificate from the Department of Health Services and operates a number of small ground water systems. My staff in Santa Rosa have indicated that they are confident that he can operate the new treatment plant. In addition we see no evidence of date falsification on Mr. Neff's part. My staff have made separate tests of the water quality and found them consistent with the results reported by Mr. Neff. As far as Mr. Haines allegation that Mr. Neff's employment with the county while operating several water systems constituted a conflict of interest, that is an issue that is outside of our jurisdiction and should have been brought to the County's attention.

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Division of Drinking Water and Environmental Management
601 N. 7th Street, MS 216, P.O. Box 942732, Sacramento, CA 94234-7320
(916) 322-2308 (916) 323-9869 Fax #
Internet Address: www.dhs.ca.gov

I hope that this response adequately addresses Mr. Haines concerns. As I indicated to him we will continue to provide him with the information that he requests on the operation of the treatment plant and the water quality data. If you have any additional questions, please contact me at (916) 322-2308.

Sincerely,

David P. Spath, Ph.D., P.E., Chief
Division of Drinking Water and
Environmental Management

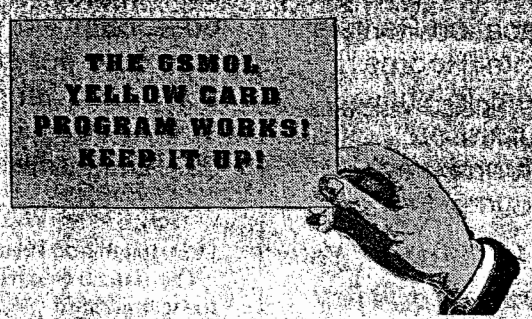
Ford Acres

An update to the Ford's Acres bad water fiasco.

As you know, we have been reporting, from time to time, on the progress being made in trying to bring clear, potable water to the residents in Ford's Acres Mobile Home Park in Kelseyville. This has been an ongoing battle between Fred Haines, a long time resident of the park, the park owners, and the Dept. of Health Services, which started with the first violation in 1994. I reported this problem to Senator Dunn last year, and he became involved along with Sen. Wes Chesbro, in trying to resolve the issue and get good water to these people.

As of this date, the state officials involved have declared the system is now delivering good water and, after a $7,500 fine, the park owner is in compliance. Unfortunately Mr. Haines, who has been testing the water, disagrees with the Dept. of Health Services. In a letter dated April 16, 2002 sent by Fred Haines, and received by my office on April 18, 2002, Fred stated he had tested the water for chlorine concentration at noon on April 15, and again at 7 p.m. that same day, and found the chlorine level at the very top of the test scale of 4.0, which indicated it was even higher than the scale numbers, which are graduated from 0.5 to 4.0 with the safe range between 1.0 and 2.0. The pH scale which is graduated from 6.8 to 8.4 and with an ideal pH at 7.2 to 7.6, showed a level at the top of the scale of 8.4 on the first day of testing, which was also above the safe level. On the second day of testing, which was April 16, 2002, at 9 a.m. the chlorine concentration was at the bottom of the scale (0.5) and the pH at the bottom of its scale (6.8). On both days, according to Mr. Haines, tests the water quality was in the unsafe category, both up and down.

It appears there is still much to be done to satisfy the residents who have to drink the water, and it's apparent that with the concerned involvement of both Senators Dunn and Chesbro, headway has been made. Let's hope, for the health and welfare of the consumers in the park, that all safe levels will be reached and maintained in the very near future. I know the offices of Senators Dunn and Chesbro will be watching very closely as will this office. Eight years of unfit water is long enough.



Deliver Dela with su

Many calls have come to the *Californian* from members regarding lack of delivery or late delivery issue in the month of April. The *Californian* which is delivered 2nd Class Periodical Mail, is individually addressed and generally is supposed to arrive to all subscribers during the first week of the month, barring Holiday conflicts.

The vast majority of *Californian's* newspapers are reaching third destinations with no delays, however a handful of parks have reported park wide delivery failures.

The United States Postal Service has informed the Californian that the best and fastest way to remedy the delivery delays and failures is as follow.

Individual subscribers should contact their local post office (endpoint of delivery) for their mail and request a "Publication Watch" to be placed on their delivery of the *Californian*. If you are a member of GSMOL in a park with other members who are having similar problems receiving the Californian, urge each of them to separately inform the post office of the failure to deliver in a timely manner or a failure to deliver.

A "Publication Watch" will flag

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Home Replacement	Other Structures	Pers Effe
30,000	3,000	15,
40,000	4,000	20,

Attention GSMOL Chapter and Homeowner Association Officers:

ENERGY CO$T $AVING $EMINAR$

COOL-IT
Manufacturing Company

NO BURN

State of California—Health and Human Services Agency
Department of Health Services

California
Department of
Health Services

DIANA M. BONTÁ, R.N., Dr. P.H.
Director

GRAY DAVIS
Governor

May 28, 2002

John Tennyson
Senate Select Committee
On Mobilehomes
1020 N. Street, Room 520
Sacramento, CA 95814

Dear Mr. Tennyson:

This letter is in response to your note in which you inquired as to our comments on a newspaper article about Ford Acres Water System. The article referred to water quality tests that Mr. Fred Haines had performed. Mr. Haines claimed that the results of the tests indicated the water quality was in the unsafe category.

I have attached a letter that I recently sent to Mr. Haines in response to a letter, which he sent to me with the same allegations as in the article. As you can see from my response we do not agree with Mr. Haines position regarding the safety of the water being delivered to the residents of the Ford Acres Mobile Home Park.

I also just received your letter regarding the water treatment operator, Mr. Neff. I have asked my district engineer, Bruce Burton, to look into Mr. Haines concerns. I will get back to you as soon as possible.

If you have any additional questions, please contact me at (916) 322-2308.

Sincerely,

David P. Spath, Ph.D., P.E., Chief
Division of Drinking Water and
Environmental Management

Flex your POWER

Do your part to help California save energy. To learn more about saving energy, visit the following web site:
www.consumerenergycenter.org/flex/index.html

Division of Drinking Water and Environmental Management
601 N. 7th Street, MS 216, P.O. Box 942732, Sacramento, CA 94234-7320
(916) 322-2308 (916) 323-9869 Fax #
Internet Address: www.dhs.ca.gov

Coleman Persily Attachments

SIPES

COLEMAN C. PERSILY
VICE PRESIDENT, GSMOL
206 YOSEMITE ROAD
SAN RAFAEL, CA 94903 TEL: (415) 479-1731 FAX (415-472-1913
E-MAIL colemanpersily@cs.com

FEB. 1, 2002

SENATOR JOE DUNN
CAPITOL BUILDING # 2080
SACRAMENTO, CA

SUBJECT: MOBILEHOME MRL ENFORCEMENT
MARY SIPES

Enclosed please find a letter from a mobilehome resident expressing her frustration re getting enforcement of the MRL laws.

I LOOK FORWARD TO ATTENDING YOUR HEARING ON March 12/1902.

You may want to read this letter as evidence for the need of enforcement'

Coleman C. Persily
Vice President-GSMOL
Northern California

cc: Mary Spies-2240 Yosemite Parkway # 152-Merced, Ca 95340
ccc: Steve Gullage, President--GSMOL

January 25, 2002

Dan Rivers
Field operations manager
8911 Folsom Blvd.
Sacramento CA 95826

Dear Mr. Rivers:

I am in Reciept of your letter regarding the inspection of our mobile home park. I am enclosing copies of my outstanding complaint against our mobile home park which continues to be unresolved for over a year now. I can't seem to get the state agency to resolve this issue and get the mobile home park to complete the job they finished. No one returns phones calls or lets me know when they are coming out. How can the Park cut down a tree they are responsible for a leave a stump which now is growing again. Kevin Rogers, Frank Glymess and Margaret Ortiz do not follow through and give answers. I have not been told to this point who is responsible [illegible] If I am, they cut

my tree without telling me. If the rule is why can they be allowed to leave this stump as it continues to grow.

Again enclosed is a copy of the complaint I have no more pictures to send.

As you state in your letter if any violations that represent risk we could have 5 days or 90 days depending on degree. Why is it you don't enforce the Park to the laws in place?

I'm hoping you might be able to help resolved this complaint, and take time to read the attached complaint.

Sincerely

Mary Sipes

DAVIS

TESTIMONY FOR THE SENATE SELECT COMMITTEE ON MOBILEHOMES, TO BE INCLUDED IN THE RECORD OF HEARINGS, MARCH 12, 2002. SENT BY FAX TO (916) 327-4480.

My name is Tom Davis. I live at 22 Yosemite Road, San Rafael, California. I am a resident homeowner at Contempo Marin, a manufactured home park owned and operated by Manufactured Home Communities, Inc. (MHC). I purchased my home in 1999 and have resided here since that time. I am a member of the board of directors of the Contempo Marin Homeowners Association.

Like many homeowners here, I am concerned about preserving the value of my investment in my manufactured home, although I have no plans to sell in the foreseeable future. I have noticed that several of my neighbors have experienced difficulty in selling their homes when circumstances dictated that they do so. Part of the problem here is caused by the park owner's court challenge of our local rent control ordinance and the resulting uncertainty about future rent levels. But the long term problem, in my opinion, arises from the multiple roles played by MHC in our park. On one hand, MHC as a park owner has the right to approve all incoming tenants before agreeing to enter rental agreements with them. This gives the park owner the power to veto any sale of a Mobilehome. The MRL (C.C. Sec 798.74), limits the permissible reasons for denying a tenancy agreement to specific conditions. As a practical matter, however, a prospective buyer lacks the means and the incentive to challenge the park owner's determination. The seller, meanwhile, has a continuing obligation for monthly rent which, if unpaid, will result in forfeiture of his/her mobile home and space to the park owner. This situation gives the park owner an incentive for refusing to accept prospective buyers, even those who qualify for bank loans to purchase the home. This result has occurred more than once at Contempo Marin, with a prospective sale to a loan qualified buyer disallowed by the park owner and the subsequent acquisition of the site by the park owner at a greatly reduced price.

The park owner at Contempo Marin also sells homes to the public, both as the sales agent for homeowners and for its own account. By park rule, subleasing is prohibited, so individual homeowners have no way to offset the expense of monthly rent while waiting for the appearance of a buyer acceptable to the park owner. Under these circumstances, it is natural for both sellers and buyers to assume that their chances of success will be improved if they deal through the park owner's sales department. This puts independent realtors at a disadvantage and discourages them from competing for listings here or from showing homes here to prospective buyers.

Both prospective buyers and sellers of Mobilehomes would benefit from legislation designed to foster a market in which independent realtors can compete for business, and Mobilehome park owners are not tempted to use their rental agreement review power to influence unfairly the sales of homes in their parks. One approach would be to amend Sec 798.74 to require each park owner to set and publish uniform and objective standards for all prospective tenants to qualify for a rental agreement. One such measure would be a certain score from a specified credit review service, enabling realtors to tell in advance who was a qualified buyer. Such a uniform standard would allay suspicion that the park owner was favoring its own sales listings or was unfairly discouraging independent sales by homeowners. Such legislation would be without cost to the state.

CLINE

California State Senate Select Committee , March 12, 2002, State Capitol, Sacramento
Senator Joseph Dunn, Chairman, Room 2040

Senator Dunn, esteemed Committee members, fellow Citizens:

My name is Jim Cline. My wife and I reside at 37 Yosemite Road, San Rafael, Marin County, in the Contempo Marin MobileHome Park, owned and operated by MHC, Inc. We have lived in the Park 4 and 1/2 years. Thank you for the opportunity to address this Committee.

My comments relate to Asbestos-Containing Materials, (ACM), in our Community Club-House.
In December, last year, the roof of our Club-House leaked, damaging a sizeable part of the ceiling in the community exercise room, (photos attached). This room is left open for use daily from 6 A.M. to 10 P.M.
Use is un-restricted, allowing anyone,non-residents or Children,to enter the room during these times. The damage included partial sections of ceiling sheet rock and acoustic-sprayed on materials. The age of the building, (early 1970's), meant the materials could contain asbestos.
I was frustrated by the lack of interest by Park Management in closing the room from use until repairs to the roof and ceiling could be completed. I obtained permission from the Manager to take samples for Lab testing. I also provided the Manager with OSHA/Cal-OSHA reguations about presumed ACM, and a warning sign to post at the entry to the room. I feared that if the Park wasn't informed about these regulations and penalties, the Manager would have his un-trained, un-suspecting, maintenance workers complete the repairs. They would then have been needlessly exposed to these potentially asbetos-containing materials without any warning or respiratory protection. In spite of having this information, and my having shared these concerns, the room was not closed, and was left in use by Home-Owners and Family members.

To learn who, or which agency, had responsibility to require the Managers to take test samples and appropriate action, I began calling agencies. I called Federal EPA, Cal-EPA, Cal-OSHA, County and City building and Code Enforcement offices, all of which referred me to another Agency, claiming no jurisdiction. Eventually, I talked to an Officer of the Bay Area Air Quality Management District, (BAAQMD), who said they could not force anyone to close off the room, or repair it, unless the materials were "friable", (can be crushed to dust).

Lab tests of the samples I obtained confirmed ACM present and above maximum exposure levels, (report attached). I presented a copy of the report to the Park immediately.
Eventually, after over 2 months, the Manager re-located the exercise equipment to another room and secured the room pending roof and ceiling repairs.

The Managers have since informed me that the roofing Contractor will repair both the roof and ceiling damage. (Some roofing Contractors employees are trained and certified for asbestos remediation of materials encountered during roof replacement and repair.)

I have since learned from an Industrial Hygiene Consultant that, typically, training and certification for roofing contractor employees is insufficient to meet OSHA/Cal-OSHA requirements for remediation of ACM of the type contained in these ceiling materials.

The BAAQMD says their jurisdiction begins when the Contractor "posts" his work permit and scope of work, using an assigned "J-number" for demolition. BAAQMD may then be able to verify appropriate Contractor training and qualifications, as well as safe-guards in place. I expect that once the Park Manager is made aware the roofing contractor cannot legally deal with the ACM, the ceiling repairs will be placed on hold, pending further Corporate funding approval. Meantime, it is possible that ACM and attic fibreglass particles may be circulated through-out this Club-House via the Heat/Vent and Air Conditioning system.

I urge this Committee to consider expanded enforcement responsibility be assigned to local, or a central Agency, to require immediate action when a situation exists that can expose anyone to potentially Hazardous Materials. The Agency should instigate action, or an inquiry to responsible parties, upon a report of this or similar situation. I suggest the Department of Housing and Community Development might be the proper Agency, and Title 25, or the Mobile Home Residency Law, (MRL), the appropriate method by which to codify the responsibility.

Another concern that relates to the testimony given today:
I would hope that the good intentions of this Committee will be carried a bit farther than the present MobileHome Park Rental Agreement Disclosure Form, which is now part of the MRL. The Form requires a Park to disclose certain conditions, yet does not provide for any penalties if disclosures are not made as required. At minimum, there should be penalties or fines collected if known substantial defects, un-corrected citations or violations are not disclosed to prospective tenants in parts D,E,F,G, and H of this Form.

My Family and I applaud the Senator, this Committee, its Advisors and participants for assisting Californias Mobile Home Residents in the safe enjoyment of their Homes.
Thank You.

Sonoma County Mobilehome Owners Association, Inc.
P. O. Box 6152, Santa Rosa, CA 95406-0152
(707) 571-1600

BRUNER
Sonoma

March 12, 2002

Senator Joseph L. Dunn, Chairman
Senate Select Committee on Mobile
and Manufactured Homes
1020 N Street, Room 520
Sacramento, CA 95814

Dear Senator Dunn and Select Committee :

I was hoping to be able to join you today and present this matter in person but work does not permit. I currently work as a paralegal at the Council on Aging in Santa Rosa and am the President of the Sonoma County Mobilehome Owners Association, Inc. I have some serious concerns about the legality of one particular parkowner's rental agreements. He is William Feeney and some say he is currently the president of WMA. I have not been able to confirm this to date.

Mr. Feeney owns Mountain View Mobile Home Park just outside the city limits of Santa Rosa and has forced all the residents onto his long-term leases. He has accomplished this largely through threatening to evict residents who don't sign his long-term leases or threatens to take anyone to arbitration who allows their long-term lease to expire and goes onto month-to-month rental agreement. He threatens to demand rent hikes that would raise current rents of $350 to $600.00 per month via a rent arbitration hearing, the process mandated by our rent ordinances in Sonoma County. Under this threat all residents have signed his long-term leases.

Mr. Feeney has more recently (7/01) also become a partner leaseholder in Sandalwood Estates in Petaluma. There he has employed identical tactics of demanding residents sign his very restrictive and exploitative long-term leases else he and partner Patrick Smith will take all of the residents seeking protection from the Petaluma Rent Stabilization Ordinance to arbitration. On 3-1-02 Feeney & Smith issued rent-increase notices demanding $ 290.00 per month per space. They recently bought into this park knowing it's an all-senior park with average age of 80 years old, most living only on low Social Security incomes, and current rents of $220 - $300 per month. This rent increase will more than double most rents so affected. Some kind of legal protection is desperately needed to protect seniors from this kind of devastating greed. We have a nonprofit corporation ready and willing to buy the park should the current owners decide to sell. Rents could then remain at the current, affordable levels.

I am sending three packets, each containing long-term leases, month-to-month rental agreements, and comparison analyses of each with the Mobilehome Residency Law and/or Rent Ordinances pertaining here in Sonoma County. From this analysis of each document with current state and local law, I hope it will be clear how these agreements violate these current laws. The problem is

Sonoma County Mobilehome Owners Association, Inc.
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(707) 571-1600

who can enforce these laws? Residents cannot afford the attorneys and long legal battles necessary in civil litigation. We have approached our Sonoma County District Attorney Mike Mullins who told us that he needs laws directing his office to enforce these laws. Our new Deputy District Attorney for Consumer Law also says she's ready to assist but does not have the staff nor authority to decide if these agreements are out of compliance with state and local law. She indicates that if an authoritative body or person could issue a definitive statement on their legality / illegality, then she could act. Once again, money for attorneys and civil litigation are needed and lacking in the absence of an enforcement agency or person.

The problem areas of these rental agreements / leases include the parkowners' purported right to raise rents at any time "without limitation" when the MRL or local rent ordinances say otherwise; the parkowners' usurpation of the right to move lot lines which the California Code of Regulations grants only to planning departments and residents on those affected spaces; parkowners' claim to the right to evict residents whenever they please, contrary to the MRL, which has been made part of these agreements by provisions therein; parkowners' demand of first right of refusal to buy residents' homes upon sale, which language should be not be allowed in any lease or agreement; parkowners demanding right to "approve" of "extra persons" as guests of homeowners--the MRL already covers this and does not give parkowners that right; the automatic renewal clause giving the parkowner the sole right to renew a lease needs to be deleted as it's in violation of the MRL. These are a few of the many areas of great concern to residents in our mobilehome parks. I hope you find the enclosed analyses and comparison charts clear enough to see that these legal documents, if executed by residents, especially under the threat of possible huge rent increases or eviction, contain language and provisions that both violate state and local law and rob residents of their rights, their money, and even possibly their homes.

If you have any questions or would like to discuss these matters further, please call me at (707) 571-1600 anytime. My answering machine is always on and I'll return your call as soon as possible. Your phone number and a good time to reach you would also be helpful. Thank you very much for taking the time and effort to look into this matter for us.

Sincerely,

Glen Brunner

Glen Brunner
SCMOA President

<<glenbrunner@earthlink.net>>

Sonoma County Mobilehome Owners Association, Inc.
P. O. Box 6152
Santa Rosa, CA 95406-0152

Sonoma

SANDALWOOD MONTH-TO-MONTH RENTAL AGREEMENT vs. MRL / PET. ORDINANCE

Item	Rental Agreement	MRL / Petaluma Ordinance
Base Rent Increase	Base Rent shall remain in effect until 1st Anniv. Date; then adjustments "shall be made at any time upon...90 days notice" - (sec. 5.2)	"Space rent...shall not be increased-within 12 months of the effective date of the preceding rent increase." –(Pet. City Ord. 1949 sec. 6.50.040 A)
Base Rent Increases	Park claims it can raise Base Rent "without limitation" upon expiration of this Agreement – sec. 8	MRL limits rent increase at end of long term lease to governing local rent control ordinances; no provision allows rent increase beyond ordinance-allowed increases
Extra "Pass-Through" Increases	Other park expenses allowed via Formula Increases to Base Rent in paragraph 5.3 – but there is no par. 5.3 in this rental agreement	None allowed except via rent increase (arbitration) hearing - (Pet. City Ordinance # 1949 sec. 6.50.040 C.)
Residents' Right to Object to / Fight Increases	This rental agreement mandates "ARBITRATION OF DISPUTES" - (sec. 50)	Via Rent Ordinance residents can petition for / demand administrative hearing and decision can be appealed to Superior Court – (Pet.Ord.sec.6.50.060)
Security of Tenancy with Park	This rental agreement says Parkowner has sole right to terminate tenancy at any time – (sec. 18)	Resident has security of MRL** – eviction possible only for authorized reasons - (MRL sec. 798.56)

Sonoma County Mobilehome Owners Association, Inc.
P. O. Box 6152
Santa Rosa, CA 95406-0152

Item	Rental Agreement	MRL / Petaluma Ordinance
"Holdover Tenancy"	Agreement says park can "terminate or refuse to renew Homeowner's tenancy" upon expiration of this Agreement –sec.8	MRL allows for termination of tenancy only for any of the five authorized reasons – (MRL sec. 798.56)
Security of Lot Lines	Gives power to change / diminish lot lines to park-owner - (sec. 2.6)	CA Code of Regulations mandates only planning department and residents of affected lots can change lot lines - (sec. 1616 (c))
First Right of Refusal	Demands Homeowner give Parkowner option to buy MH each time "bona fide" offer is made–else $500.00 penalty - (sec. 52)	No such provision in Rent Ordinance or MRL

Milton Burdick Attachments

Burdick

SENATE SELECT COMMITTEE
ON MOBILE AND MANUFACTURED HOMES

Hearing March 12, 2002
Reference Letter Dated 1-23-02

1) Pending cases from the Californian.

2) Senator Dunn's "Draft Only" letter dated December 14, 2000, most items listed still stand today-due to lack of enforcement.

3) Copy of "A Consumer's Guide to Manufactured Housing" HCD booklet

4) Set up a single WEB site at state level and codify laws, rules, and regulations that effect Mobile and Manufactured homes, park owners and residents. Such as Title 25, MRL, HCD, Non-Profit Corp., Section 8 Housing, other low income housing, real estate laws, small claims court info, insurance, PUC, weights and measure and many more. Links could be created to other WEB sites.

5) Shortage of funds to hire more inspectors to enforce the codes. A few sources for additional income to hire additional inspectors:

A) Increase fees in Title 25 such as:
Article 1 Section 1008, 1014(a), 1016(b), 1020(c) (1), 1020 (f), 1022 (e) (1), 1024

B) Appendix B
Decal fees, B 1576(j), B 1578 (c) (d) (e)

C) Appendix C
C 1578 (c), C 1580 (c), C 1592, C 1594 (b), C 1608

D) Assess each Manufactured or Mobilehome owner (space) a $10.00 assessment per year for an enforcement fund, which will be used to enforce laws, including court action if necessary. As an example H&S Code Section18502 (c) (2) (3).

E) Assess Park Owners (regardless of type of ownership) a $10.00 assessment for each space rented or not rented per year. Funds will be used per item D.

Park owners cannot pass this cost through to Homeowners as a fee. Rents cannot be increased to cover this cost. If park owners are in a rent control area, a request can be made to the rent control board to split the cost 50/50 with residents using rent as the medium.

One issue that comes up again and again on a yearly basis is the amount of rent increases, sometimes twice a year increases. The CPI is around 2.5 to 3.5 % and rent increases are running from 4% to 10% with no additional services in the park, nor are there any major repairs or up grades to common areas.

Due to lack of enforcement the trees and driveway bill is almost a farce.

Letter dated December 28, 2001 is an example of the attitude and the type of service Mobilehome Owners receive from HCD Inspectors.

NOTE
These issues do not apply to all Park Owners. A few park owners meet with residents and try to resolve issues.

Milton Burdick
GSMOL Chapter 955
5700 Carbon Canyon Rd #131
Brea 92823
714-572-0253
milters1@juno.com

Burdick

HCD COMPLAINT ON THE ELECTRIC METER FOR LOT 81 ON LOT 131 AND DRIVEWAY DAMAGE CAUSE BY A TREE AND SHIFTING SOIL AT STREET (Apron).

HCD inspector Danny Wade
Riverside Department
Phone 909-782-4420

December 28,2001 10 AM

Jean and I were leaving the Mobilehome to go shopping about 10AM. Upon leaving, I saw Mr. Wade and maintenance man Jesus were in my backyard. They never knock at my door to ask or explain what they were doing on my site.

I asked what they wanted and Mr. Wade (Mr. Wade never gave me his name I found out his name later at the clubhouse office) said he was investigating a complaint I had filed on the Electric Meter for space 81 being on my lot. I proceeded to show him the meter and its location in reference to the cinder block wall which is the lot line for space 131 and 81 and space 80 and space 132. Mr. wade was not interested in the lot line or the fact that the mobilehome on space 81 was butted up against the lot line and does not have a three foot setback from the lot line as required by Title 25, Division 1, Chapter 2, Subchapter 1, Article 7 Section 1330 (a) (1) last sentence. Mr. Wade apparently is not familiar with Title 25, he quoted the H&S Code and at that it was the wrong section. I told him he should go back to his office and review Title 25 before he goes inspecting park complaints. This complaint was filed some time in 2000 when the owners were installing new wiring and meters on lot 81 and several other lots. I notified park management in writing at the time of installation that the meter was on my lot and should not be installed there but should be installed on lot 81. Park management told me mind my own business and management would call the police if I didn't. Anyway back to Mr. Wade. Mr. Wade said he saw nothing wrong were the meter was place even though it is an encroachment on my lot. I became angry and told him if he does not know title 25 he should not be inspecting park complaints. He indicated he is a qualified inspector and does not have to be knowledgeable on Title 25. I told and showed Mr. Wade the cinder block wall and the chain link fence that are the rear lot lines for lots 80, 81, 132 and 131. I showed him that the mobilehome on lot 81 does not have the three feet setback as required by Title 25 Section 1330. He again said the location of the meter is not a violation, Mr. Wade did not state what law he was quoting, I guess its his opinion and to hell with what the law states. I asked Mr. Wade how the hell can he state " no violation" when you do not even know Title 25.

I asked if there was any more items and he said yes, damage to the driveway. We went and looked at the driveway. Mr. Wade checked the driveway and was about to leave when I told him he should go back to his office and read Title 25 and Section 1616. I gave Mr. Wade my GSMOL business card. He stated he never heard of GSMOL and really was not interested in GSMOL.

Is this suppose to be a qualified Mobilehome Inspector who does not know about GSMOL and is not familiar with Title 25.

Milt Burdick,
5700 Carbon Canyon Rd #131, Brea CA 92823 E-mail: milters1@juno.com

Dr. Dorothea Kenny/HHI President
5700 Carbon Canyon Rd #76
Brea, CA. 92823
(714) 524-0676

03/12/2002

To: Senate Select Committee on Mobile and Manufactured Homes

Listed Below are issues concerning Hollydale Mobilehome Estates Residents:

Park Cable Television

Purchaser of a mobilehome park must supply and maintain the same services to its residents as provided by previous owner. One of these services is park cable television, which has been provided free of charge here at Hollydale for nearly forty (40) years.

Park Owners refuse to make necessary repairs to park cable. They have advised the residents to sign up with Adelphia Cable Company at a cost of $40.00 per month if they wish to have cable television. This additional $40.00 would be an increase in rent.

Driveways

Park Driveways are not being maintained to code.

Resident's Sale of his Mobilehome

Resident was going to sell their mobilehome but was told not to because their mobilehome was to be removed from the park because it is a singlewide. At the threat of lawsuit the manager backed off, but said that the resident could only sell to a specific real estate company (Infinity Real Estate).

Rents

Outrageous rent increases are only possible because state legislature seems to have more sympathy with those who own or rent the ground on which we put our mobilehomes. The aim of the park owner is to bring our rents up to equal that of apartments and houses, but unlike apartment and house renters we supply our own dwellings and make our own repairs.

Bill Clement / Castle Crag Resort Attachments

STATE OF CALIFORNIA, BUSINESS, TRANSPORTATION AND HOUSING AGENCY GRAY DAVIS, Governor

DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT
DIVISION OF CODES AND STANDARDS
NORTHERN AREA OFFICE
8911 FOLSOM BOULEVARD
SACRAMENTO, CALIFORNIA 95826
(916) 255-2501 FAX (916) 255-2535
From TDD Phones: 1-800-735-2929
From Voice Phones: 1-800-735-2922

September 24, 2001

William R. Clement
P. O. Box 97
Castella, CA 96017

Castle Crag River Resort
45-0072
MP 01-0424

Dear Mr.Clement:

This letter is in response to your complaint allegations filed with this Department at Castle Craig River Resort. On July 31, 2001 District Representative I, Barbara Kensinger and I conducted a Mobilehome Park Maintenance inspection. As part of maintenance inspection we investigated the items noted in your complaint. Below I have listed the investigative findings of the items noted in your complaint and where applicable the action taken by the Department. Several of the allegations were unclear, so I have paraphrased them as to what I felt your concerns were.

1. The clubhouse wall has been removed and the patio floor is larger than 35 sq. ft. (construction without a permit).
   Findings and/or action: HCD has issued permits for both the clubhouse remodeling and the deck at the clubhouse.
2. The hillside on the north end of the property was excavated, graded, earth movements.
   Findings and/or action: There is no recent excavation at the north end of the park. No violation was noted.
3. The access to space one (1) is inadequate.
   Findings and/or action: There was twenty foot of clear access to lot one (1). For a park constructed prior to September 15, 1961, roadway access required to the lot is fifteen foot [California Code of Regulations (CCR), Title 25 (T-25), Chapter 2, Section 1106(b)]. No violation was noted. In a park constructed after September 15, 1961 the clear access requirement is twenty-five foot. In the case of lot one (1), this would not be considered an imminent hazard or an unreasonable risk to health and safety.
   Note: This Department is empowered by State law to take enforcement action when conditions observed constitute an imminent hazard representing an immediate risk to life, health, and safety, or the conditions constitute and unreasonable risk to life, health or safety. The conditions do not meet these criteria. These findings do not preclude you from pursuing private civil or other appropriate legal action, as you deem appropriate.
4. The park lighting at space 24 is inoperable.
   Findings and/or action: This violation was not cited for correction.

5. The electrical system has never been upgraded and the wiring is placed in trees and "overgrown".

Findings and/or action: The electrical system is dated. All conditions that were observed to have deteriorated in regards to the electrical system were cited for correction. Some of the overhead conductors are supported by vegetation although they are not unsafe when properly insulated. Conductors that were not properly insulated from the vegetation were cited at spaces 1 and 23.

6. The pedestal adjacent to space 18 is deteriorating.

Findings and/or action: The lot electrical service at space 18 was cited as substandard, with exposed live electrical parts. All conditions that were observed to have deteriorated in regards to the electrical system were cited for correction.

7. Spaces 18 and 19 have brownouts.

Findings and/or action: There was no evidence to support the allegation of "brownouts". This could possibly be a problem with the serving utility.

8. There is unattended wiring laying to the left of space 24 and to the right of the clubhouse.

Findings and action: Unterminated conductors were cited for correction at space 22.

9. Low overhang at south end of the park.

Findings and/or action: Assuming this refers to insufficient clearance from the overhead conductors to the homes, this violation cited at spaces 3, 12, and 16 for correction.

10. The temporary wiring at the refuse container has not been upgraded to permanent status.

Findings and/or action: The Park was cited for the inadequate electrical support pole at the refuse container area.

11. Fencing is installed without permit.

Findings and/or action: The fencing in this park is not required to be constructed under permit. The code cited in your letter applies to fire protection, not fencing. No violation was cited.

12. The park does not have a Snow Load Maintenance Program.

Findings and/or action: The Park does not have a Snow Load Maintenance Program. Having a Snow Load Maintenance Program is optional at the request of the park operator and generally granted as an amendment to the Permit to Operate, as requested and approved by HCD. No violation was cited.

13. An extension cord energizes lighting on the bridge entering the park.

Findings and action: The Park was cited to correct the violation.

14. There is a second mobilehome on lot one (1).

Findings and action: There was no second mobilehome observed at lot (1), although there is an RV in addition to the mobilehome that is reportedly yours. Since this is your home and space you were cited for the second unit on this lot.

15. The propane tank does not have proper clearance at lot one (1) and is not protected from vehicular damage.

Findings and action: There is not proper clearance from the RV to the propane tank. The propane tank will have proper clearance when the unapproved RV is removed. Protection from vehicular damage will not be required for this tank. The location of this tank is not in an area normally accessible by a vehicle, such as at the end of the driveway. No violation was noted.

16. The lot lines were possibly relocated when a home was installed in 1989. The lot line map should be on file in HCD Sacramento office.

Findings and/or action: Lot line maps are not maintained in the Sacramento Office although a plot plan for space 18 would have been submitted with the permit to install the home in 1989. Unfortunately, these records are purged after approximately five years. There was no evidence to support the issuance of a citation for lot line relocation.

Castle Crag

17. Emergency information is not posted in the park.
Findings and/or action: Emergency information was not posted. The Department has not classed this violation as an immediate or unreasonable risk to life health or safety.

18. There are two mobilehomes in the park that are substandard.
Findings and/or action: The two homes at spaces 17 and 25 were cited for substandard conditions.

19. The park was used as a Special Occupancy Park when motorcycles were permitted to camp in the south end of the park.
Findings and/or action: The Park has been in existence for years as a mobilehome park. A new park or park addition specifically constructed for Special Occupancy Use such as exclusive camping or RV use would have to comply with local requirements for its intended use.

20. The notice posting the Ombudsman Telephone Number is not posted.
Findings and/or action: The Ombudsman Telephone Number was not posted. The Department has not classed this violation as an immediate or unreasonable risk to life health or safety.

21. There is no person available to respond to an emergency.
Findings and/or action: The telephone number provided is the owners phone number and although the message is in reference to rental cabins, messages may be relayed to the person in the park that is knowledgeable in emergency procedures. On-site park management is only required for parks with 50 or more lots.

22. There are "unkept" weeds accumulating on several spaces, abandoned mobile homes, and trees and branches that have been reported to the inspector.
Findings and/or action: Several spaces were cited for removal of the accumulation of dry grass and dead tree branches, including spaces 1, 15, 19, and 24. The two substandard homes were also cited as noted in item 18.

23. There are two homes that you have listed for sale with a broker. They are in violation of Title 25 of the California Code of Regulations sections 1106, 1614, and 1620.
Findings and/or action: The code section T-25, CCR, 1106 regarding access to the space, was addressed in number 3 of this letter. The code section T- 25, CCR, 1614 regarding the second unit on this lot, was addressed in number14. The code section T 25, CCR, 1620 relates to the minimum width of roadways, which does not constitute an unreasonable risk to life health or safety.

24. The vegetation at the south end of the park constitutes a fire hazard, on either side of the illegal fencing.
Findings and/or action: Several spaces were cited for rubbish and combustible material, as noted in item 22. The illegal fencing was addressed in item 11. The code that you have cited is not enforced by HCD. The Fire Protection is primarily provided by the Volunteer Department and the California Department of Forestry is the secondary provider.

25. Several sections of the Mobilehome Residency Law are underlined in your submittal, referencing tenancy, utilities, occupancy, and relocation in case of land use change.
Findings and/or action: HCD is not empowered to enforce the provisions of the Mobilehome Residency Law; therefore no action may be taken. The aggrieved party in a civil court of appropriate jurisdiction must take actions relative to violations of the Mobilehome Residency Law.

26. There are branches that pertain to above legislation, AB 862 and MRL 798.37.5.
Findings and/or action: As noted in item 22 the park was cited and ordered to remove all dead tree branches.

27. The park has failed to refund the 10% as mandated by the PUC.
Findings and/or actions: This issue is not under the enforcement jurisdiction of HCD and must be addressed with the PUC or the civil court of appropriate jurisdiction.

28. There is an absence of rent control.
Findings and/or actions: This matter of rent control is addressed at the local governmental level, if applicable, and again is not under the enforcement jurisdiction of HCD.

This letter should fully address your concerns in relation to your allegations. As you have read, HCD does not have the enforcement authority for several of your allegations, because those complaints are civil in nature, you may what to review them with the appropriate local agencies.

A stated previously an entire park maintenance inspection was conducted and any notices or necessary action pursuant thereto will be done as specified in the California Health and Safety Code with respect to mobilehome park inspections.

If you need further clarification, please feel free to contact me at 916-255-2501.

Sincerely,

Ken Shryock

Ken Shryock
Codes and Standards Administrator 1

CC: Barbara Kensinger DR-I

Castle Crag

Dept of HCD
Division of Codes & Standards
8911 Folsom Blvd
Sacramento Calif 95826
Attn: Ken Shryock

October 15, 2001

Addendum to HCD Inspection

In my previous correspondence I set forth my general opinion regarding our laws and the enforcement thereof. Rather than to be labor a point I will make reference to my letter of 10/06/01 and to those paragraphs that are of importance as they relate to your inspection of 7/31/01.
It would appear that I have a different view of the duties of an enforcement agency, therefore I will need an explanation of the above as how it relates to the State of California and HCD. It was my belief, as a taxpayer, that the reporting of a violation would end my position in matter and that the enforcement agency would relay the information on the violation to the parties who would pursue the penalties involved. You stated in Paragraph 3, of your letter of September 24, 2001 that the State of California had given HCD the "empowerment to take enforcement action when ....an imminent hazard....or .....unreasonable risk to life, health or safety exists. According to your report the inspectors have in many instances changed or modified the law and civil codes with the result, in this instance, favoring CCRR. If all inspector's have been so empowered, then I am requesting that we have the input of the Governor's office and the legislature as to the intent of this empowerment. I am currently requesting permission to address the legislature, on behalf of all tenants and property owners regarding this situation. I believe the mis-use of this empowerment can do harm to all concerned and in essence, render the Mobilhome Residency Law and Civil Codes useless.

In order to facilitate my responses I would like to categorize each item as follows:
1) The items that I agree with in your recommendations. They are Items 6, 8, 9, 10, 13, 18,,19, 26.
2) The items that I will pursue through other channels, they are 14, 15, 20, 25, 27, 28.
3) Those that I disagree with and the reason why.
4) Items that were never addressed.

Item 1. The inspector's have indicated that a permit was issued for the clubhouse remodeling and patio floor. Are these permits available in the Sacramento office or the Redding office? If so, I would like a copy for future reference. It is my understanding that, if the walls that

were removed constitutes more than a certain percent of all walls (such as 30%) that all plumbing, electrical, septic etc must be brought up to present code. It is my understanding that the above conditions have not been met. Did the inspector's physically check the interior to ascertain that the Plumbing, Electrical and Septic System were brought up to code? PLEASE ADVISE.

Item 2. Your report states "there is no recent excavation at the north end of the park". Is the "recent" defined as 10 years, 5 years, 2 years or 2 months? As I understand the law regarding this violation of the code, a time line is not indicated. The area in question was at one time a skid trial for logging. CCRR entered this area and removed timber and placed in a road for future growth. If it is not within your jurisdiction as an enforcement agency perhaps the California Department of Forestry or the Department of Fish and Game, or an Environment Agency might be able to shed some light as to whether or not a violation has occured. If one did, then a fine should be levied and perhaps the California State Budget would be increased. PLEASE ADVISE.

Item 3. Space 1. Prior to ascertaining whether or not a violation has occured it would appear that the date this lot was placed into the mobilehome plot would be the date of record. If this lot existed prior to 9/15/61 then the easement of fifteen foot would apply. I believe if you would check the records this lot was placed in service around the end of 1996 or the beginning of 1997 and was moved from the former location on North side of the bridge. Under the code provisions, this lot is entitled to a "clear and unobstucted" view and a lot entrance 25 foot. Perhaps I did not understand what the definition of a "access" and "view" is? I consulted the dictionary and I found that "access" means a way of approach and view means an area or range of vision. I challenge any inspector, who will take the time to park his vehicle on Lot 1, to back it off into the oncoming traffic and state that "the range of vision is not impaired and to the access of the Sweetbriar Easement and state that the way of the approach is visable at all times! The present access of the lot is 19'10" to be exact and does not meet the standard of Section 1106. The placement of this lot should be a matter of record in Sacramento unless the records have been "purged" as they have been as stated in item 16. I do disagree with the inspector's opinion as to an "IMMINENT HAZARD" exists and this is a prime example of how an inspector can circumvent the Civil Code. If an IMMINENT HAZARD EXISTS, it could be in the area as to the height of the fence and that is a matter of conjecture. As I have pointed out in my prior correspondence that I have already incurred an accident due the height of this fence (exhibit a & a(1),it is interesting to note that the former

Castle Crag

manager stated all snow accumulation was pushed to empty mobile homes. where is an empty mobile home near space 1 and Western Heritage is a non-admitted insurer and not subject to review by the California Insurance Dept) and more important, the Sweetbriar Easement, which is used at the south end of the fence, does not permit a "clear and unobstructed view" due to the height of the fence. Had a meeting been held with all tenants in this matter it would not be an issue. If the fence would have been constructed on Lot 1 with a four foot clearance,on either sided then "A CLEAR AND UNOBSTRUCTED VIEW" would have been available. As I pointed out to Barbara Kensinger in my letter of July 19, 2000 (see exhibit b), I had an encounter with a pedestrian who was pulling a wagon and I was unable to see her and to say she was quite upset would be an understatement on my part. Based on this report, would I be safe in assuming that the State of California would liable in the event of a mishap? PLEASE ADVISE.

Item 4 The park lighting located at south end of the park is inoperable. You have indicated a citation was not issued. May I ask WHY? Section 1108(c) is quite clear that EVERY mobilehome park shall have an average of two-tenth horizontal foot candles of light the full length of all roadways and walkways within the mobile home park. I use this walkway to travese from space 1 to space 18. At present, I use a flashlight to prevent injury. In the event that an accident should befall me, what would the position of HCD be? I know what my position would be.
Again, here we have a difference of opinions between Dennis Smith's report and this report (see exhibit c), Mr Smith, in his report of 5/25/01, under paragraph 3, states "The park lighting is inadequate due to insufficient /inoperable walkways are lighted. 25 CCR 1612.(please read Section 1612 (c)).
PLEASE ADVISE.

Item 5. The issue of a faulty electrical system is not new to this park. On 11/15/99 a report was filed by Barbara Kensinger that stated in paragraph 4 (see exhibit d), nine violations of the civil code. An inspection was made by Dennis Smith of your office on 5/25/99 (see exhibit e) and in paragraph 4, he stated " The park electrical system is in violation of construction and safety standards. (25CCR 1604(a) and 1644 (b) 6.0 95). He then listed items (a) thru (i) and stated "repair electrical system to meet minimum standards. A permit is required for new installation. The Mr Smith and Ms Kensinger, on the above date did find violations as cited by a, b, c, d, f, g,h, and i (See exhibit f). As a matter of fact the inspectors cited the entire park for an outdated electrical system.
It becomes quite apparent that each inspector view the issues differently. Please note the 30 day correction period cited by Mr Smith and he did not address the "properly insulated" issue.
May I assume that your findings are the same as Mr Smith's

and if not please indicate the differences. PLEASE ADVISE.

Item 7. The brownouts referred in this item are indeed the problem of the serving utility! Pacific Power sells most all electricity to CCRR and CCRR sublets to tenants therefore CCRR is the serving utility. If there is any doubt as to the brownouts, you may check with Dave Burrell of the GSMOL, who was conducting a tenant's meeting when one of the brownouts occured. Perhaps if the electricity is brought up to code as mandated by Mr Smith, these brownouts may automatically be corrected. As the owner of space 18, I wish to be kept advised.

Item 11. I beg to differ with your assumption that a fencing permit is not required. Section Title 25, Section 1306 states that "NO PERSON SHALL CONSTRUCT .....UNLESS HE HAS A WRITTEN PERMIT OBTAINED FROM THE ENFORCEMENT AGENCY". As I understand HCD position, you are the enforcememt agency! If CCRR filed for a permit, you would be correct in having the approval from the local Fire Dept. However, unless you feel this falls under the EMMINENT HAZARD or RISK FACTOR then it is indeed a violation. Am I to assume that the enforcement agency will not provide this information to the Fire Dept? I have attempted to contact the Fire Dept (See exhibit g) If so, a fine cannot be collected for the California Budget! PLEASE ADVISE.

Item 12. Perhaps you misunderstood this request. The park does have a snow load permit that was part of the original permit granted by the former owners. The regulations are quite clear, Shasta County is in Region III and a snow load permit is required. Perhaps the question should be directed to Section 1306 (c)(1) as to the type of maintenance to be used to control snow accumulations. PLEASE ADVISE.

Item 13. Although I concur with your findings, please be advised that this citation had been issued by Barbara Kensinger in the past. As I recall, this item should have been corrected on her most recent re-inspection. CCRR had harassed Debra Olsen, the former tenant in space 19, regarding the use of an extension cord on her porch. Am I to understand that you are not enforcing Barbara Kensingers original violation and you are allowing a new correction period? PLEASE ADVISE.

Item 14. Regarding the 2nd RV on lot 1, it would appear that you have information that I am not privileged to! You stated that the second RV on my lot was mine. Where did you receive this information? I wrote to Barbara Kensinger on September 2000 (see exhibit h) where I stated to her that this RV belonged to CCRR! If I have documentation that I do not own this RV, how will the citation be issued? PLEASE ADVISE.

Item 15. This is indeed an interesting comment when in

Castle Crag

the past I made a report to Barbara Kensinger and it included the Propane Tank issue.(see exhibit h (1). As I recall she did not consider the Propane Tank as a potential violation. I am pleased that your report does and when the RV is removed the issue will be resolved.

Item 16. As I stated in my initial complaint, Barbara Kensinger did the inspection for HCD. I realize with the vast territory she has, she cannot recall all inspections. When this issue arises again, I will purchase a metal detector and if an arrangement can be made with your Dept for an inspector to be available, I will search for the railroad spikes that were inserted at the time the permit was issued and perhaps that will clarify this issue. For the record, when a landlord or tenant files a permit, are all lot lines for a mobile home records purged after five years? If so, lot line disputes can never be settled after five years? Is this a safe assumption? PLEASE ADVISE.

Item 17 and 20. I would like to lump these two together. If I have had any difficulty with your inspection, these items would head the list!
I FIND IT DIFFICULT TO BELIEVE THAT HCD HAS THE AUTHORITY TO OVERRIDE THE GOVERNOR'S SIGNATURE ON A LAW THAT WAS PASSED AND HAS BEEN APPROVED BY THE LEGISLATURE. When the Governor's signed order # W 156-97 and it was given to the Emergency Services I did not see any provision for "risk" appraisal in that document! In addition, the Ombudsman provision was a heated debate and when the Governor signed this bill I doubt that a "risk" factor was provided. PLEASE PROVIDE ME WITH A COPY OF THIS "STATE" BILL THAT EMPOWERS YOU TO OVERRIDE THE GOVERNOR'S SIGNATURE. PLEASE ADVISE.

Item 21. I am aware of the on site park manager being present in parks with more that 50 residents. I would agree with your statement IF A PERSON IN THE PARK IS KNOWLEDGEABLE IN EMERGENCY PROCEDURES. If such a person exists, the tenants of CCRR are not aware of the name of this individual. Were you privileged to this information?

On September 15, 2001 I was informed by my Real Estate Broker that while she showing the my property for sale she noticed a leach field spill at Lot 18. I was in So Calif at that time and when I returned on September 22, 2001, I verified that a spill had taken place on Lot 18. Obviously, the spill had been there for quite a while inasmuch as the dried up tissue paper at the point of the backup. I contacted the present on-site maintenance man and he informed that he did not do this type of maintenance and that I should call the "cabin rental" number. I did so and I did not receive a reply to my message. This does not surprise me as I have NEVER received a call to any message that I have left for the CCRR. I called the US Environment Agency and was informed that the concentration would be

imbedded in the soil and it would indeed pose an unacceptable risk health risk. I was also informed that where damage to the soil is involved that the US Environment Agency Department has mandated that the soil be excavated and replaced with clean fill dirt. In the past, a spill of this nature occured on this property and the former Manager, Mr Law, was instructed to rake, bleach and clean the spill and remove all contamination and replace the congested area. (letter available from Public Health, See Paragraph 7, dated 4/19/99). I then called Marc Kramer of the Public Health and he informed me that he had given CCRR until October 5, 2001 to clean the spill. On October 5, 2001 the spill still remained and I called Mr Kramer again and to this date I have not had a reply from him.

The result is that CCRR is in violation of Health and Safety Code and Senate Bill(1987), inasmuch as no one is available to respond in AN EMERGENCY in a timely manner. I do not consider a hazardous waste spill of NEARLY FOUR WEEKS a timely manner. Was this type of an emergency taken into consideration when your decision was made. Of course if the Ombudsman's number been posted I could I have called that number regarding this emergency however, the emergency number and the Ombudsmen number has not been posted due to the "THE DEPARTMENT HAS NOT CLASSED THIS VIOLATION AS AN IMMEDIATE OR UNREASONABLE RISK TO LIFE, HEALTH OR SAFETY. Is this a Department decision or your decision? PLEASE ADVISE.

Item 22. As a party in interest on space 1, I took pictures of space one and cannot see where space 1 is any different from that common area between space 1 and space 14! I find it difficult to believe that space 25 was not cited and if there is any doubt regarding space 25, I have pictures for the Fire Dept and future inspectors. Are you waiting for the Fire Dept to issue this violation? If so, PLEASE ADVISE.

Item 24. Based on your input, I called the Fire Dept and I have been informed that Ron Griffen is the Fire Chief of the Castella Voluntary Fire Dept and is responsible for Fire Protection. This number was provided to me by Jim Delhi, the Fire Marshall in Redding. I called the number given to me by Mr Delhi, however I haven't received a reply. I then called Peter Tolofano, Batt. Chief and spoke with Steve Lockery. Mr Lockery agreed that CCRR was in violation of Fire Code, Section 4291 and I should contact Mr Richard Arms, of the US Forestry Service. Mr Arms was the same party that inspected the premises for the prior owner. (see exhibit I). Prior to Mr Arms inspection, the area was cleared to meet the provisions of Section 4291. These same area's have new growth, namely Lot 12, 13, (rear of Mobiles), lot 18, 19, 20, 22, 24 and 25 all do not have a 30 foot clearance from the fence. I do not see how a Fire Vehicle can clear the existing roads with the fence installed at the South end of the park.

Castle Gray

On a personal note, you cited Space 18 for "for a grade of not less than 1/8 inch per foot.....to lot drain" and yet due to the risk hazard..... lot 1 clearance site was reduced from 25' to 19'10"? This rationale is is difficult for the average tenant to digest!

Item 26. As I read this provision, I see that you have enforced a MRL 798.37.5! Was this a misprint?

Items not addressed. We do agree that HCD is an enforcement agency. We do not agree as to the duties of the enforcement agency. As I stated above, I was under the impression that all violations would be forwarded to the agencies responsible for correction or fines. The following area's to be addressed are:

a) An article that appears in the SHASTA CASCADE VISITOR regarding accomadations at CCRR. I had been advised that if a mobile home park or RV park rents out spaces on a consistent basis there are in fact acting as a MOTEL. Is this a correct assumption? If so, who is the agency that should be informed. I understand that Shasta County collects a tax on this type of business and the if so, is a motel license or permit needed? PLEASE ADVISE.

b) Health and safety code 18250 & 18251 ...Assures residents that their Health, Safety, General welfare,and decent living environment and which to protect the investment of their manufactured home and mobile homes. This is not a Mobilehome Residency Law but a part of the Health and Safety Code that was not addressed by your inspection. In your opinion, is CCRR in violation of this code, CCRR is not in violation of this code or does this fall into the imminent hazard or risk area? PLEASE ADVISE.

C) Health and Safety Code 18610. Except as provided..... GREATER PROTECTION.....in effect after December 31, 1977. With the citations issued, is not CCRR subject to "public nuisance" or abatement of the cited issues. I have requested a report from HCD and of this date I have not received one. Must I re-apply again? PLEASE ADVISE.

d) Fire Code Section 4290 and 4291 as it pertains to the Fire Hazard in the rear of Space 12 and 13. Is this be a citation issued by the Fire Dept. PLEASE ADVISE.

I respectfully submit that another inspector, preferably Dan Fitzgerald or Dan Rivers re-inspect the premises in regard to the above violations and if they concur with your imminent hazard rules then I will address the legislature and the Governor's office for the final ruling. I have requested the necessary papers from Assembly Dickerson's Office.

As in the past, CCRR has refused to abate these situations

and if they do not do so now on your present inspection, then may I assume that the District Attorney's Office will be notified for enforcement?

William R Clement
PO Box 97
Castella, Ca 96017
530 235 2814

Copies: Governor Davis, Senator Dunn, Senator Johannesson, Assemblyman Dicerson, Steve Gullage GMOL, CMRRA Dave Henessey, Attorney Maurice Priest GSMOL, Attorney Brucxe Stanton CMRRA, HCD Julia Bornstein, Doug Jacobs Attorney at Law, Public Health Marta McKenzie

David Burwell / Fred Irwin Attachments

Burwell

To The March 12th 2002 Committee On Enforcement of Manufactured-Home Community Present And Further Laws And Codes!

Enclosed you will find statements or reasons and cases where **(ENFORCMENT)** has either been **none existing or lack of enforcement.** These are from the various Manufactured-Home Community Residents through out the State Of California. This is not a new problem that is present, but instead a long going and over due problem. There are also photos to back up some of the statements within this packet.

Please, let's work on this problem of the lack of or none excrescence of **enforcing** the laws that are on the books right now, before creating and passing more bills that also will be without **enforcement!** After getting **enforcement** of the Bills that all ready exists, then proceed with other bills. Why spend the time and money on something that is not worth anything unless you have a large bank roll, (Which Manufactured-Home Community Residents do not have. {Affordable Housing?}

One way I still feel is to change the laws from "Civil" to "Criminal." This way the DA's Office as well as the Attorney General's Office would be forced to act on the bills we presently have. This would not be a cost to the tax payer, for the persons, Community Owner or Community Resident that has been found guilty, would be served a fine to pay, as well as to the correction of the problem that existed in the first place. This would not encounter any expense to the taxpayers. This of course is just one idea.

Thank you for your concern into this long going and over due problem of **Enforcement.**

David Burwell David Burwell

GSMOL's Region 4 Manager
PO. Box 992651
Redding, Ca. 96099
Ph# (530) 275-1938
Fax# (530) 275-1938 **(Call First)**
E-Mail.. DHBurwell@aol.com

No Enforcment Still
In New Bills.
The making of such bills is the
waste of time and the "Tax Payers"
and the GSMOL's Membership's noney.

What I am speaking of is Bill **AB.2382**
(IMPROVED ENFORCMENT BY AUTHORIZING ATTORNEY GENRAL)
By Assemblymember Ellen Corbett.
Emprove enforcment of the law by adding the office of the State Attorney General and County Counsels to the list of agencies that will be authorized to file civil actions and actions to abate public nuisances in mobilehome parks.

If you will notice the words "Will Be" one again are showing up. When I ask GSMOL's Legislative Advocate, Maurice Priest about this, I was told the following.
This bill is **"not a mandate bill!" If this bill were to be mandated, it would then cost the tax payers, and we don't want that.**
Will tell me then, what good will this bill, "Same as others." if it is only a bill writen up to say, "Will if you have the time, or if you have the open space, or if you want to," you can enforce this if you chose? There is no enforcment in this type of bill writing. the only thing that I see is, "Willfull intent to only make the Mobilehome oners think, that they will have enforcment. This is only leading the sheep into the sloder house! As far as the tax payers paying, they allready are paying out on this bill to cover the expences of the State Offfices to pass and make the bill. The only one that is not getting the taxpayers money is GSMOL's Legislative Advocate, Maurice Priest. He is getting payed by GSMOL.

After this bill were to be Mandated, There would not be a cost to the tax payers, for the revanew woul be coming only from the person or persons that broke the law in the form of a fine, jail time or fine and jail time! Then added to this is the fact that the person or persons that broke the law, would all so have to corect the problem as the law stateed in the first place. In colecting the fine as the sorce of revanew, from the person/persons that broke the law only, would not be effecting the tax payers.

What is the problem with collecting from doing this? I can bet that after a few of theses cases were tried, there would be fewer mobilehome park problems on both sides. Make the problem maker pay for the expences for a while and the word will get out that this now is very expencive and it wold be much cheaper to fix the problem in the first place.

Please, let's stop the "False Hope"style of writting bills. Stop taking the mobilehome owners to the sloder house. This bill as well as others are writen up so the mobilehome owner as to either loss their home or live with it, because theses bill are so that an attorney will be needed. The mobilehome residents can not afford this! Just make all mobilehome laws a Mandate and Criminal.

Thank you.
David Burwell

Odend'hal

March 6, 2002

TO: Senator Joe Dunn
Chairman, Senate Select Committee on Mobile and Manufactured Homes

Mr. Chairman:

My name is Chrisseen Odend'hal.

I live in the Anderson's Butte Creek Mobile Home Park L.L.C.
2321 Honey Run Road, Space #34
(I own another mobile on space #18)
Chico, CA 95928

The Park was purchased by William "Bill" Sheridan in 2001. Mr. Sheridan admits to being unaware of the Mobile Home Residency Laws.

Here is my personal experience regarding Mr. Sheridan:

If you disagree with Mr. Sheridan in any way, he will retaliate against you in the form of eviction notices, unreasonable requests such as tearing down sheds, rent increases, and in my case he will not accept my rent checks for mobile #34. He stated that the L.L.C. has found me to be "unacceptable." I have declarations from the previous manager and also other residents of the park stating I have been a very good tenant and neighbor. He will not provide me with a new rental agreement although much has changed since he has taken over the park.

He will **not accept** any **Certified Mail** and told his office help that they are not allowed to accept any **Certified Mail** that goes to the office. Here are some more problems:

1. Sub-surface water seepage from uphill source since paving threatening my home.
2. Tripping hazard of speed bumps since paving due to incomplete job. Painting has not been done.
3. Dilapidated fencing with sharp wires and exposed T-posts next door where young children play (one of his rentals).
4. Unsanitary laundry facilities, i.e., no hot water to prevent spread of disease, lice, etc.
5. Violated privacy and sanctity of home and hearth (late night **prowling** and going through residents' trash prior to morning trash pick up).
6. **Stachybotrus Atra** infestations on two adjacent rentals.
7. Sudden protracted interruptions of water service within the last month.
8. **Loud, abusive and foul language against residents and <u>non-residents</u> in the presence of little children.**

Although I can ill-afford it, I have had to retain the services of an attorney to protect myself against this vile, harassing, threatening and vindictive individual. There should be an MRL that addresses harassment and retaliation against tenants by a mobile home park owner.

I hope that you will be able to help our community to return to the **peaceful and secure state** that we had come to appreciate before Mr. Sheridan took over the park.

Thank you for your time and attention to this matter.

Sincerely,

Chrisseen Odend'hal

Chrisseen Odend'hal
2321 Honey Run Road, #34 and #18
Chico, CA 95928
(530) 345-5678

Revier

This is my **latest** experience with the enforcement of the MRL's.
In February our LPG meters were inspected by the local inspector. According to the seal on my meter, it was last checked in 1971.
Attached is a copy of the notice I received from the park management regarding replacement of my meter.
This sarcastic notice was hand delivered on Feb. 27 with a **verbal note** from Sean, a worker for Mr. Sheridan, the owner. He would be replacing my meter on Feb. 28 **if** he was not told to do something else. I cancelled my plans and waited all the next day. Consequently, he didn't show up. I saw him working on a roof of a rental mobile later in the day. On the afternoon of March 1, 2002 Sean and Jean (the head of the maintenance crew) replaced the meter. Jean is a licensed contractor. I do not believe that he is **licensed by the State** to work on **LPG gas systems.**
The evening of March 1, Cece Matthews (our GSMOL President) and I went to the office to pay our rent. While we were waiting for our receipts, Mr. Bill Sheridan, owner, accused me of calling the authorities and reporting my meter. I told him I had not called anyone. A few moments later, he again accused me of calling and reporting my meter. Again I stressed that I had called no one. He replied that my name was on the list given him by the authorities so I must have called. Then he admitted that it could have been a random inspection as he really didn't know who had called. Cece asked him if he knew the #'s of all spaces visited that day, that she knew he accompanied the inspector through the park. He replied that of course he didn't know. Cece said that even her meter was inspected and it has a seal dated 1993 and that she had not called either.
I came away feeling that I was being threatened in some way for getting a new meter.
I hope that the meter is installed properly. I do not smell gas anywhere and I do know that my cookstove is burning gas more efficiently.

Sincerely,

Delores Revier March 5, 2002

12-27-02

Andersons Butte Creek Mobile Home Park LLC
2321 Highway Run Road Chico, CA 95928
Phone (530) 343-9200
Fax (530) 343-9200

Propane Meter Exchange

You and other residents of the park constant complaining to various county and state agencies (most notably county weights and measurements in Chico) has paid off for you. Your name has been designated as one of the first park residents to get rid of your old sticky slow measuring propane meter.

Within the next 48 hours your propane meter will be exchanged so you can be billed and pay for the full amount of propane you use.

If you would like to read your present meter before exchange do so within the next twelve hours. After exchange you may want to take a reading of the new meter.

Your hot water heater and furnace pilot light will have to be relit. If you want park maintenance personnel to do this they will be available upon meter exchange.

Park Management

ıbject: The meeting on Mar.12,2002

IRWIN

ıe following document concernsMRL 798.44 and the inability yo enforce it I call it :

THE YEARS OF 798.44

I remember reading in the "Californian" that a few owners of mobilehome parks within the state of Ca,. ad been caught gouging
ıe residents of their parks on their cost of liquified petroleum gas ,known as LPG.
I thought at the time that someone should write a law to cover those folks who lived in mobilehome parks ıat used sub metered LPG.
In the year of 1999 Senator Chesbro did just that The law was passed and signed annd went into the IRLs as MRL 798.44 and became a law on Jan.1st 2000
The law stated that in a mobilehome par k where residents could only buy LPG from the park owner that ıe most he could chage his residents was 110% of his actual cost and the amount he was paying from ıe distributor had to be posted in a conspiuous place for all residents to view.:
The park owners soon found a loophole in the law by stating the residents did not have to buy LPG from ıem and gave them permission to buy from some other distributor and even furnished them names of the ther distributors,
That was considered a loophole in the law but Senator Chesbro did not give up rewriting the law to close ıe loophole.
The ammended law stated that even though the owner gave the residents the right to buy LPG from nother source he still could not charge his residents more than 110%of his cost and that his cost had tio e displayed where all residents could view it.
I live in a park that has never c/w with the original law nor the ammended law.I am also the president ol ;SMOL chapter 1648 and thought it was up to myself to find out why the owner would comply with the law.
In Jan.2000 I sent a letter to the then park owner asking him why he was not complying with 798.44. I ras promptly told that the residents could buy their LPG from someone else.
I then found out that was the loophole in the law and nothing else was done because I had learned the ıw was being ammended to close the loophole and would go into effect on Jan 1st 2001.
The park was sold late in the year of 2000 and we also had new park managers.
In Jan.2001 the new owner was not complying witf the new law so I inquired why he would not comply ıith 798.44. I was told he was exempt from c/w 798.44 because the residents could buy LPG from ınother source and sent letters to all reidents telling them they could go elsewhere to buy LPG and even ırnished names of local distributors In the meantime the park manager had secured all the info oncerning installation of LPG tanks within a mh park.and had talked to a lot of the residents tell them that ' they decided to go somewhere else for their LPG that it would cost them more money than they were ıaying from the park owner.
O fcourse no one wanted to pay the additional cost so they cotinued to buy gas from yhe park owner at ıis exploited prices.
I then talked to Betty Thompson from region 11 and she told me to go to the county DA and get them to ıelp you get enforcement of 798.44
I called the DA's office and was promptly told that they only handled criminal cases and not civil cases. ınd I could talk to the sherif's office to see if the violation of 798.44 was a criminal case. I did talk to the heriff's office and was told a deputy would visit me and make out a report. The visit was made and the leputy told me he would "get back to me". I never did see him or never talked to him again. I then made an ıppointment with the under sheriff and was told he had a top sergeant who handled all such matters. I then ıave a full report
ɔ the sergeant and was told I' I will get back to you". I never did hear from him again.
At this time I was due to hold a meeting of 1648. At the meeting I told the members of the problem I was ıaving getting the park owner to c/w 798.44. il was then authorized to go to a local attorney to see what he

ought I should do He promptly explained to me that I should take my case to the local small claims court.

At the next meeting of 1648 I explained what the attorney had told me and to give a show of hands if nyone

as interested in going with me to small claims. I saw 4 hands including my own . Two of those residents sed gas only for heating of water and the third has since moved to Arizona leaving only myself

Just recently I asked the new manager if the owner would c/w 798.44. She didn't even know what I was alking about . I then explained to her the MRL 798.44 and why the owner should comply with it and she greed withme I then asked her to let me know when the most recent owner would be around and she aid she would arrange a meeting with him. A few days later I asked her about the meeting and was told he owner does not want to talk with me".and that she had no authority to make decisions concerning the ark.

That is where the Mrl 798.44 is in Woodson Bridge Estates. So much for the years of 798.44.

Submitted by FRED IRWIN President GSMOL chapter 16448

MARCH 3, 2002

Riverbend

SENATE SELECT COMMITTEE ON MOBILE AND MANUFACTURED HOMES
1020 N STREET, ROOM 520
SACRAMENTO, CA 95814

THE RIVER BEND MOBILE HOMEOWNERS ASSOCIATION AND RESIDENTS OF RIVER BEND MOBILE HOME PARK OF SHASTA COUNTY REGRET WE ARE UNABLE TO HAVE A REPRESENTATIVE AT THE HEARING BUT WE WOULD LIKE TO ADDRESS THE LACK OF MRL ENFORCEMENT.

THE MAJORITY OF THE RESIDENTS OF OUR PARK HAVE OWNED THEIR HOMES IN EXCESS OF FIVE YEARS AND UP TO THE LONGEST RESIDENT OF THE PARK, SIXTEEN YEARS. DURING THESE YEARS WE HAVE WITNESSED THE UNFAIRNESS AND ILLEGAL PRACTICES OF THE OWNERS/MANAGEMENT.

WE HAVE TRIED TO LOCATE LEGAL REPRESENTATION IN THIS COUNTY WITH KNOWLEDGE OF THE MRL. WE FOUND ONE ATTORNEY THAT CLAIMS TO HAVE THIS KNOWLEDGE AND, OF COURSE, HE IS ON RETAINER BY THE PARK OWNERS. NOT ONLY ARE THE ATTORNEYS IN THIS COUNTY IGNORANT OF THE MRL BUT THE JUDGES OF THE COURT SYSTEM. CASE IN POINT: WITHIN THE LAST SIX MONTHS A GROUP OF MOBILE PARK RESIDENTS TRIED TO GET JUSTICE IN COURT FOR OVERCHARGES ON THEIR UTILITIES OVER SEVERAL YEARS BUT THE JUDGE OVERSEEING THE PROCEEDINGS ADDRESSED THE COURT WITH THE STATEMENT THAT HE DID NOT KNOW MOBILEHOME RESIDENCY LAW AND WOULD HAVE TO DEFER TO THE DEFENDANT'S ATTORNEY TO INTERPRET THE LAW.

MOBILE HOMEOWNERS ARE FORCED TO ENDURE FINANCIAL AND EMOTIONAL UPHEAVALS BECAUSE OF THE LACK OF ENFORCEMENT OF THE VERY LAWS THAT WERE MADE TO PROTECT US. WE ARE FORCED TO RELINQUISH OUR CIVIL RIGHTS AND FOLLOW THE RULES AND REGULATIONS THAT ARE MADE MANDATORY BY THE PARK OWNER/MANAGEMENT OR SUFFER THREATS OF EVICTION, EMOTIONAL ABUSE AND A DIMINISHED QUALITY OF LIFE BECAUSE THE MAJORITY OF THESE RULES AND REGULATIONS WRITTEN BY THE PARK OWNER/MANAGEMENT ARE IN DIRECT CONFLICT WITH THE MRL.

COMMON CRIMINALS IN THE STATE OF CALIFORNIA HAVE BETTER PROTECTION OF THEIR CIVIL RIGHTS THAN THE MOBILE HOMEOWNER. THEY ARE REPRESENTED BY A PUBLIC DEFENDER THAT KNOWS THE LAW. MOBILE HOMEOWNERS WHO ARE PERMANENT RESIDENTS, TAX PAYERS AND ON THE WHOLE LAW ABIDING CITIZENS ARE LEFT TO OUR OWN DEVICES TO TO TRY TO ENFORCE THE MRL.

THE MAJORITY OF THE OWNERS/MANAGEMENT OF THE MOBILE PARKS KEEP THE HOMEOWNERS IN AN EMOTIONAL TURMOIL, ISOLATED FROM THEIR NEIGHBORS BY SPREADING UNTRUTHS SO THAT EACH HOMEOWNER FEELS COMPLETELY ABANDONED. THE HOMEOWNER ALSO KNOWS THAT THE LEGAL SYSTEM IS NOT GOING TO UPHOLD THEIR RIGHTS UNTIL THEY ARE EDUCATED ON THE MRL.

OUR ASSOICATION IS INCLUDING COPIES OF CORRESPONDENCE FROM THE PARK OWNER,(WHO BY THE WAY JUST PURCHASED THE PARK IN OCTOBER 2001 ILLEGALLY ACCORDING TO THE MRL), AND YOU CAN JUDGE BY THE TONE OF THE LETTERS AND THE RULES AND REGULATIONS OFFERED THE TYPE OF FACE TO FACE ENCOUNTERS WE HAVE TO ENDURE.

THE FEDERAL, STATE, COUNTY AND CITY LAWS ARE PUT IN TO PLACE "BY THE PEOPLE AND FOR THE PEOPLE" BY MAJORITY VOTE AND YET AN INDIVIDUAL THAT PURCHASES A MOBILEHOME PARK AS AN INVESTMENT IS ALLOWED, THROUGH LACK OF ENFORCEMENT OF THE LAW, TO NEGATE THESE LAWS AND DICTATE HIS OWN VERSIONS ON A WHIM.

SOMEWHERE, SOMEONE HAS TO ENFORCE THE MRL AND GIVE PEACE AND TRANQUILITY AND QUALITY OF LIFE BACK TO THE HOMEOWNERS.

THANK YOU,

RIVER BEND MOBILE HOMEOWNERS ASSOCIATION
6920 RIVERLAND DR.
REDDING, CA 96002

JIM VICK, PRESIDENT Jim Vick

BETTY ROBINSON, SECRETARY Betty Robinson

ELOISA URBAN, TREASURER Eloisa Urban

Copy

Riverbend

Nov. 10, 2001

Mr. & Mrs. Ron Treolo
1225 Vienna Ave. #424
Sunnyvale, CA 94089

We, the homeowners and residents of River Bend, would like to acknowledge receipt of your proposed residential rental agreement and Rules and Regulations.

The residents and homeowners believe there are concerns and issues in the proposals that are a detriment to our civil rights.

The homeowners are invoking our rights as stipulated in the California Civil Code Mobilehome Residency Law, Article 2, Rental Agreement, Section 798.17 Paragraph (f) subsections (1) and (2), tenants will have 30 days to examine the proposal, that tenants will be notified or their rights to do so and that they have a 72 hours rescinding period. The failure of the management to provide written notice of these rights shall make the rental agreement voidable. At this time the proposals are moot, but the members of the group have elected to respond.

We are also invoking our rights according to the Residency Law, Article 4, Section 798.30, that the management shall give a homeowner written notice of any rent increase in his or her rent at least 90 days prior to the date of the increase. Therefore, the December 1, 2001 date is invalid for a rent increase

We will also invoke our rights stated in Article 3, Rules and Regulations, Section 798.25, paragraph (a) that states when management proposes amendments of the rules and regulations, the management shall meet with the homeowners of the park, their representatives or both, after written notice has been given to all the homeowners in the park 10 days or more before the meeting. The meeting shall set forth the amendments to the park rules and regulations and shall state the date, time and location of the meeting.

The issues in the proposals offered to the homeowners and tenants at River Bend that we would like to address with the owner/management are outlined as follows:

1) UTILITIES: The management of the park cannot charge a fee for water or septic use unless the management has conformed to the laws and stipulations of the Federal, State and County government.

2) SNOW REMOVAL: All common and public areas are the responsibility of the owner.

3) GUESTS: This paragraph is not in accord with the Mobilehome Residency Law Article 4, Section 798.34 and is therefore invalid.

4) PETS: The pet rules are unacceptable to the tenants of River Bend. Pets should not be a concern to the management unless a complaint is filed regarding said pet, and then, the problem is under the jurisdiction of Shasta County Animal Control. The cats have to be free to roam the park and apartment area to eradicate the river rat population that causes severe damage to the apartments and mobile homes.

5) SWIMMING POOL: The guest rule is unacceptable to all tenants and residents of River Bend. Some residents don't use the pool and others have visitors that may exceed the written number. It does not matter how many guests a resident has as long as there is no situation that could be considered dangerous.

6) MAINTENANCE: This entire section is unacceptable to all residents. The property that we rent from the owner/management then becomes our home, our private domain. The residents will conform to all Federal, State, County and local laws. If there is a health or safety issue with the maintenance of said rental property the appropriate law enforcement should be notified. The section pertaining to drainage; again, the maintenance of the property rented to others is the responsibility of the owner/management. In regard to the utility pedestals; access to the utilities is not a concern of the owner/management as each rented property has his/her own meter for propane/PG&E. If the management needs access to the septic or water for any reason the notification to the resident as provided by the Mobilehome Residency Law will allow ample time to provide easy access to the areas.

7) STRUCTURES AND STRUCTURE MAINTENANCE: This request does not comply nor is supported by the Mobilehome Residency Law. All construction responsibility is between the homeowner, the state, county or local building and housing authorities. In regards to licenses and/or seals visible on a mobile this is not applicable as we all pay personal property taxes to Shasta County.

8) LANDSCAPING: This section does not comply nor is supported by the Mobilehome Residency Laws. The residents have rights as stated in (6) of this response and we will avail ourselves of the rights and freedoms of any and all civil liberties provided to individuals. Regarding the watering days; each resident has a different lifestyle and it would not be convenient to any to have only a restricted number of days per month that we may care for our yards. Regarding charging a $10.00 fee for water if a resident accidentally leaves the water on overnight; refer to (1), UTILITIES.

9) PARKING AND VEHICLES: Nothing in this section is acceptable to any of the residents. Each person that is of legal age, licensed by the State, vehicle registered with the State and has the need for transportation will be accommodated at their place of residence. Delivery, repair and visiting personnel will be provided the same privileges. Again, we have Federal, State and County laws that define our use of vehicles and we will abide by these laws.

Kwierbend

10) CONSIDERATION OF OTHERS: The majority of the residents at this location is in excess of five years or more and even the most recent residents all have regard for each other. We each respect our neighbors privacy and have the wherewithal to let them live in a calm, peaceful environment that each of us helped create. We will not tolerate any influence creating a disturbance within our community.

11) USE PROHIBITED: Refer to the Civil Code.

12) WAIVER: Refer to Mobilehome Residency Law Article 9, Section 799.6.

13) ATTORNEY FEES AND COURT COSTS: Refer to the Residency Law Article 8, Section 798.85.

14) RENT AND LATE CHARGES: This should not be a problem.

15) NOTIFICATION OF DEFICIENCIES: See Residency Law Article 2, Section 798.15 paragraph (d) subsections (1) and (2). To reiterate in regards to the utility pedestal, it is not a concern of the owner/management; the companies that provide the services are responsible for the maintenance of the equipment.

In regards to the Residential Rental Agreement, the residents of the mobile park reject it in its entirety as it is too broad and vague in regards to the mobile homeowners and pertains more to resident renters.

Which leads us to address the residents of the apartment complex. The residents of the apartments are experiencing a lower rent increase than the permanent residents, the owners of the mobile homes, while being offered the same privileges as the homeowners.

Before any rent increase is implemented there are several health and safety factors that should be addressed by the owner/management, i.e., the septic situation, the water and the garbage and the condition of the larger, older trees on the property along with the fact that some of the apartment tenants are living with no heating or cooling systems.

We, as a unified group, are willing to work with the owner/management to the extent that it does not interrupt our daily lifestyle and we look forward to meeting with the owner/management to discuss these concerns so that we may all enjoy the harmonious environment that the residents have created in our mobile park, the apartment complex and the surrounding areas.

Sincerely,

The River Bend Mobile Homeowners Association, the residents of the park and the tenants of the apartment complex.

Henry & Elsa Urban

Toby & Betty Robinson

Shay + Jamie Park

Dennis McIntyre

James S. Vitt

William G. Vitt

Copy

Riverbend

Ron & Judi Treole

1225 Vienna Dr. Sp 424
Sunnyvale, Ca. 94089
phone: 408.541.1757
fax: 408.752.0229
bzzrd1@msn.com

November 27, 2001

Dear Tenants of Riverbend Mobile Home Park;

We have received your letter in response to our request that you read and sign the rules, regulations and rental agreements we sent you.

Let us begin by saying that we will comply with all state regulations regarding park residency and that we are now members of the Western Manufactured Housing Communities Association. In addition, we have retained an attorney who is well versed in mobile residency law.

While we understand your resistance to change, you must understand that there will be changes in the way Riverbend Mobile Home Park is being managed.

It is our wish to maintain a harmonious living situation and we will do all in our power to do so. We ask only that you abide by the rules as set forth.

If you do not agree with the rules of the park, you are free to live elsewhere.

We will try to keep park operating expenses at a level that will prevent us from increasing the rent in the future. However, having to retain attorneys to enforce the rules is not a way to do that. As our costs to operate increase, so will the amount needed in rental revenues to cover these expenses. We are hoping you will be in support of our efforts to maintain a nice place to live and help us to keep the costs of doing so at a minimum.

If you have a particular, uncontrollable situation that prevents you from abiding by the rules, please write to us regarding your situaion and we will see if there is some way to resolve it.

Enclosed you will find the correct rental agreements and another copy of the rules and regulations. In addition, we are required to provide you with a current copy of the California Civil Code Provisions governing mobile home tenancy. You will have until December 31, 2001 to review this

JANUARY 15, 2002
JAT

information and make your decisions. You have a choice as to whether you want a twelve month rental contract or a lees than twelve month agreement (month to month tenancy agreement). In any case, the rental amount and the rules and regulations remain the same. The rent will remain at $225.00 per month until March 1, 2002, when it will increase to $250.00 per month.

We want to have a meeting with all tenants as soon as possible, but are unable to provide you with a meeting place at this time. We will give you ample notice of a future meeting.

In the meantime, please feel free to contact us in regards to any matter at the above address.

Sincerely,

Judi and Ron Treolo

Riverbend Mobile Home Park owners

Louise Hanson – Heavenly Oaks – Information & Attachments

The Town Hall Page

Don't call us...

Unique ownership terms, official confusion, make landlord tenant disputes worse in mobilehome parks

By Billie Jo Jannen

Eastern Empire News Service

Guatay, 1/30/02 - When you are a mobilehome park tenant and your drinking water is brown, your sewer backs up in the bathtub, the water regularly tests positive for coliform bacteria and radioactive elements, your roads are so potholed they break car axles, who do you call for help?

According to tenants at the Heavenly Oaks Residential Community, it isn't the state, the county, or the federal government.

They've tried them all, and say progress on their problems has been minimal.

"We live in a third world country - also known as a mobile home park in California," said Louise Hanson, a Heavenly Oaks tenant.

Park owner Anthony Windle differs in this assessment of the park: "This park was the eyesore of Guatay. We have put $1 million into improvements."

The park, located at 26835 Old Highway 80 may be better known to area residents as Pair-a-Dice, its name up until Nov. '99, when Windle and his father, Michael purchased it from former owners Tom and Floretta Sarantos.

At that time, Hanson said, problems had long been noted by residents and issues of septic overflows and poor maintenance had been the topic of complaints to officials for several years that she knows of.

Hanson's own diary of problems includes complaints to the county as early as 1994 when she tried to get them to force repairs on the park septic:

"The toilet overflowed frequently from 1988 on and still does overflow frequently," Hanson said. "At times, sewage would overflow into the bathtub and shower, as well."

A Rescue Rooter man she called in 1994 found the park sewer line clogged by tree roots, she said, but the the park owners refused to repair it, so she called San Diego County Department of Environmental Health.

"County DEH refused to help," Hanson said. "They told me it was my responsibility to dig up the park sewer line."

Hanson, a lab technician, said she experienced recurring nausea, vomiting and diarrhea for years without connecting her problems to the park water, but began to suspect it in June 1999 when her symptoms went away during a vacation trip - and returned when she came back home.

In a subsequent conversation with another park resident, "She said when she started using bottled water she no longer vomited every day," Hanson said.

Hanson said that, until then, she had noted that the water was loaded with minerals - to the point that water left sitting developed clumps - but had not realized that it actually carried bacteria.

Robin Wanamaker, another park resident, said she and other residents had experience similar problems and, as tenants in the park began to talk about the issues, found they all had drinking water and sewer problems in common.

Some reported frequent skin rashes and breathing problems.

Residents called DEH again and Mary Lou White, a DEH official, came out to take samples, which turned out to be contaminated with coliform.

Hanson said White assured residents at the time that Sarantos would not be allowed to close escrow until the water system was repaired and new tanks installed and inspected.

Escrow closed only a few months later without the requisite repairs/improvements, Hanson said.

Windle said that, while the the road problems were clearly visible, he and his father were shocked when they eventually discovered raw sewage running off at the back of the property. By then, they were the legal owners. They were equally appalled as more problems began to emerge and, as they did, the former owner blamed the tenants.

"He told us the tenants were sabotaging us," Windle said. Sarantos claimed the tenants were "flooding" the system - running water constantly so that the septic lines were overwhelmed.

Unfortunately, Windle said, he and his father reacted accordingly when the selfsame "known troublemakers" complained about the overflows, getting off to a bad start with the tenants, who were already fed up with park conditions: "We didn't know any better," he said.

As time went on, however, Windle said they began to perceive that Sarantos had been "kind of brutal" in his dealings with tenants. They also discovered that "The county was already citing them," prior to the close of escrow, Windle said.

"Eventually, we figured out that they (the tenants) weren't doing that," Windle said. "The septic really was failing."

Windle said that, by then, the damage was already done to landlord-tenant relations.

Windle said he was advised by county staff that the permitting process to get the water system repaired would be simplified if they were a water company and the new owners declared the park water system a separate business, Guatay Valley Water.

Heavenly Oaks

The Windles began to charge residents for water and sewer service over and above their rent. Water and sewer had both previously been included in the rent.

Rent was raised, as well - more than once, Wanamaker said - and, since 1999, the cost of living in Heavenly Oaks has gone from $300 per month to $390 for residents with a standard doublewide lot. New tenants are coming at $590, she added.

Park residents, a number of whom had, by now, organized themselves into a homeowner's association, embarked on a dizzying round of letters to officials, primarily about the septic problems and water quality that many had experienced for far too long. Attempts were also made to correct problems with electrical surges and brownouts, severe potholing in the park roads, and other problems.

For example, in Sept. 2001, Hanson, assuming that the new water company would be overseen as any other utility, wrote to the California Public Utilities Commission about water problems. The Oct. 11 response from Consultant Jennifer Haug reads, "The issue you raised is not within the jurisdiction of CPUC. I have, on your behalf, forwarded your information to the Department of Drinking Water, which is part of the Department of Health Services.

And so it went. San Diego Gas and Electric said the park system was responsible for tenants' electrical problems, where the former owner had blamed SDG&E. Dianne Sanchez of the (state) Department of Water Resources, forwarded Wanamaker's water information to California Regional Water Quality Board. Officials, seemingly as confused as tenants about who was in charge, would do a brief investigation, discover that it wasn't their job and advise another agency.

Over the course of two and a half years and numerous incidents of the water testing as infected, residents also wrote numerous letters to elected officials, including Second District Supervisor Dianne Jacob, Senator Joe Dunn, Assemblywoman Charlene Zettel and even Governor Gray Davis.

Hanson and other tenants joined mobile park residents from throughout the state in offering testimony at a Dec. 2000 hearing Dunn conducted to review unique problems experienced by park tenants and owners.

White was involved throughout that time, as contamination has continued to show up in the lines - with the addition of radioactive elements that proved to be above EPA limits in a new well that Windle had drilled.

Both Wanamaker and Hanson said Windle was allowed to draw the water samples himself and that he used the U.S. mail to deliver them to the laboratory for testing, a practice they were uncomfortable with because, Hanson said, "Coliform bacteria doesn't survive in water more than six hours."

You can do that, if you have the proper training, Windle said, "If I were tampering with the samples, believe me, they'd come back clean every time."

Windle said that, currently, he has Pat Rhoades, a former employee of Pine Valley Water Company, drawing the samples.

Despite the repairs to the water system, including construction of new tanks, and the addition of septic facilities, sporadic contamination continues to show up today, Hanson said.

The information about park issues that was presented by county health officials - following several weeks of effort by *The Guardian* - consists of two letters from DEH Director Gary Erbeck to Louise Hanson which, essentially, say everything has been, or is being, addressed.

The county DEH is the authority charged with enforcing state and federal laws relating to water and sewer as well as some other codes mandated in the state's Mobilehome Act.

The first letter, dated Nov. 9, said that the park owner has installed a new water tank and has installed six separate sewage systems, each consisting of a tank and attached leach field, said Jack Walker, a supervisor in the department.

As a result of the tank installation, the park water, as tested, meets the state standard for safe drinking water under the primary standards, which relate to content of physically harmful substances, such as coliform, Walker said. It also meets secondary standards, most of the time, which deal with "aesthetic qualities." such as cloudiness, mineral clumping, and so on.

"The conditions at the park are acceptable," Walker said, "We've worked with the owner/operator and residents a lot in the last year or so."

"Currently, the drinking water at the park is safe and meets the state standard," Walker added.

Erbeck remarked in his letter that White had "...spent an entire day with Mr. Windle to confirm proper sampling procedures were being used..."

Erbeck acknowledged that, "Contamination events continue to occur from time to time, presumably from underground sections of the distribution system or from a breach in the system when when repairs or renovations to the systems are conducted."

Erbeck praised the efforts of the park owners and said tartly: "...this department has expended a great deal of time and resources in resolving your concerns."

Apparently in response to subsequent communications from residents opining that everything hadn't been addressed, Erbeck's Dec. 28 letter again defended efforts by Windle and DEH. Erbeck described the violations of secondary standards for mineral content as a seasonal problem related to heavier use of a mineral-laden well during warm weather.

While the mobilehome hearings at which Hanson testified resulted in some bills being written, none has yet passed and one was defeated, said Legislative Consultant John Tennyson.

Tennyson, who analyzes bills, follows up on complaints, and organizes hearings for the state's Senate Select Committee on Mobilehomes, views landlord/tenant disputes as extra-severe in mobilehome parks because of the higher stakes involved for tenants and the confusion among some officials about their roles in enforcement.

Heavenly Oaks

The parks are unique in that the residents own the structures in which they live - and which are difficult and expensive to move - while depending on the park owner for the infrastructure that serves them.

Tennyson said he has participated in trying to resolve many landlord-tenant problems that arise among the state's 5,000-plus parks, but that water and sewer problems, such as the ones in Heavenly Oaks, are in the minority.

"Most of the issues are we deal with are landlord-tenant issues like improper noticing of a rent increase or interfering with the sale of a mobilehome."

The latter evolves when a tenant tries to sell the structure - which would then remain in the park - and finds that the park management rejects the proposed buyer as a park tenant, Tennyson said. As time goes on, the tenant is then faced with the prospect of either having to sell to the park owner and what may be a serious loss from fair market value, or remain trapped in the park.

In the case of Heavenly Oaks and a few other parks scattered around the state, the nature of the infrastructure/health/safety problems involves a combination of different agencies that well prove confusing to officials and residents alike, Tennyson said.

What's more, health officials, such as those in San Diego County, who are charged with enforcement of state standards for water and sewer are faced with a difficult choice, neither of which is likely to completely satisfy the tenants needs:

"They can just simply shut down the facilities," Tennyson said. "That would be a quick solution but it wouldn't be a good one for the tenants."

The alternative is to take the slower approach to working through the problems.

"It's my opinion that the bureaucracy is very slow to respond to these kinds of problems, Tennyson said.

The potential difficulties of having to move an entire house tends to make park tenants more tolerant and more negotiable with their landlords, Tennyson opined, but, when disputes do arise, they are all the more fiercely fought.

Certainly, this could be said of Heavenly Oaks tenants, 38 of whom signed on to a "failure to maintain" lawsuit brought against the Windles in June 2000. There are about 80 homes in the park Wanamaker said.

The suit includes allegations about the water, septic, electric, improper grading, leaky propane tanks, crumbling roads, poor lighting, improper utility charges, pollution of a nearby creek, and unusable common facilities (pool and recreation room). Among a host of other issues, the residents also say they are harassed and threatened by park management when they lodge complaints.

Windle, in his turn, filed a lawsuit against former owner, Floretta Sarantos, Tom Sarantos having since died, for failure to make the legally-required disclosures about the park problems.

He is also showing a disclosure of his own to prospective tenants that basically lists everything on the tenants' suit, along with the information that there is a failure-to-maintain suit underway.

That last, however, Windle hopes to remove soon, as the suit with tenants is in the process of being settled.

Hanson and Wanamaker said they plan to take their settlement money and move their mobilehomes to private land.

"I think the reason they want to move out is that they think I'm going to retaliate," Windle said. "I'm not. I'd actually like them to stay."

In his Dec. 29 letter, Erbeck wrote that residents, "...would benefit by working directly with the owner/manager..." and required that any future requests for assistance tendered to DEH should be accompanied by proof that the park manager had also been consulted.

Erbeck then closed by referring residents to the State Department of Health Services for information on the state's Safe Drinking Water Act.

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Heavenly Oaks

County of San Diego

GARY W. ERBECK
DIRECTOR

DEPARTMENT OF ENVIRONMENTAL HEALTH
P.O. BOX 129261, SAN DIEGO, CA 92112-9261
(619) 338-2222 FAX (619) 338-2088
1-800-253-9933

RICHARD HAAS
ASSISTANT DIRECTOR

November 9, 2001

Ms. Louise Hanson
P.O. Box 313050
Guatay, CA 91931

Dear Ms. Hanson:

This is in response to your letter of September 24, 2001, to Supervisor Dianne Jacob regarding the Heavenly Oaks Mobile Home Park. Supervisor Jacob and Walter F. Ekard, Chief Administrative Officer (CAO), have requested that this department reply directly to you regarding your concerns. In preparing this response, I have consulted with the Health and Human Services Agency, the Departments of General Services, Housing and Community Development and Planning and Land Use. Your concerns are addressed as follows:

- **Department of Environmental Health's (DEH) response to the safety and reliability of the water supply serving Heavenly Oaks Mobile Home Park**

Currently the drinking water at Heavenly Oaks Mobile Home Park is safe and meets State standards.

The Department of Environmental Health (DEH) has given the highest priority to correcting problems and investigating complaints associated with the water system serving this mobile home park. Staff has been responsive to your previous requests for information and investigations of the park, and this department has expended a great deal of time and resources in resolving your concerns. Due to DEH's efforts working with the new park owner, the system now has a new storage tank, which has increased storage capacity for domestic use as well as fire protection, and new onsite wastewater disposal systems. The on-site waste water systems have been replaced by a licensed contractor and inspected and approved by staff of this Department.

The two source wells and storage tanks have been eliminated as sources of bacterial contamination. However, contamination events continue to occur from time to time, presumably from underground sections of the distribution system or from a breach in the system when repairs or renovations to the system are conducted. The owner is working with DEH staff to provide an automated treatment system for continuous disinfection that will eliminate these events while a plan is developed to replace distribution system piping.

Staff of this Department will review any water treatment system proposed by the owner and, if necessary, the State Department of Health Services before any work is begun. At this time an ozonation system for water treatment has not been proposed to staff of this department. DEH staff will ensure any system installed is in accordance with American Water Works Standards and properly maintained through routine system inspections to protect consumers. The park owner has retained an experienced water system operator to manage the water system.

Currently DEH does not consider Heavenly Oaks Mobile Home Park a substandard mobile home park.

DEH staff has not received any substantiation from you or from any other park resident of a medical doctor's advisory to "move out immediately." There have been no physician reports or documentation provided to this department of illnesses caused by the use of the water for drinking, bathing, or the use of an evaporative cooler. We would welcome the opportunity to review any documentation you may provide regarding this matter.

- **Availability of County-owned land for relocation of residents**

There is no County-owned land near this mobilehome park available for purchase by residents for relocation.

- **Availability of low-cost loans or grants for relocation of residents**

There are currently no known loans or grants available for the relocation of residents from this park.

- **The mobile home park is located with the boundaries of the Multiple Species Conservation Program (MSCP).**

The park is not, nor has it ever been, located within the boundaries of the MSCP.

If you wish to discuss this matter further, please contact Jack Miller, Chief, Land and Water Quality Division (LWQD), DEH at (619) 338-2201.

Sincerely,

GARY W. ERBECK, Director
Department of Environmental Health

GE:rh

cc: Alan Pentico, Board Aide, Second District
Diane Quinones, CAO Staff Officer
Candis Compton, Land Use and Environment Group
Jack Miller, Chief, LWQD
Frank Gabrian, Supervising EHS, LWQD

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Board of Directors
Chris Dunn
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Mary Pickett
Ron Seneff
Tina Seneff

HEAVENLY OAKS MOBILE HOMEOWNERS ASSOCIATION

Residents working together

Mr. Gary Erbeck
Department of Environmental Health
PO Box 129261
San Diego, CA 92112-9261
November 18, 2001

Dear Mr. Erbeck,
Regarding your letter of November 9, 2001, you do not even mention the new well drilled into the old outhouse site, you know the one that has a gross uranium level of 42.84 pC/L and a gross radium level of 8.14 pC/L.. the one that is not to be used, but continues to be purged periodically. You are indeed correct, that we have a larger storage tank, which now contains an even greater amount of contaminated water which takes longer to disinfect and/or drain. As for fire protection, all the water in the world is useless if the pressure is not great enough for fire trucks to utilize. It also would be helpful to have fire hydrants visible and accessible to fire-fighters. (Our most recent home fire resulted in total destruction because firefighters were unable to use the park's water, but had to rely on their tanker truck.)

We have not been provided with any documentation which indicates on-site waste water systems have been modified or corrected, let alone approved. .Please provide documentation which supports your opinion.

Our board of directors as well as the residents will be relieved to know that in the event of our next seasonal rain our groundwater will not be contaminated by the previous dilapidated waste-water system. Your stating that the new bigger storage tank has also been breached from time to time would indicate that the waste-water system continues to penetrate the groundwater. Also, there was a communication from the park owner that stated the old illegal water tanks would have to be removed. When will this be started?

Your letter does not address the personnel operating the water system as well as the waste water system. Who determines the procedures for disinfecting contaminated water, and who is certified in water collection and system management? None of our board members, or any other resident have been informed of any certified personnel for these procedures. Are we to assume an automated treatment system does not require an operation certification? Is it the owner's intention to automatically treat the water without correcting the source of contamination?

(619) 473-9617
E-mail: Heavenlyoaks@yahoo.com
Mailing address: P.O. Box 313050 Guatay, Ca. 91931
Street address: 26835 Old Highway 80 Guatay, Ca. 91931

We have been under the assumption that all county water reports are submitted to the EPA regardless of contamination. What is the criteria for reporting contamination as well as violations to the EPA and whose responsibility is it to do so? According to Diane Sanchez of the California State Department of Water Resources there are many resources available which could rectify both the groundwater and wastewater systems. However, they must be informed at the county level in order to activate any assistance. (See attached E-mail) It has occurred to us that we have wasted enough time and energy over the past two and one-half years following San Diego County's "help".

The office of MCSP must not know the boundaries of this program due to the fact that they are the ones who not only confirmed our location; but advised us to contact Mr. Shawn Pirtle of US Department of fish and Game regarding radioactive purging into the creek; as well as county code enforcement for illegal grading within the MSCP boundaries We will be glad to provide you with the website listing the endangered species indigenous to Guatay Mountain.

We implore you to check your records for contamination violations for the past twenty years for contamination violations under the name "Pair-A-Dice Hideaway" which also housed the Hitching Post Café. What action was taken twenty years ago and why are we still in the same situation?

Of what value is a sewer system that deposits raw sewage into our homes whenever it is used? Should we return to the days of the outhouse again? The so-called repairs to the septic system have had no effect on this problem which has been present for many years. According to the park owner at the time repairs were done, it was considered to be a temporary repair to be followed by permanent repairs at a later date. When will these permanent repairs be started?

Since the Department of Environmental Health seems to feel that its main purpose is to protect the park owners income stream perhaps another entity should be in charge of making sure that the environmental laws are followed.

As for the medical problems not being reported by the doctors, DEH has a reputation for not acting on such reports, so the doctors no longer bother to report them. However, they are well documented in the depositions being taken currently and in previous correspondence from the park owner.

We understand from your letter that there is no way our water system will ever be free of contamination of one type or another. Since we have never received any notification from the DEH that the boil water order was lifted we will continue to treat the water as contaminated until such time as the DEH decides to enforce the clean water act.

It is surprising that there are no county standards for mobile home parks, considering that the park owner thinks there are as noted by the disclaimer he is providing to new park residents. This disclaimer lists some of the things in the park that do not meet acceptable standards. (See attachment.)

Yours truly,
Heavenly Oaks Mobile Home Owners Association

Christopher C. Dunn — sp #30
M. Dusty Thanner — Space #79
Patricia Williams — Space #85
[illegible] Williams — Space #85
Alexander J. Roach — SPA #44
Sarla B. Roach — Space #44
[illegible] — Space #54
Mary M. Stone — Space #76
Louise Hanson — Space 77
Roberta Wanamaker — Space #64
Vina Seneff — Space 54

CC: Senator Joseph Dunn
Alan Pentico, Board Aide, second district
Diane Quinones, CAO Staff Officer
Candis Compton, Land Use and Environment Group
Jack Miller, Chief, LWQD
Frank Gabrian, Supervising EHS,LWQD

Heavenly Oaks

County of San Diego

GARY W. ERBECK
DIRECTOR

DEPARTMENT OF ENVIRONMENTAL HEALTH
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RICHARD HAAS
ASSISTANT DIRECTOR

December 28, 2001

Ms. Louise Hanson, President
Heavenly Oaks Mobile Homeowners Association
P.O. Box 313050
Guatay, CA 91931

Dear Ms. Hanson:

This is a consolidated reply of your letter to Ms. Kerry McNeill dated November 16, 2001 and your letter to me dated November 18, 2001 (received November 30, 2001) from you and other residents of the Heavenly Oaks Mobile Homeowners Association (Heavenly Oaks). Numerous questions have been posed and additional issues rose since my last response of November 9, 2001. Once again, this Department will address your concerns that are within our jurisdiction, specifically the water supply and sewage disposal systems.

Enforcement of secondary standards
Currently the water delivered from the Heavenly Oaks water system is in compliance with primary (public health) and secondary (aesthetics - taste, smell, clarity, etc.) drinking water standards. Seasonally, particularly during the warmer months, the water may exceed secondary standards. This has been determined by a review of laboratory analysis reports on file with the Department of Environmental Health (DEH), field surveys and discussions with the operator. The most recent monitoring data (June 2000 – well #1 and December 1999 – well #2) indicated that iron and manganese were non-detectable in well #2, which is the primary source of supply. Laboratory reports also show that well #1 exceeds both of those secondary (iron and manganese) standards. During the summer months, well #1 is needed to meet the increased demand for water. The water will appear clearer this time of year because the use of well #1 substantially declines.

Based on the objections expressed by the residents, this Department is conducting an investigation as directed by California Code of Regulations, Title 22, (22CCR) section 64449(d). The owner has been directed to conduct a survey to determine the degree of acceptance or dissatisfaction of the water to the consumers. He is also researching options to reduce the level of secondary constituents in the drinking water so that it is below the established standards year round. This includes determining if it is feasible to eliminate the source of any contaminants rather than using automatic treatment. A survey is also being drafted for our review and acceptance before it is distributed. Although the owner indicated that he would like to have this resolved as soon as possible, this process may take up to one year or longer because it is a seasonal exceedance. The residents should be advised that water rates could increase because of the additional costs necessary to pay for treatment if implemented.

New well #3
There is no information on file that supports your claim that this well was installed in an "old outhouse site." The permit application proposed construction of a community supply well, which is subject to the highest level of scrutiny. As part of the approval process, a thorough background

search for potential sources of contamination was performed. Several consultants and well drillers also reviewed the site before the well was installed. Further, this well was installed by a California State licensed (C-57) contractor who is familiar with required setbacks from potential sources of contamination. Any documentation that supports your claim should be directed to me.

At this point, well #3 remains in an inactive state and has not supplied water to the consumers. The owner has confirmed that the well is periodically purged to keep the pump from freezing or becoming inoperable; however, no water is delivered into the drinking water system. As you are aware, it exceeds the established radioactivity standards. This could not be predicted and is extremely unfortunate since the owners were attempting to find a new clean supply of water for the residents at Heavenly Oaks so that well #1 could be taken out of service. Well #3 will remain off-line and will not be approved for use until it meets all drinking water standards. Options for salvaging this well are being researched.

Repairs to on-site sewage disposal systems

Between the dates of March 14, 2001 and June 1, 2001, six separate on-site sewage disposal systems were installed in the park under permit and inspection by DEH. Each proposal was field reviewed by staff, the licensed septic contractor who installed the systems and the owner. These permanent repairs and replacements were made to increase the reliability of the system and were designed to more efficiently and equally distribute the sewage and continue to protect the groundwater quality. Some of these upgrades were initiated by the owner in order to be proactive and avoid potential future problems. These repairs substantially improve the safety and reliability of the on-site wastewater disposal system and should adequately serve the park for many years. Supporting documentation, including permits, inspection reports and other related information are public records and may be reviewed during normal business hours at the DEH field office in El Cajon. The El Cajon office is located at 200 E. Main Street, 6th floor in the El Cajon City Hall building.

Water system operations and treatment

The requirement for a small public water system to employ a certified operator only applies when there is continuous treatment, such as filtration or disinfection. This requirement does not currently apply to Heavenly Oaks. However, beginning January 1, 2002, all systems must utilize a person that is certified by the State because of a recent amendment to the regulations. A letter was sent to all operators advising them of this change. DEH staff reviewed this specific issue with Mr. Anthony Windle, the Heavenly Oaks owner/operator, recently during discussions about treatment units being considered. He reported that applications and required fees to become certified operators have been submitted to the State Department of Health Services for Pat Roades and himself. It is expected Heavenly Oaks will continue to be in compliance once the measure takes effect.

DEH staff has evaluated the operating practices for your water system on numerous occasions; Ms. Mary Lou White, Environmental Health Specialist III, spent an entire day with Mr. Windle to confirm proper sampling procedures were being used to monitor the park's water quality. From numerous telephone conversations and field visits, it is the opinion of DEH staff that the operation of this public water system has been generally conscientious and professional. Mr. Windle maintains regular contact with our staff, either to provide a status report or gain information that will help him in the operation of the water system. He consistently demonstrates a high level of cooperation that is in the best interest of the residents.

Records and reports
If you would like to review the water system file for the Heavenly Oaks Mobile Home Park (formerly known as Pair-A-Dice Hide-a-Way) for the past 20 years, please contact DEH's Mr. Larry Newcomb, Environmental Health Specialist III at (858) 694-3142, and he will make the file available for your review.

The legal responsibility for giving notice to customers regarding water quality issues lies with the owner, not DEH. There are various sections in the regulations that address when and how public notification shall be provided. 22CCR, section 64426.1(c) (a copy is provided) requires the operator to notify the consumers when there is confirmed bacterial contamination in their drinking water. The regulations do not include directives on rescinding a "Boil Water Order." Although it would seem to be practical, no legal requirement to advise customers that an "order" had been lifted can be found. Staff will advise the owner to notify tenants should this situation occur again.

The Department's responsibility for submitting data to the State Department of Health Services (which forwards it to the U.S. Environmental Protection Agency) is contained in 22CCR, section 64257. Due to computer problems, we are currently delinquent in supplying the required reports and are working to correct the problem.

MSCP/Fire Protection
This Department's jurisdiction does not include MSCP and fire protection issues. It is suggested you contact the Department of Planning and Land Use's (DPLU) Mr. Tracy Cline, Environmental Management Specialist, at (858) 495-5513 concerning questions on MSCP, and Mr. Cliff Hunter, Fire Code Specialist, at (858) 694-2951 concerning fire protection questions.

Medical Problems
You allege that DEH has a reputation for not acting on medical problems reported by doctors. This is not true. I would encourage any physician that has documentation of a medical problem attributable to the Heavenly Oaks water supply or sewage disposal systems to contact Dr. George Flores, M.D., the County's Health Officer, at (619) 515-6597 or Dr. Michele Ginsberg, M.D., the County's Chief of Community Epidemiology, at (619) 515-6620.

Conclusion
The Heavenly Oaks Mobile Homeowners Association would benefit by working directly with the owner/manager in trying to resolve many of the concerns that you have expressed. If the situation at Heavenly Oaks substantially changes, and you feel there is an imminent threat to public health, safety or the environment, do not hesitate to contact us. Any future requests to DEH for assistance should show that the owner/manager has also been notified of the cause for concern and has been given an opportunity to respond.

A resource you may find helpful is the *"California Safe Drinking Water Act & Related Laws"*. It is a compilation of the regulations that are applicable to public water systems, such as Heavenly Oaks. Contact the State Department of Health Services (DHS) at (916) 322-6324 to purchase this document (approximately $25).

If you wish to discuss this matter further, please contact DEH's Ms. Kerry McNeill, Acting Chief, Land and Water Quality Division, at (619) 338-2194.

Sincerely,

GARY W. ERBECK, Director
Department of Environmental Health

GWE:rfh

Attachment

cc: State Senator Joseph Dunn, D-Garden Grove, Senate District 34
Alan Pentico, Board Aide, Second District
Chimene Adams, Board Aide, Second District
Anthony Windle, Manager, Heavenly Oaks Residential Community
Diane Quinones, CAO Staff Officer
Dr. George Flores, HHSA
Dr. Michele Ginsberg, HHSA
Candis Compton, LUEG
Kerry McNeill, DEH
Llew Munter, DEH
Mary Lou White, DEH
Tracy Cline, DPLU
Cliff Hunter, DPLU

Folsom Manor residents voice water, electric-safety concerns

By MICHAEL TROYAN
The Folsom Telegraph

Irma Hart, representing residents of Folsom Manor Manufactured Home Estates at 9935 Inwood Rd., spoke before City Council on April 24 about electrical and water safety concerns at the Estates. These included: underground water seepage, poor lighting, unsafe electrical pedestals, and a leaking pool with unsecured illumination.

"The city has cited the property in the past," said councilmember Jeff Starsky.

"At the direction of the council, city management and our inspectors will be meeting with the residents to see what we can do."

Now Mayor

To subscribe to The Folsom Telegraph, call 985-2581.

Folsom

FOLSOM MANOR MOBILE ESTATES
9935 Inwood Road
Folsom, California 95630

Mr. Frank McElmurry
21 Cedar Circle
Folsom, Ca. 95630

June 7, 2000

Dear Mr. McElMurry:

This letter is in response to your letter of May 15, 2000.

You state that I have "willfully refused to maintain the physical improvements in the common area facilities in working order or usable condition"

I categorically deny this accusation and address specific items you have cited.

Section 798.50, 51 and 52. Management does not deny or prohibit ANY HOMEOWNER OR PARK RESIDENT to assemble, meet or use the Clubhouse for any lawful purpose on any reasonable basis. Folsom Mobilehome Park Management allows reasonable use of the facilities to all park Residents. Completion of a form is only required when a specific request for use of the clubhouse for a 'meeting' is made so that suitable records can be madeof who used the facility, and we can evidence that use of the clubhouse was NOT denied when requested. The clubhouse is NOT available for events for NON-residents, i.e. relatives weddings, showers, etc. It is available for 'special events' in the life of Residents who are welcome to bring guests to the facilities on a reasonable basis. A clubhouse 'stove' for example is intended for 'reasonable' use and is not intended for the tenants to do their cooking on. It's expected use is for keeping warm pot luck dishes, and heating water etc., for beverages. I know of no recreation facility where these facilities are expected to be used for 'cooking'. A clean-up fee is not charged for "Park" functions, but is requested when a 'special party' is to be held for a 'significant event' in the life of a Resident, and many non-residents are expected to attend. Likewise request for Homeowner's insurance is only requested when a Resident is expected to bring a large number of Non-Residents onto the premises, because of the danger of the adjacent swimming pool. Homeowner's are responsible for their guests when on the premises of Folsom Manor, and we have a right to insure that they have insurance to cover the risk they pose in bringing non-residents to the clubhouse and pool area.

We have not contracted to and do not intend replacing the retaining wall on the East side of the Park. This wall holds up Lake Park Estates fill, and they are not willing to cooperate with us in any way. As a result, we have decided that since we do not need a wall there we would prefer a slope, which would not require on-going maintenance. If the tenant wishes to maintain the wall they are welcome to do so. We will maintain any area that poses a danger to any homeowner or his home.

We have repeatedly brought to the attention of the City of Folsom the problem of drainage from Lake Park Estates, and the flooding damage we suffer during downpours due to inadequate drainage of the properties adjacent to us. To date they have come up with no solution. We have again on this date asked them to investigate it. The estimated cost of the sump pump according to Mr. Zimmerman prior to his death was very nominal! However the tenant's slopes were engineered to drain to the front, and

it has been our experience that as long as the front grading is maintained the sites will drain. In a couple of cases we noted that the tenant installed sump pumps rather than adjust their landscape grading.

We have inspected the complaint of the West side wall, and while one post has moved slightly, there is absolutely NO THREAT TO ANY HOME. We stand ready to repair and take care of any damage to any tenant's home resulting from park facility failure.

At one time is was agreed by City personnel that under the terms of Title 25 we were NOT responsible for the circuit breakers and electrical components that serve each space, since we DO NOT OWN AND OPERATE THE ELECTRICAL SYSTEM IN THE PARK AND HOMEOWNERS CONTRACT DIRECTLY WITH SMUD FOR THEIR UTILITIES. Recently the City of Folsom changed their mind and applied to HCD for a ruling. HCD's ruling was that we were responsible to insure the contents of the pedestals were in good condition, but could bill back the cost of repairs to the Homeowner. One of the main problems experienced is the overloading of the circuit breaker resulting from the fact that the Homeowner has replaced his swamp cooler with an air conditioner, often has installed a 220 dryer, all without increasing the 100 amp service, which is not sufficient for the added demand.

No changes to the park rules have been made in violation of section 798.25, Any change to the Park Rules will be done in accordance with Section 798.25 of the Civil Code

There had never at any time been any intimidation and harassment of tenants. The pool area was locked during the period the pool was closed for the season, but during the Swim Season when the pool is open for use, which normally extends from Memorial Day to Labor Day (and extended somewhat around those dates, subject to weather conditions), the pool area is open and available to all tenants. However, management does feel that we are getting harassment and possibly interference with the ongoing running of the park, and since the pool was not open for use, and wooden objects were found in the pool area, it was felt best to secure the area. Also, with the grade school so close to the pool area, it was felt it would be an added safety factor during the off-season.

Hopefully the ongoing harassment of management can cease, and our residents can enjoy a pleasant summer , Folsom Manor is very small for a mobilehome park, and especially one that provides a clubhouse and pool. We provide and pay for a gardener to mow the rear of your lot, something that you would not be provided with in most parks. Our roads are well maintained, the carpet and tile in the clubhouse was very recently replaced with new items, the wrought iron fence around the pool was recently replaced with a considerably more attractive fence. At our cost a gardener maintains the common area and the rear of your site, a pool service maintains the pool, the manager cleans the clubhouse and pool area. I believe we are providing a nice facility at a fair cost. Obviously you disagree, and we cannot hope that you will ever be happy at Folsom Manor. We are sorry we cannot change this fact.

Very truly yours,

Dorothy Anderson
Owner - Folsom Manor Mobile Estates.

MARVIN M. and CLAUDIA J. MOHR
390 Raymond Lane
Folsom, California 95630-1750
Home Phone 916-988-7620

Lakeside Village

March 12, 2002

Senator Joe Dunn
Senate Select Committee on Mobile and Manufactured Homes
State Capitol
Sacramento, California 95814

Re: Code Enforcement Hearing for Manufactured Home Communities
Tuesday, March 12th, 2:30 p.m.
State Capitol, Room 2040

Dear Senator Dunn and Members of the Senate Select Committee,

Thank you for the opportunity you are giving homeowners who rent a homesite space within a manufactured home community to express what they have experienced in the past and present and will continue to experience if the California Civil Codes, Title 25 and the MRL's are not changed from civil violations to criminal. As they stand now, they are almost worthless unless a homeowner gets brave enough to stand up to the community owners. In some cases the community owners will comply with a group of homeowners request when several violations have been brought to their attention. But, certainly not without taking care of the violations without kicking and screaming, along with their threats.

CASE IN POINT: There were several homeowners in our community, Lakeside Village in Folsom who got together and formed a "Neighborhood Ad Hoc Committee", because the GSMOL Chapter had dissolved several years prior. They communicated with the community owner via letters to comply with certain maintenance issues. VIOLATIONS! No response. The Committee circulated a survey to the homeowners, which were then forwarded to the community owner. This seemed to wake up the former President of the GSMOL Chapter, who also seemed to resent what the "Neighborhood Ad Hoc Committee" were doing to clean up the violations. He called a Homeowners meeting at the clubhouse. The attendance was large and he would not cooperate with the President of the "Neighborhood Ad Hoc Committee" who extended a hand to him and asked him to work along with the Committee, and share his knowledge. He would not comply and was concerned that the community owner would be very upset and that we should get back into his good graces. Needless to say, this meeting became a fiasco, divided the community, because so many are fearful to challenge the community owners, and they do not know they have any rights. Those who do know, are either too elderly, handicapped or have medical problems to endure a Small Claims Court trial . At this time in their lives, they should not have to do this in order to protect their investment.....their homes.

I became involved with the "Neighborhood Ad Hoc Committee" after I sent a letter to our community owner who called us to explain to us that he has not maintained the common areas because he didn't want to raise the homeowners rent (which is raised every year regardless) because so many are on limited incomes. So his point was: How generous of him to think of those who have limited incomes, while the community was deteriorating and in the process lowering the value of our investment, I think not. Most communities which are Senior Communities you will find most homeowners are on fixed incomes, however some are forced to work to pay their continued rent increases. He told me he would sell the community to a large investment company and then we would really see our rent go up if he had to comply to our request to maintain. I call this intimidation and a threat. The "Neighborhood Ad Hoc Committee" became a reactivated GSMOL Chapter. The President of the "Neighborhood Ad Hoc Committee" became Chapter President. We meet with the community owner. We had a very nice meeting with him. The President asked him all the questions so he wouldn't feel intimidated. We had follow up questions by each member. He complied with all request for improvements and he said he actually enjoyed meeting us. Showing, community owners and homeowners can work together. We feel we were fortunate. Some communities are not and the struggle goes on.
However, the fact remains that if the community owners adhered to the "Laws" there never would be a need for a "Neighborhood Ad Hoc Committee" or a meeting with the community owners.

Unfortunately the story does not end there. The President of our Chapter and his wife were harassed, we do not know by whom to the point they had to move out of the community. Here again, the managers found fault with every prospective buyer until the President called the community owner and told him he would be owning his home if it continued. Also, he thought he would be thrilled to see him leaving the community. Their home was sold! The nasty letters (which we have) from fellow misguided homeowners, phone calls (which were and are on tape) hang up phone calls, punctured car tires, which if a neighbor had not noticed their daughter leaving one morning with her tires going flat could have been killed on the freeway on her way home. Punctured RV tires. The list goes on. Yes, all this in a lovely manufactured home community in Folsom. Happy to report we also have new managers.

If the California Civil Codes, Title 25 and the MRL's were made criminal violations, perhaps the above incident would have been avoided. Also, and I'm sure you would agree, that it is not productive at the taxpayers expense to pass laws through Legislature that are not enforceable.

The **MANUFACTURED HOME COMMUNITIES, WHICH WE PREFER TO BE CALLED, BECAUSE WE CERTAINLY ARE NOT MOBILE** and **WE ARE A COMMUNITY.....WE DO NOT LIVE IN A PARK. OUR HOME, LIKE EVERYONE ELSE IS OUR BIGGEST INVESTMENT AND WE LIKE IT TO BE CALLED THAT FOR LEGISLATIVE PURPOSES - NEWS MEDIA - NEWSPAPERS..... A "MANUFACTURED HOME", otherwise we refer to it as our home just as any other homeowner refers to their home. It is not mobile, it is not a coach, trailer, tent, cave, etc. it is our home. We paint them, roof them, landscape them, repair them, just as any good homeowner will do. We are also forced to maintain common areas which is the responsibility of the community owner. Quite obvious most do not or we wouldn't be here today addressing this issue. Observation: What a nice business when you own a community with captive senior citizen homeowners on fixed incomes that can be intimidated, raise the homesite rent whenever you like and do not have to keep out a percentage of your profits to reinvest in your business!!!!! This is supposed to be affordable living. I said living instead of housing, to emphasize we own our homes, we only rent the little piece of ground it sits on. Which we also have to landscape and maintain.**

I have other issues I could present to you. If you find you need more, please let us know and we will be happy to send them to you. They involve political influence on the part of the community owners **and** interfering with erroneous flyers to homeowners as a response to a flyer sent by a group of homeowners who formed a committee in hopes of addressing and helping each other with all the issues that confront us daily. It is a very small committee. Everyone is too tired to fight for their rights, or what goes on in the City of Folsom that effects all who live there, and that is what the community owners count on also.

I happen to be serving on Jury Duty this week or I would be at the hearing reading my letter to you.

We thank you for your time and your consideration in changing the status of the above laws, which do not benefit the majority of homeowners. Please help us enjoy the few years we have left in peace and not in the court rooms.

Mrs. Claudia Mohr

Mrs. Claudia Mohr, Manufactured Home Owner

Mr. Marvin Mohr

Mr. Marvin Mohr, Manufactured Home Owner

Lakeside Village
Folsom, California 95630-1750

Jean Phillips Attachments

JEAN M. PHILLIPS
REGIONAL MANAGER, REGION 2
GOLDEN STATE MANUFACTURED - HOME OWNERS LEAGUE
139 GARTH STREET • NAPA, CA 94558
TEL (707) 255-1192 • FAX (707) 255-5808

December 19, 2001

Vallejo Mobilehome Rent Review Board
Vallejo City Hall
Vallejo, CA 94590

Re: Attempted pass-throughs of Property Tax in Vallejo Mobile Estates & now in Broadway Tall Trees Mobilehome Park

Dear Board Members:

It has already been substantiated in my letter to you, dated December 13, that according to Civil Code Section 798.49 (d) (4), Property Tax is prohibited, as a pass-through - and that mobilehome rent stabilization ordinances MUST NOT BE IN CONFLICT WITH CONTROLLING STATE LAW.

This fact has already been substantiated by Maurice Priest, our GSMOL Legislative Advocate, who was a participant in the passage of this law, via SB1365-Leslie, which became law in 1992. Because the Vallejo Rent Control was written in 1982, and was not up-dated, to be in conformity with state law, does not change the fact that Civil Code 798.49 (d) (4) takes precedence over 5.64.130 in your Vallejo Rent Review Ordinance.

I present further evidence to you, via three documents written at the time of the passage of SB1365: (1) The Enrolled Bill Report, from the Business, Transportation, & Housing Agency, which recommends passage of the bill.

(2) The letter from Senator, explaining clearly the intent of the bill, and asking for the then Governor Wilson's approval....which he gave.

(3) A letter to Governor Pete Wilson, from Principle Deputy Christopher Zirkle, advising the Governor that, if chaptered, the bill would be constitutional.

Endeman Lincoln, Turek, & Heater - specialists in mobilehome law - have already gone on record, confirming the fact that all mobilehome rent control ordinances must be in conformity with the Mobilehome Residency Law - 798, 799 of the Civil Code.

In view of the afore-mentioned evidence, any decision by the Board, other than to deny these illegal pass-throughs, is clearly against the law.

Thank you for your attention, and, hopefully proper action.

Sincerely,

Jean M. Phillips

Jean M. Phillips

cc: Coleman Persily GSMOL V.P., Zone A
Richard Hofmann, Assoc. Mgr., GSMOL Region 2
Maurice Priest, GSMOL Legislative Advocate

JEAN M. PHILLIPS
REGIONAL MANAGER, REGION 2
GOLDEN STATE MANUFACTURED - HOME OWNERS LEAGUE
139 GARTH STREET • NAPA, CA 94558
TEL (707) 255-1192 • FAX (707) 255-5808

December 13, 2001

Vallejo Mobilehome Rent Review Board
Vallejo City Hall
Vallejo, CA 94590

Re: Vallejo Mobile Estates Hearing re garding attempted pass-throughs of Property Tax - and Road work.

Dear Board Members:

According to Civil Code Section 798.49 (d)(4), Property Tax is prohibited, as a pass-through , and city mobilehome rent stabilization ordinances must not be in conflict with controlling State Law. Operating expenses, of which Property Taxes could be considered a part, are not appropriate pass-through items, but rather , part of an over-all Fair-return calculation. Also, any operating expense item which is taken as a tax deduction - MUST NOT BE TAKEN AS A BUSINESS EXPENSE - in calculating a Fair Return.

Maurice Priest, our GSMOL Legislative Advocate for the past 20 years, understands the intent of the Senate Bill, by Senator Leslie, which led to Section 798.49, since he worked on this legislation in 1992. He explained the distinction between the government fees and charges, which may be levied upon mobilehome park owners - on a "per space" basis, and can be passed through to homeowners (like sewer charges). Such government fees are distinguishable from a property tax bill on real property owned by the park owner, which is levied upon his parcel in its entirety, and not individual spaces located on his parcel. The law calls for these PROPERTY TAX assessments to be denied.

As for the "Street resurfacing" - most of which reportedly was "slurry-seal" & both of which are IRS TAX-DEDUCTIBLE for the park owner. It is the park owner's responsibility to maintain the streets, since the streets are his asset. Park owners should retain a "Reserve Account" for such work. (The plan the experts have recommended is 5% of the park income.) Instead, the park owner expects homeowners to pay for park street repairs, plus interest on a loan he initiates. Homeowners have to maintain their homes...Why shouldn't the park-owner maintain his park?

Your kind attention will be appreciated.

Sincerely,

Jean M. Phillips

Jean M. Phillips

Jean M. Phillips
139 Garth St.
Napa, CA 94558
(707) 255-1192

September 24, 2001

Testimony of Jean Phillips
Re: Chapter 6-66, Santa Rosa City Code
Rent Control - Mobilehomes

Mayor Martini, and Members of the Santa Rosa City Council:

My name is Jean Phillips, and I am Regional Manager of the Golden State Manufactured-home Owners League - Region 2, which encompasses 8 counties. My home is at 139 Garth Street, in Napa - and I stand before you in my 30th year, as an advocate for "fairness" for mobilehome owners.

I have been puzzling over this ordinance for months, now years - trying to find some protections for mobilehome owners....in key areas. I fear that the arbitration process, borrowed from the Sonoma County Mobilehome Rent Control Ordinance, may not serve the mobilehome owners, with so many crucial areas written in favor of the park owner. This is why I favored the adoption of the Sonoma County Rent Control Ordinance - in total. That is precisely why it has served park owners and homeowners alike, at a county level. It is a clearly defined, well written ordinance, which lacks the serfdom-like quality of the Santa Rosa ordinance, which encourages antagonism between mobilehome homeowners and parkowners.

I am gravely concerned about the the sections of the Santa Rosa Mobilehome Rent Control Ordinance , which my testimony at your August 28th Council meeting addressed. I believe there is ample evidence to deny the suggested amendment to Section 6-66.020. Definitions (D) Capital replacement (Page 3), starting with "For example... (See my 8/28 testimony, & IRS criteria forwarded to you.)

Further, Section 6-66.040. Permitted Rent Increases (C) (Page 6) is not in conformity with the Mobilehome Residency Law, Section 798.49 (d)4, and State law supersedes local law, which disallows Property Taxes as a pass-through.

What are referred to as "government mandated capital expenditures", are actually health and safety government required services "upon the space rented by the homeowner". Also, "Operating expenses " are inappropriately placed in this section. If this section is rewritten with the above changes, there should be no need for (C) (1).(See my 8/28 testimony/references re need to re-write Section.)

It is important to remember that Mobilehome Rent Control Ordinances came into being in the '70's to protect mobilehome owners from unfair increases in the cost of living in mobilehome parks. Such protection must be continued, if economic eviction of mobilehome owners is to be avoided. Park owners are becoming millionaires, while mobilehome owners (whose collective investment was originally as great, if not greater, than the park owner investment) live in fear of being unable to remain in their homes.

"Vacancy Control", in spite of what Mr. Moser reports for the Sonoma County Park Owners Association that it is no longer legal - is far from reality. They use the Richardson case as an example, and that case relates to apartments - NOT MOBILEHOMES! Vacancy control is a vital inclusion in any Mobilehome Rent Control Ordinance. Vacancy de-control has proven itself to be one more way to increase unfairly, the cost of living in a mobilehome park.

Following this public hearing, it is my hope the council will take the time to review all input presented today-- and not act in haste to accept wording about which questions have arisen.

Thank you for your kind attention. Jean M. Phillips

Unfortunately the story does not end there. The President of our Chapter and his wife were harassed, we do not know by whom to the point they had to move out of the community. Here again, the managers found fault with every prospective buyer until the President called the community owner and told him he would be owning his home if it continued. Also, he thought he would be thrilled to see him leaving the community. Their home was sold! The nasty letters (which we have) from fellow misguided homeowners, phone calls (which were and are on tape) hang up phone calls, punctured car tires, which if a neighbor had not noticed their daughter leaving one morning with her tires going flat could have been killed on the freeway on her way home. Punctured RV tires. The list goes on. Yes, all this in a lovely manufactured home community in Folsom. Happy to report we also have new managers.

If the California Civil Codes, Title 25 and the MRL's were made criminal violations, perhaps the above incident would have been avoided. Also, and I'm sure you would agree, that it is not productive at the taxpayers expense to pass laws through Legislature that are not enforceable.

The **MANUFACTURED HOME COMMUNITIES, WHICH WE PREFER TO BE CALLED, BECAUSE WE CERTAINLY ARE NOT MOBILE** and **WE ARE A COMMUNITY.....WE DO NOT LIVE IN A PARK. OUR HOME, LIKE EVERYONE ELSE IS OUR BIGGEST INVESTMENT AND WE LIKE IT TO BE CALLED THAT FOR LEGISLATIVE PURPOSES - NEWS MEDIA - NEWSPAPERS..... A "MANUFACTURED HOME", otherwise we refer to it as our home just as any other homeowner refers to their home. It is not mobile, it is not a coach, trailer, tent, cave, etc. it is our home. We paint them, roof them, landscape them, repair them, just as any good homeowner will do. We are also forced to maintain common areas which is the responsibility of the community owner. Quite obvious most do not or we wouldn't be here today** addressing this issue. Observation: What a nice business when you own a community with captive senior citizen homeowners on fixed incomes that can be intimidated, raise the homesite rent whenever **you like and do not have to keep out a percentage of your profits to reinvest in your business!!!!! This is supposed to be affordable living. I said living instead of housing, to emphasize we own our homes, we only rent the little piece of ground it sits on. Which we also have to landscape and maintain.**

I have other issues I could present to you. If you find you need more, please let us know and we will be happy to send them to you. They involve political influence on the part of the community owners **and** interfering with erroneous flyers to homeowners as a response to a flyer sent by a group of homeowners who formed a committee in hopes of addressing and helping each other with all the issues that confront us daily. It is a very small committee. Everyone is too tired to fight for their rights, or what goes on in the City of Folsom that effects all who live there, and that is what the community owners count on also.

I happen to be serving on Jury Duty this week or I would be at the hearing reading my letter to you.

We thank you for your time and your consideration in changing the status of the above laws, which do not benefit the majority of homeowners. Please help us enjoy the few years we have left in peace and not in the court rooms.

Mrs. Claudia Mohr

Mrs. Claudia Mohr, Manufactured Home Owner

Mr. Marvin Mohr

Mr. Marvin Mohr, Manufactured Home Owner

Lakeside Village
Folsom, California 95630-1750

Additional Letters Mailed to the Committee

Leonard

February 22, 2002

Honorable Sen Joe L. Dunn
Chairman Sen. Select Comm. on Mobilehomes

Honorable Senator Dunn,

I have testified a number of times the past 15 yrs at meetings of the sub-committee. The most recent was in July, 1999, Garden Grove. At that hearing I gave testimony on resident abuse, illegal leases etc., and presented a packet containing documentation which fully supported my testimony. At the end of my testimony I answered your questions. I also made four recommendations to solve the problems I testified too. To this day, I never heard a word from this committee,or anyone, on those suggestions or my documented testimony.

Prior to that hearing I had traveled to Pismo Beach to testify, I believe it was in 1998. The President of GSMOL, a rep from CMRAA, & I , representing San Diego based groups, COMPAC & EMPAC, all testified as to the total lack of enforcement of HCD. Several residents also testified as I recall, as to HCD inspectors doing inspections with park mgrs & harrassing residents for "violation" (?) e.g. pile of leaves near house etc. This resident was a handicapped widow.

I also pointed out that HCD had used Park Inspection Funding illegally, during the Northridge earthquakes. This money is paid annually by residents & park owners ONLY. It is designated IN THE LAW, that these funds can be used for park inspections ONLY. Yet, HCD used these funds to help farm workers etc.

Around 1996, 1997 time frame, our Assemblyman Howard Kaloogian & our now Senator, Bill Morrow, agreed to have HCD investigated, as to where the money in their budget goes, what they "actually" are doing etc. They reported back to us with a letter from the State Atty Gen Office, refusing to investigate. Prior to that time, Sen Craven, at our request, asked the State Atty Gen Office to investigate. He too was refused. I am sure John Tennyson could verify Cravens' efforts in this area.

Since the present system does not work, I suggest the MRL's be removed from the civil code & place under Criminal Law. This alone, would stop 75% of the senior abuse, harrassment & other law breaking now practiced by MOST park owners. The old story "one bad apple" etc. is just that. After 15 or 20 yrs of testimony, coming from all over the state, nobody can subscribe to the "one bad apple" theory, except park owners' highly paid attorneys.

How to pay for enforcement? I suggest:

1. A series of "stiff" fines at the first or second step of a violation, with money going into "The FUND". Of course "appropriate" jail time starting with 2d offenders.

2. A Fee of $10 per yr to be paid by residents only. The law is for their protection & the taxpayer should not have to pay. This alone will raise millions.

3. A percentage of all monies collected for "punitive" damages.

4. Legal Fees collected, returned to "The FUND".

5. Eliminate the ineffective HCD Department & put the HCD budget into "The FUND". This should save the state huge amounts, as problems will quickly disappear after the first few convictions of the ongoing fraud & malice around the state.

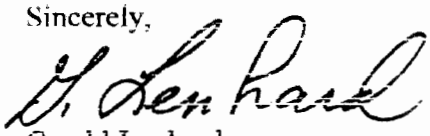
Residents that sue park owners & have jury trials win about 90% or more of the time. However, there are few competent attorneys taking cases on contingency, as you know.

This proveable fact alone would justify this FUND. Park owners are found guilty routinely of fraud, malice & deliberately breaking the MRL's. Again, since the insurance company pays & residents pay the premiums, why not break the law?.

In closing, HCD does not, probably cannot & absolutely will not, enforce the MRL's, coming up with one excuse after another, year after year.

I urge this committee to set up a meeting with volunteer leaders from every area of the state, to meet in a central location to discuss this & PAST suggestions not acted on. We could/would pay our own way & of course, you should be the chairman or appoint same. This onging madness has been going on since the late 70's & is getting worse for homeowners & taxpayers, while more profitable for park owners & attorneys. Under the present unbalanced codes, abusing the law not only pays, it is encouraged.

Sincerely,

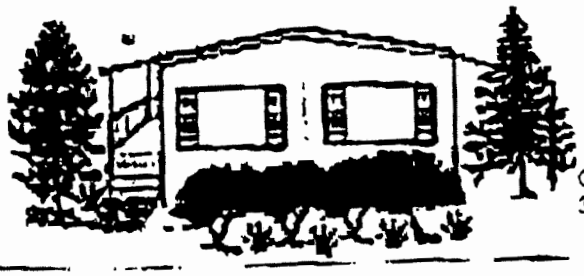


Gerald Lenhard
955-63 Howard Ave.
Escondido, 92029
760-745-3734

HENNESSY

HS 18402

Hillview



CMRAA

CALIFORNIA MOBILEHOME RESOURCE AND ACTION ASSOCIATION
3381 STEVENS CREEK BLVD. SUIT 210 SAN JOSE CA 95117

March 12, 2002

File #CMRAA01

Senator Joseph L. Dunn, Chairman
Senate Select Committee on Mobile
and Manufactured Homes
1020 N Street, Room 520
Sacramento, CA 95814

Re: Code Enforcement in Mobilehome Parks

Dear Senator Dunn:

On behalf of the California Mobilehome Resource & Action Association (CMRAA), I would like to thank you for the opportunity to present our concerns relating to the enforcement of code violations in mobilehome parks. If CMRAA members had the time and ability to travel, we could pack this hearing room with the many hundreds who have their own horror stories to tell about how laws either do not exist, or are not enforced as written. While it is not practical for our members to do this, we are able to summarize their concerns and frustrations with the constant enforcement battle which mobilehome residents are forced to endure.

When it comes to the issue of code enforcement, CMRAA can think of no better example than what occurred in Hillview Mobilehome Park in San Jose. For years, park residents have endured a complete lack of enforcement from the park owner, who seems to think that the laws don't apply to him or his small park. Park residents registered many complaints with our home office, but the park owner was unresponsive. Last March, State Assemblyman Manny Diaz was present at a CMRAA regional meeting where one of the residents detailed the lack of code enforcement in Hillview. Assemblyman Diaz agreed to intercede, and contacted the Dept. of Housing and Community Development to get some enforcement action. San Jose Major Ron Gonzales joined in this request. After several months, HCD responded, but not as we would have hoped. Instead of citing the park owner and requesting him to act, HCD wrote an undated letter to the City of San Jose, requesting that the City enforce the laws in certain respects. A thirty-day response time was quoted in the letter. To date, the City has done nothing, HCD continues to do nothing, and the park violations remain.

This "bouncing ball" style of enforcement is tantamount to no enforcement at all. But

often CMRAA and its members are forced to play this game anyway. The question that most of our members have is: where does the "buck" actually stop? Who should I complain to, or alert about my problem? Who has authority to do anything about it?

Enforcement is needed in other areas affecting the conditions in mobilehome parks. With the passage of Civil Code section 798.37.5, issues have arisen as to when a tree is or is not a health and safety issue. Without a clearly defined and well publicized policy with respect to palm trees, park residents are forced into paying for expensive tree maintenance which should otherwise be the park's responsibility. This is precisely what occurred in Concord Gardens Mobilehome Park during 2001. Residents were informed by a haughty young property manager that they would be evicted from the park if they didn't pay the maintenance costs, and thus forked over hundreds of dollars for maintenance that probably was not their responsibility. Anytime a large palm tree has dead fronds which could drop on people or homes, or a buildup of dead foliage which can breed rats or other vermin, there is a clear health and safety issue for which the park is responsible. But thus far we have no definable policy upon which residents or anyone else can rely. We desperately need this.

There must be coordination amongst the various enforcement agencies who are involved in the enforcement process, so that CMRAA and its members know who they should call. But before this age old problem of enforcement can be solved, we also need the commitment of the individuals and agencies involved in the process that they WILL do their appointed jobs, and that they WILL enforce the laws. Without that commitment, nothing will ever change.

CMRAA stands ready to participate in any enforcement task force which might be formed to tackle this problem; and tackle it we must. Thank you once again for the opportunity to address you on this important issue.

Very truly yours,

Dave Hennessy
President

Hillview 002

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Assembly
California Legislature

MANNY DIAZ
ASSEMBLYMEMBER, TWENTY-THIRD DISTRICT
VICE-CHAIR, LATINO LEGISLATIVE CAUCUS, NORTHERN REGION

COMMITTEES:
HUMAN SERVICES
INSURANCE
JOBS, ECONOMIC DEVELOPMENT, AND THE ECONOMY
LOCAL GOVERNMENT
PUBLIC SAFETY
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LOW PERFORMING SCHOOLS
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CALIFORNIA CHILDREN'S HEALTH

JOINT COMMITTEES:
PREPARING CALIFORNIA FOR THE 21ST CENTURY

EXTRAORDINARY SESSION:
ENERGY COSTS AND AVAILABILITY
SUBCOMMITTEE ON NATURAL GAS COSTS AND AVAILABILITY

March 12, 2002

Senator Joseph Dunn, Chair
Senate Select Committee on Mobile and Manufactured Homes
State Capitol, Room 2080
Sacramento, CA 95814

Dear ~~Senator Dunn~~ Joe:

Thank you for the opportunity to offer this written testimony.

Of all the laws that we pass in the legislature, the most important ones are those that ensure the safety and health of Californians. We pass these laws so that people who live in California can be certain that the government is protecting them. When we fail to enforce these laws, the safety of the public is put into jeopardy. The Division of Codes and Standards, within the Department of Housing and Community Development, has failed in its stated mission of protecting residents of mobilehome parks.

One example of this is the Hillview Mobilehome Park, which is in my district. In March of last year, I heard testimony from residents of Hillview Mobilehome Park, who had been trying to get HCD to respond to complaints that they had filed. Because they had been unable to garner the appropriate response, I told them that I would take the necessary steps to help them. I never imagined the obstacles that would hinder my ability to provide the assistance my constituents needed.

The first inspection of Hillview Mobilehome Park was conducted on April 27, 2001. A subsequent inspection was conducted on May 31 of the same year. As a result of these inspections, a notice of violation was sent to the park owner, Mr. Larry Wilson, dated June 18 2001. The order listed a number of code violations and required that the necessary repairs and renovations be completed by September 17, in accordance with the ninety-day notice required by statute.

On September 27, 2001, a third inspection of the Mobilehome Park was conducted to verify compliance with the previous orders. That inspection found that many of the problems had failed to be addressed. Rather than taking any action, the Codes and

Standards division waited until October 23, 2001, when they granted Mr. Wilson another thirty days to fix the old problems, in addition to new violations they had found upon re-inspection.

While we recognize the thousands of complaints that the DCS deals with on a regular basis, it is important to note that the health of the public cannot be compromised by failure to properly enforce existing laws governing the operation of mobilehome parks. In this case, an unacceptable period of time elapsed allowing a dangerous situation to exist.

Therefore, my constituents and I strongly encourage that HCD take steps to ensure that existing codes are enforced as prescribed by law and we also request that immediate measures be taken so that other mobilehome park residents do not encounter unnecessary late resolution of their complaints.

I hope that we can work with the HCD to make sure that residents in other mobilehome parks do not have to endure a situation similar to the one in Hillview Mobilehome Park.

Sincerely,

Manny

MANNY DIAZ
Assemblymember, 23rd District

STATE OF CALIFORNIA -BUSINESS, TRANSPORTATION AND HOUSING AGENCY GRAY DAVIS, Governor

DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT
OFFICE OF THE DIRECTOR
1800 Third Street, Room, 450
Sacramento, CA 94252-2050
www.hcd.ca.gov
(916) 445-4775

Hillview

MAY

May 16, 2002

The Honorable Joseph Dunn, Chair
Senate Select Committee on Mobile and Manufactured Homes
State Capitol, Room 2080
Sacramento, California 95814

Dear Senator Dunn:

Attached is a letter, submitted by Assembly Member Manny Diaz at the Senate Select Committee's March 12, 2002 hearing regarding code enforcement problems within mobilehome parks. The letter involves Hillview Mobilehome Park within the City of San Jose.

Assembly Member Diaz's letter basically asserts that the Department of Housing and Community Development (Department) failed to take action against the Hillview Mobilehome Park for Health and Safety Code violations. The procedures and actions the Department has taken in order to get the Health and Safety Code violations corrected are as follows:

- On March 5, 2001, prior to a contact from Assembly Member Diaz's office and in preparation for a full park inspection, a Department District Representative conducted the "Pre-Inspection Conference" at the park, as required by law.

- On May 31, 2001, not April 27, 2001, the first inspection was conducted. No "imminent" hazards were noted during this inspection nor during any subsequent inspection.

- 34 violations constituting "unreasonable risk" were discovered and cited.

- After subsequent re-inspections and notices, and 90-day time periods permitted for correction under law, 21 of the 34 health and safety violations continued. Several extensions permitted by law were granted.

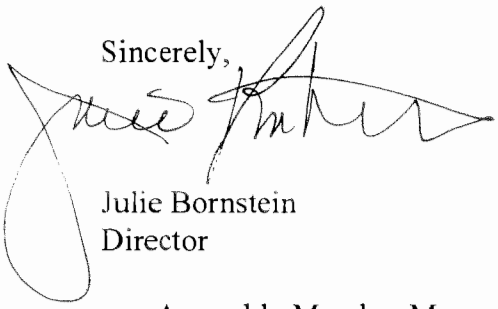
- On January 23, 2002, the Department's legal case file for Hillview Mobilehome Park was presented to the Santa Clara District Attorney's Office, Deputy District Attorney Al Bender.

Assembly Member Diaz, apparently, was not advised that the Department was already involved in the inspection process of the park before he heard resident testimony, nor was he advised that the case was in the hands of the Santa Clara District Attorney's office for legal prosecution in January.

As you know the California Health and Safety Code, specifically the Mobilehome Parks Act (Act), does not authorize the Department to cite and to impose fines for violations (except in 8 cases). Citation authority is an enforcement tool that could fill the gap between "Notices of Violation" and a filing with the District Attorney. I take this opportunity to point out this shortcoming for two reasons. First, because the Department generally does not have authority to cite for violations of the Act, the public frequently concludes that the law is not being enforced. Second, mobilehome residents are consistently calling for better mobilehome park enforcement. SB 1778, which you have authored at the request of the Department to provide citation authority to the Department, would increase the likelihood of timely enforcement of the Act.

I thank you for the opportunity to respond to Assembly Member Diaz's letter. If I can provide any further information, please feel free to call me at (916) 445-4775.

Sincerely,



Julie Bornstein
Director

cc: Assembly Member Manny Diaz
Mike Gotch, Legislative Secretary, Governor's Office

Cottonwood

March 10, 2002

Honorable Senator Joe L. Dunn
Chairman, Select Committee on Mobilehomes

Dear Senator Dunn, RE: Enforcement in Mobilehome Parks

There are many instances of non-enforcement or non-compliance with the MRL laws, and Rules and Regulations attached to the lease. Attitude of Management concerning enforcement of the Rules and Regulations is "we don't want to get anyone mad at us." Some are listed below:

- Leases and R&Rs. There are 3 different leases in this park. A homeowner is under the lease signed when they moved in. Revised leases and R&Rs were offered to present homeowners, but never agreed to in a meeting. Provisions of R&Rs pertaining to newer leases are applied and cited for violations to people whose leases have expired. Rent is still raised every year, as people who have not renewed their leases are considered by the owner on a month-to-month lease. Violations by management of not offering the three types of leases to new owners were brought to management's attention, who signed a letter saying they are complying with that provision, but examples still arise of management not offering shorter leases than 5 years to new owners.

- Annual Inspections by Management - Violation of MRL. Notification of "annual inspections" by a letter from off-site management to residents the lot will be inspected every year. Not presented to the homeowners in a meeting, just notification by a letter. On- and off-site managers inspect yards and issue discrepancy letters for such items as: a bucket and broom left out in the back yard; tools hanging on the fence; etc. On one "inspection" both the on-and off-site managers went into one of the homeowners home. One of the neighbors saw them, but refused to complain about it.

- Painting of Homes/trim. Off-site manager makes monthly inspection of the park, notes items she thinks should be corrected, and homeowner is issued a notice to fix/repair the item. Most items are nitpicking items. Rules and Regulations of park note "esthetic value" as criteria for

condition of homes. Interpretation of this phrase is in the eye of the beholder. Park management does not own the homes.

- Parking in Street/Guest Spots. Streets are very narrow, and while not stated in the R&Rs, are considered fire lanes. Homeowner's Association requested off-site management to have Fire Department paint red fire lanes in the park, so people would know not to park there. Answer was "With respect to marking the streets as fire lanes, since the police do not patrol the community it seems unrealistic to expect cars would be ticketed and/or towed by law enforcement. The problem of street parking is a problem best addressed by Management and Residents together. Management will call a tow truck for persistent repeat offenders." It is true police do not patrol the community, but if a car is parked on the street, and it is marked as a fire lane, the police will give a ticket if called. If there is a car parked across the street, I cannot back my car out of the garage without hitting that car.

- Rules are not enforced concerning items up against the mobilehome, water coming on to lot from next door, (answer from on-site manager, "Is it going under the house?") MRL and R&R violation.

- Fences. The R&Rs state homeowners are responsible for "routine repairs" to fences. What are "routine repairs" to a fence? One case, a homeowner tore off boards of a section of fence between the two homes, and the next door neighbor had to have pay 1/2 of the repair even though they had nothing to do with the damage. Fences belong to the property owner, if we move we cannot take them with us, but homeowners have to make repairs to property that is not theirs.

- Tree Upkeep. Notice given to homeowner to have dead fronds removed from palm tree in back yard. Quoted cost to homeowner to have this done was $200-$300. R&Rs state management must approve any landscaping plans for back yards. If management approved the landscaping plan for this lot, they are responsible for the trimming of the tree, and are not following their own rules and regulations.

Cottonwood

5. Maintenance of Landlord Installed Improvements: Entails maintenance of lawns, trees, and fences installed by landlord. The lease indicates the landlord is responsible for the lawns, but we pay for upkeep. The same situation covers fences. Landlord installed fences, yet we are responsible for "routine maintenance."

The present lease agreement with this park consists of 21 pages, Rules and Regulations, Exhibit C is 4 pages, and Exhibit A - Residency Guidelines and Community Standards is 16 pages, TOTAL - 41 Pages. One has to be a lawyer to understand some of the provisions.

State oversight and review of leases will benefit all parties involved. There will be fewer problems if all mobilehome leases complied with the state laws. I request serious consideration of this proposal.

Best regards,

Mary E. Hahn

Mary E. Hahn
Resident

Cottonwood Estates Mobilehome Park
7855 Cottonwood Lane, Space 66
Sacramento, CA 95828
(916-682-7253)

HAHA

March 10, 2002

Honorable Senator Joe L. Dunn
Chairman, Select Committee on Mobilehomes

Dear Senator Dunn, RE: Oversight of Leases and Attachments for Mobilehome Parks

Leases and Rules and Regulations, etc., should be reviewed by a state agency for compliance with existing laws pertaining to mobilehome parks.

Whenever a lease or rules and regulations are presented to a prospective/long standing owner of a mobilehome, they should not have to consult a lawyer to to find out if these documents are in accordance with the laws. And, if these documents are not in accordance with the laws, one should not have to get a lawyer and go to court to have them enforced.

Examples:

1. "Hold Harmless Clause." Lease contains "Hold Harmless clause" even though it is in violation of the California Civil Code. Park owners off-site manager response to that was "It was written by a lawyer, so it should be okay."

2. First Refusal When Selling Mobilehome. Lease contains provision park owner is to be given first refusal when homeowner wants to sell mobilehome. The mobilehome is not the property of the park owner, and he should have no say so as to the selling.

3. Eminent Domain. When part of lot is taken by eminent domain, rent is not reduced. Rent is charged on a lot by lot basis in this park, and if the lot size is reduced, the rent should be reduced accordingly.

4. Installation of Larger Mobilehome on Lot. When park owner puts a mobilehome on a vacant lot, it should not be larger than the previous home, unless the lot size has been changed. There are 4 new mobilehomes in this park, all installed by the owner, the lot sizes have not changed, but the homes are larger than the present ones.

Cottonwood

Homeowners are held responsible for adhering to rules and regulations, but the owner can ignore them. Rent in this mobilehome park is the highest of any comparable park in Sacramento. (Surveyed Sacramento parks.)

Mobilehome laws such as the MRL, etc., need enforcement provisions for both parties, the homeowner and the owner. Each entity has a responsibility to live up to the rules. But, in most cases, it is the homeowner who has no recourse other than to go to court to have the law enforced. This is not the way business is conducted in America. I ask that some teeth be put into the MRL and all mobilehome laws to benefit all.

Best regards,

Mary E. Hahn

Mary E. Hahn
Resident

Cottonwood Estates Mobilehome Park
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MATTHEWS

Senator Joe Dunn
Senate Select Committee on Mobile & Manufactured Homes
Hearing on Code Enforcement in mibilehome parks
March 12, 2002

Testimony by Donna Matthews, President of GSMOL Chapter #1613, concerning lack of enforcement by California Government Agencies.

Our park, The Plantation On The Lake Mobilehome Park, has had it's Permit To Operate renewed each year, even though seniors have been living on lots which have cited health and safety code violations. This is because of lack of enforcement of the Department of Housing and Community Development (HCD), the enforcing agency.

The park was first cited in August, 11, 1986, fro violations of Title #25, #1610. Improper grading and mobilehome installations, allowing water to stand on the lot and beneath the mobilehomes.

This improper grading and installations continued until the park owner applied for the required Alternate Permit, August 11, 1991. These over 200 lots would be each evaluated for correction of the drainage.

Since that time there have been HCD inspections showing the existence of violations of #1610 on these lots, the latest inspection being September 1997.

Though the park owners have been given citations enforcement has not been done and senior have had to live in unhealthy environments for years and the park owners have re-rented lots without correction or disclosing the existing code violations.

HCD IS THE ENFORCEMENT AGENCY, THE LAWS CITE PENALTIES FOR VIOLATION, WHAT CAN BE DONE TO SEE THESE LAWS ARE ENFORCED?

Our written rental agreement for the use of the lot, park services (required utility installations) and park facilities was for a base rent with 100% CPI annual rent increases. Gas and electric were metered and payments to be made to the serving utility. Well water fee would be $15.00 a month for unlimited usage, MRL 798.15 f.

December 1987 the park owner installed water meters in order to locate where pipes were leaking. Tenants were then charged 50¢ for cu. ft. of well water and $7.50 utility service charge, based on the water rates of Beaumont/Cherry Valley Water District. As this was a breach of our lease agreement and not conforming to mobile-home laws, I, as Tenants Rights Chairman for GSMOL Chapter #1613, filed a well water complaint with the Public Utilities Commission (PUC) December 1990.

PUC decision was that the park's well water and property was not dedicated to public use, therefore not a utility company under their jurisdiction. EVEn though #2701 states any person who sells water to any person within this state is a public utility.

The Legislature passed PUC 2705.6 placing tenants in mobilehome parks well water complaints under the PUC jurisdiction.

I, as a tenant, under the GSMOL members direction, filed a new complaint under 2705.6.

All the park figures given the Commission were as if the well water system was using Operating Ratio Method (ORM) of a utility co. All the park's expenses for suppling the tenants and the required park's facilities were included in the utility charge.

Though documents brought out the fact that mobilehome laws require utility installations to be in and provide for a Permit to Operate and part of the rent payment and tenants being charged again in a service charge was in violation of the tenancy agreement. Suppling water was incidental to the Permit to Operate a mobilehome park.

PUC decision was 1. The Mobilehome Parks Act does not govern the Commission's methodology for calculating the reasonableness of a mobilehome park's water rates. 2. The operating ratio method of calculating rates for Class D. water companies is appropriate method for analyzing defendants's rates.

THIS IS NOT ENFORCEMENT OF THE CODES BY AN ENFORCEMENT AGENCY.

The park's well water system is not structured as a class D. water company.

Constitution of the State of California, Article III, sec.3.5 An administrative agency has no power to refuse to enforce a statue.

Article XII Public Utilities, Sec. 2. SUBJECT TO STATUTE and due process, the commission may establish its own procedures.

HOW CAN MOBILEHOME OWNERS SEE THIS AGENCY ENFORCES MOBILEHOME LAWS?

Donna Matthews

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