

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

SENATE SELECT COMMITTEE
ON
MOBILE AND MANUFACTURED HOMES

SENATOR WILLIAM A. CRAVEN
CHAIR

TRANSCRIPT AND REPORT OF HEARING ON
THE MOBILEHOME PARK
INSPECTION PROGRAM



FEBRUARY 18, 1997

STATE CAPITOL
SACRAMENTO, CALIFORNIA

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BACKGROUND PAPER

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Background Paper

The Mobilehome Park Inspection Program
Hearing
February 18, 1997
State Capitol, Sacramento

Purpose

Mobilehome parks in California currently undergo a complete health and safety code inspection once in a seven year period under a program which began in 1991 but sunsets at the end of 1998. The purpose of the February 18, 1997 hearing is to determine whether the Legislature should consider extending the Mobilehome Park Inspection Program in one form or another beyond 1998.

Historical Introduction

As far back as 1920, state regulations governed health and safety in auto camps, the predecessor of mobilehome parks. The modern Mobilehome Parks Act was adopted by the Legislature in 1967, giving the Commission (now Department) of Housing and Community Development (HCD) authority to regulate the construction, use, maintenance, and occupancy of mobilehome parks and the installation, use, maintenance and occupancy of mobilehomes located in those parks.

Specific health and safety requirements, such as set back requirements for mobilehomes from their lot lines, the height of mobilehome stairway risers, or the length of gas connectors, for example, are spelled out, not in statute, but by department regulations, commonly known as "Title 25" (Chapter 2, Division 1, Title 25 of the California Code of Regulations). (See Addendum #1 for areas specifically covered by the regulations.)

Inspection of mobilehome parks is carried out by either HCD or by local governments, where the local agency has agreed to assume the inspection duties from the Department. HCD retains the largest share of inspection responsibilities, however, with about 2/3rds of the state's parks. Eighty five local agencies have opted to assume park enforcement duties. (See Addendum #2 for specific local jurisdictions.)

HCD has 38 inspectors statewide, operating in conjunction with six district offices and two main offices, one in Sacramento and one in Riverside, who perform a variety of tasks, including inspection of farm worker housing as well as park and mobilehome inspections. Enforcement agencies issue some 5,070 mobilehome parks with about 376,000 spaces annual permits to operate. Regulations are enforced by inspection at the time of the construction of the park and as a condition of granting the initial permit to operate. A statutorily set \$25 fee per park, plus \$6 per space, is charged for the annual permit to operate. Prior to 1974, regular inspections of existing mobilehome parks were carried out on a biennial basis, but with the repeal of that provision in 1973 most inspections, prior to enactment of the Mobilehome Park Inspection Program, have been carried out on a complaint basis. Complaints to HCD normally are required to be filed on forms provided by the Department, or in a life threatening or emergency situation complaints are taken by phone. HCD complaints are reviewed at the field office level where they are prioritized as to urgency and then assigned to an inspector, who makes an appointment with the park manager to inspect the park. A complaint inspection is normally limited to the matter addressed by the complaint and is not an inspection of the whole park.

Mobilehome Park Inspection Program

Due to increasing complaints about code violations in mobilehome parks and the lack of a regular inspection program, in 1990 the Legislature passed AB 925 (O'Connell), which established the Mobilehome Park Inspection Program. The new program mandated that HCD and local enforcement agencies, during a five year period, inspect every mobilehome park and the mobilehomes in those parks at least once to assure that code requirements for parks and the installation of mobilehomes in those parks were being met.

Priority of inspection was to be given to parks where the enforcement agency believed the most serious violations existed. An additional \$4 per space per year was added to the then existing \$2 per space annual fee, to support the program, \$2 paid by the park owner and \$2 permitted to be passed through to homeowners. The program originally was sunsetted on January 1, 1997.

Later, due to complaints, the Legislature modified the program to give enforcement agencies the discretion not to issue a notice of violation where they determined the violation was not a threat to "life or limb." Due to various delays in inspecting parks under the program and exigencies created by the Northridge Earthquake, the Legislature also extended the one-time inspection program to seven years, with a new sunset date of January 1, 1999.

Program Implementation

Implementation of the Mobilehome Park Inspection Program began in 1992, with HCD developing a process known as the "pre-inspection conference". The inspector sets up a appointment with the park owner or manager up to 60 days prior to the formal inspection date to explain the inspection process, provides notices to be posted in the park, and delivers inspection booklets for the park operator to distribute to residents informing them of the upcoming inspection and what is required.

Initial inspections are normally conducted no sooner than 30, or no later than 60, days of the date posted on the notice. Inspectors wear blue vests with the Department insignia and carry HCD identification cards. Inspectors record all conditions in the park which don't comply with the law or regulations. Each mobilehome space and all park common areas are inspected, including recreational facilities, pools, lighting systems, streets, utility systems and homes. Inspections are, however, to the exterior of the home, and inspectors do not go inside. Regulations are not retroactive. A park or installation built in accordance with regulations in effect at the time of construction are grandfathered in, unless there is a hazard to health and safety, in which case compliance with current regulations will be required.

Violations

Whenever a violation requiring correction is discovered, a notice of violation is issued, to park owners and managers for park violations, and to homeowners for mobilehome violations with a copies to the park. There are 4 violation categories:

Category A: Imminent hazards requiring immediate correction - will be issued on the spot and may require disconnection of electrical, gas, or other utilities. The inspector will return to verify correction. An example is bare electrical wiring or leaky gas connections.

Category B: Unreasonable risks to health and safety requiring correction in 30 days - will be issued by mail through HCD's automated notice system. The inspector will return to verify correction. An example is a faulty staircase riser or handrail.

Category C: Risks to health and safety for which there is no time limit for correction. The inspector will not return to verify correction. An example is a home or accessory structure which encroaches 2 inches over a setback requirement.

Category D: Technical violations which are recorded but for which no notice is issued. An example is an accessory which was installed without a permit 10 years ago, but which does not present a health and safety hazard.

Re-inspections for categories A and B are conducted as soon as practical after the expiration of the time for correction of the violation. If re-inspection reveals that previously cited violations are still uncorrected, a second notice of violation is issued.

Where park owners or homeowners dispute a citation, an informal conference is held at their request with the enforcement agency's supervisory personnel concerning the violation, a failure to correct or the granting of additional time to correct the violation. Within 5 days, the enforcement agency renders a decision to either enforce, modify, or eliminate the disputed notice of violation. Where a park owner or homeowner refuses to correct a Category A or B violation, after several notices and time to correct has expired, the enforcement agency may refer the violation to the local district attorney for prosecution as a misdemeanor.

Program Problem Areas

Prior to the introduction of AB 925, many mobilehome park owners and their associations were opposed to the prospect of regular inspections of their parks and the payment of additional fees to support such a program. Homeowners' groups were in the forefront of lobbying for such inspections, citing numerous problems and code violations - such as lack of common area lighting, improper drainage, cracks and potholes in roadways, dirty laundry, pool and restroom facilities, and faulty utility systems, as evidence for the need for regular inspections. Even with the agreement finally reached between homeowners and park owners on the limited and sunsetted inspection program under AB 925, many park owners remained skeptical.

But now, more than five years after the program began, it is the homeowners, not park owners, from whom the vast majority of complaints to legislators' offices about inspections have been received. Perhaps, this is because the majority of violations relate to mobilehome installations and lots as opposed to park common areas.

Complaints and problem areas brought to the Committee's attention can be broken down as follows:

Double Standard: Some homeowners point out that they would not be subject to an inspection (except pursuant to their own request for a building permit) if they lived in a conventional home. Unless there is a complaint involving a serious health and safety problem, they say an owner's mobilehome should be just as much his/her "castle" as the owner of a conventional home. Mobilehome owners are thus discriminated against, and the inspection program has created a double standard.

Inspector Harassment: Some homeowners contend that inspectors have "nailed" them for inconsequential technicalities (leaves accumulated near the home, dented skirting), citing them with notices that threaten criminal prosecution unless they fix or correct the violations. Some inspectors are allegedly belligerent. Others complain that some inspectors play favorites - ignoring some violations while citing others for the same thing.

Park Owner Harassment: Some homeowners contend that some park inspectors are in collusion with the park manager - that the inspector meets with the manager for coffee, the manager briefs the inspector on the "trouble makers" in the park, and the inspector subsequently picks on them and ignores the manager's friends. Many homeowners also object to HCD's policy of giving the park owner a copy of the homeowner's violations, so that in some cases management can harass, intimidate or even threaten the homeowner with eviction. They point out the homeowner doesn't get a copy of the park owner's violations and enforcement should be a matter between the homeowner and the enforcement agency, not the park owner and the agency both lined up against the homeowner.

Program Cost: Over the years, a number of homeowners have objected to the \$2 per space fee which they pay through their rent to support the Mobilehome Park Inspection Program. Those who have been cited for violations are angry that they have to continue to pay for a program which "singles" them out. Others object to the fact that their parks have never been inspected and they are paying for the cost of other park inspections, while nothing is done about the problems in their park. Still others contend the park owners should pay the full cost of the program and the law should not permit a "pass-through" of half the \$4 fee to residents.

Cost of Correcting Violations: One major bone of contention is the cost to the homeowner of correcting violations which are cited. In some cases, carports which jut over the lot line or oversized storage sheds have been cited and have to be removed and/or rebuilt. Stairways with incorrect risers have to be rebuilt, or awnings or skirting replaced. This can run into hundreds if not thousands of dollars, money which some

residents, particularly seniors on fixed income, are hard pressed to find. There are no state rehabilitation or loan programs for which mobilehome owners in this predicament can qualify, and there are very few local government housing programs which provide assistance for inspection repairs. Many mobilehome owners, especially those who have recently purchased a used mobilehome, also believe it is unfair that they are stuck with the cost of repairing code violations, of which they were not aware when they purchased the home.

Local vs. State Control: Although the Department of Housing has ultimate responsibility for the inspection of California's mobilehome parks, HCD is actually the enforcement agency for 2/3rds of these parks. The rest have either been retained or assumed by local governments. See Addendum #2 of local governments which have enforcement authority over mobilehome parks in their jurisdictions. Some local agencies, such as San Diego County, have had such enforcement authority over mobilehome parks for many years, a few even pre-dating the creation of HCD. Others, like the City of Oceanside, have agreed to assume jurisdiction more recently, due to disagreements over how HCD was operating the program. The City and some of its mobilehome residents were unhappy that, 3 years into the program, HCD had still not begun to inspect a single park of 22 in the city. The Legislature intervened to extend the program 2 additional years, in part to encourage local governments, which desired to take over the program, to do so. But many more local jurisdictions - 30 in number - such as the City of San Jose, gave up jurisdiction because they claimed the program was too costly to operate with the AB 925 inspection program. Inspection fees, annual permit to operate fees, and other fees associated with the installation of mobilehomes, parks and their inspection, are set by state regulation. Local governments cannot charge a higher fee to operate their programs than the state allows. Representatives of some local governments claim they can do a better job than the state. According to a 1994 HCD report, however, generally local governments issue fewer violations and have fewer appeals, and many have no statistics or keep no records on which to report findings on the inspections. The question, then, is the adequacy of the inspections. In any case, constituents are often baffled as to which agency - state or local - has jurisdiction in their community, and those not happy with the way the agency is conducting inspections often favor shifting the inspection responsibility to another level.

Too Slow to Inspect: Some mobilehome owners have criticized enforcement agencies as being too slow to inspect mobilehome parks. Some mobilehome owners are particularly critical of the fact that they pay \$2 extra per year for the program and have yet to see an inspector in their park. In 1990, HCD had more than 50 inspectors statewide working out of 10 field or regional offices. Today, there are only 38 state inspectors operating out of 8 offices. The inspectors not only conduct AB 925 park inspections but also re-inspections of violations cited and repaired, inspect farm worker housing, RV parks, and new mobilehome installations, among other duties. Appeals by those cited for violations

exceeded HCD's expectations and necessitated additional time re-inspecting violations in parks which had already been inspected. In 1994, the Northridge Earthquake required HCD to shut down the Mobilehome Park Inspection Program in Southern California for a number of months, and either shut down or slow it down in other parts of the state, in order to divert inspectors to Los Angeles and Ventura counties to inspect and issue permits for the re-installation of more than 4,000 mobilehomes which fell off their support structures or foundation systems during the earthquake. The result was that the inspection program fell further behind the eight ball, as not even 30% of the parks under HCD jurisdiction had been inspected by the end of 1994, at a time when the program had already passed its halfway mark. This is one of the reasons the Legislature had to extend the sunset from 5 to 7 years, to ensure there would be sufficient time to inspect all of California's parks in one cycle as the Legislature had originally intended.

Questions

Among others, questions which members of the committee may wish to consider if the Mobilehome Park Inspection Program is to be extended, are:

1. Can the Department of Housing continue to conduct adequate cyclical inspections of mobilehome parks with a decreasing number of inspectors?
2. Should jurisdiction for inspections continue to be split between local governments and the state? Is the level of enforcement the same? Are mobilehome and park owners getting equal treatment in different jurisdictions in terms of response time, adequacy of inspections, appeals, etc.?
3. Should park owners continue to receive copies of citations against homeowners, or even notice of violations which do not need to be corrected? Shouldn't the enforcement agency deal directly with homeowners for homeowner violations and park owners for park owner violations?
4. Should the enforcement agency provide homeowners with better notice and assistance? What steps can be taken by the enforcement agency to make inspections less intimidating and threatening for the homeowner? Should homeowners receive direct notice of the impending inspection, rather than through the park owner? Should the enforcement agency conduct park or community forums prior to inspections to make people aware of their responsibilities and the enforcement agency's procedures?
5. What is an adequate inspection? Should there be more specific legislative or regulatory standards for both HCD and local agencies to follow in terms of the level of inspections?

6. Is seven years too long or short a period for an inspection cycle (the number of years it takes to inspect all parks once within the state)? Should older parks or parks with a record of problems be inspected more frequently (perhaps every 3 years) while newer parks or those with a good record been inspected less frequently (perhaps every 10 years)?
7. Will a \$4 per space fee continue to support a 5 or 7 year program? Is there a relationship between the length of the cycle and the adequacy of the per space fee to support the Mobilehome Park Inspection Program? Should local government have the flexibility to charge a higher fee for a higher level of inspection activity?
8. How can lower income mobilehome owners correct violations when they cannot afford to do so? Will these people end up being evicted because they cannot repair code violations? Should the Legislature consider increasing the per space fee or finding some other source of funds for grants or loans for those who have no other means to make these repairs?

Addendum # 1

MOBILEHOME PARK INSPECTION PROGRAM
TITLE 25 REGULATIONS

Generally, among others, the Title 25 regulations cover the following areas:

- 1) Administration and Enforcement: plans, applications, permits, fees, local enforcement.
- 2) Park General Requirements: lot identification, lot lines, park roadways, lighting, etc.
- 3) Electrical Requirements: distribution systems, lot service equipment, grounding, high voltage, voltage drop, design requirements, feeder assemblies and receptacles, etc.
- 4) Fuel Gas Requirements: pipe size, meters, mechanical protection, shut-off valves, connectors, LPG, etc.
- 5) Plumbing Requirements: drains, traps, venting, pipe size, sewage disposal, shut-off valves, lot water service outlets, etc.
- 6) Fire Protection Standards: interface with local regulations, lot installations, hydrants, hose couplings, etc.
- 7) Home Installations and Facilities: foundation systems, pier structures, tie-downs, roof load, wind load, leveling, utility connectors, set-back requirements, exit facilities, certificate of occupancy, etc.
- 8) Earthquake Resistant Bracing Systems: permits, installation requirements, calculation and test procedures, inspection, etc.
- 9) Permanent Buildings in the Park: construction, electrical, plumbing, fire protection, local regulations, etc.
- 10) Mobilehome Accessory Structures: location, cabanas, awnings, carports, porches, stairways, ramadas, storage cabinets, fences, etc.
- 11) Maintenance, Use and Occupancy Requirements: manager to be available, animals, lot occupancy, lot identification, driveway access, roadways, rubbish, substandard homes and accessories, emergency information, abatement, hearings, inspection, notice, etc.
- 12) Conferences & Appeals: informal conferences, appeals, review of local agency enforcement orders.

Addendum #2

**LOCAL GOVERNMENTS WITH MOBILEHOME PARK
INSPECTION AUTHORITY**

COUNTIES:

Alameda	Riverside
Contra Costa	San Bernardino
Del Norte	San Diego
Imperial	San Mateo
Modoc	Santa Barbara
Monterey	Stanislaus
Napa	Tuolumne

CITIES:

Adelanto	El Cajon
Anaheim	El Monte
Bell	Escondido
Big Bear	Folsom
Brisbane	Fontana
Burbank	Fountain Valley
Calistoga	Garden Grove
Camarillo	Greenfield
Capitola	Hemet
Carlsbad	Huntington Beach
Cathedral City	Indio
Chula Vista	Irvine
Coachella	La Mesa
Cofax	Lake Elsinor
Cudahy	Lancaster
Cypress	Los Alamitos
Daly City	Lynwood
Dana Point	Marina
Desert Hot Springs	Modesto
Dinuba	Needles

Norwalk
Oceanside
Orange
Patterson
Pittsburg
Placentia
Rancho Mirage
Redlands
Redondo Beach
Rialto
Riverside
San Bernardino
San Buenaventura
San Clemente
San Diego

San Jacinto
San Juan Capistrano
San Marcos
Santa Clara
Santa Maria
Santa Monica
Seal Beach
Sebastapol
South Gate
Taft
Union City
Victorville
Vista
Waterford
Yorba Linda

TRANSCRIPT OF TESTIMONY

FEBRUARY 18, 1997

HEARING OF THE SENATE SELECT COMMITTEE ON
MOBILE & MANUFACTURED HOMES

THE MOBILEHOME PARK INSPECTION PROGRAM

STATE CAPITOL, ROOM 3191

FEBRUARY 18, 1997

SENATOR CRAVEN: Good afternoon, ladies and gentlemen. Welcome to the first hearing of the Senate Select Committee on Mobile and Manufactured Homes for 1997. I'm Bill Craven, chairman of the committee, and despite the fact none of my colleagues are here is no indication of their disinterest in the subject matter. Well, there's Ruben Ayala. I didn't see you, Rube. Excuse me. Rube is one of the real rugged ones of the committee. He's here through good or bad, but it's always nice to see him. Here comes another one, that old cowhand, Senator Dills. Ralph, nice to have you here, too.

SENATOR DILLS: It's good to be anywhere, at my age.

SENATOR CRAVEN: Now listen, Senator Dills, will you tell the audience how old you will be this month?

SENATOR DILLS: Eighty five, tomorrow. A wonderful life.

SENATOR CRAVEN: It sure is. Well, you make it much more enjoyable here, Ralph. I've got to say that, that's for sure. From the time I began here, which was twenty-five years ago, you haven't changed a lot.

Today, we're going to look at the Mobilehome Park Inspection Program. For the benefit of those in the audience, a background paper, agenda, and materials relating to the issue are located on the tables here. I would like to bring to the attention of those of you here that we have a new member, Senator Bruce McPherson, of Santa Cruz. Bruce has a large district with a number of mobilehome parks, and we look forward to his presence on the committee.

Mobilehome and mobilehome park inspections have always been controversial. People naturally don't like government inspectors - unless they are checking on the other guy. My experience has been, at least in the past, that park owners are happy to have inspectors check the homes, but not the park. By the same token, mobilehome owners want the inspectors to check the park, but not their homes.

SENATOR CRAVEN:

With the advent of regular inspections under AB 925 earlier this decade, that is now all behind us. Inspections of both parks and homes are a reality. But the inspection program is about to come to a close at the end of next year, and those of us in the Legislature are faced with the issue of whether to call an end to the regular inspections of mobilehome park activity or continue the program.

So, that's the purpose of our hearing today, to hear from you about the various aspects of the inspection program, the good parts as well as the bad. We do have about 18 months so we're getting started early. If this hearing doesn't provide sufficient information, we may hold another, perhaps later this year. In the meantime, I will introduce a two-year bill as a vehicle for the extension of the program and to embody possible changes in such a future program, if there is sufficient support for such an extension.

To start off today's hearing, we want to hear from those who have complained the most about the current program, the mobilehome owners. I understand that they have quite a list of concerns, and I am, therefore, most anxious to hear from the homeowners directly. We will then hear from the park owners and get some response, if you will, from the enforcement agency side, from local government and the state Department of Housing.

This hearing is being televised and recorded for later transcription, and I would admonish those of you in the audience to take your private conversations outside so as not to interfere with these recordings. As witnesses come forward to the table in front, please state your name, the organization you represent, if any, and your city of residence, for the record.

Without any further delay, let us begin with Mr. Jim Sams of the Golden State Mobilehome Owners League (GSMOL). Jim. I saw Jim a little earlier so I'll welcome you again, Jimmy. Good to see you.

JIM SAMS: Thank you, Senator. Thank you for holding these hearings, the members of the Committee and Senator Craven, to enable us to give input on this mobilehome park inspection program. My name is Jim Sams. I'm the vice president for the Northern Zone of the Golden State Mobilehome Owners League, and I am from Sacramento. I'm here to present the views of the GSMOL Board of Directors on the subject of the HCD park inspections and the decision to continue the program or let it sunset in 1998. By the way, as a sidelight, you have a printed copy of this packet.

Following the polling of the GSMOL Board of Directors, the following points should be made, and I'm quoting from sheets you have in your packet from those Board members who wish to make a statement.

JIM SAMS:

1. Sandra Cole, Secretary of the organization: "I would be totally against continuing the program unless HCD treats homeowners and park owners equally."
2. A.J. Davis, Vice-president, Central Zone: "Perhaps the several successes in health and safety in parks would become many successes if funding for more program inspectors and for separate emergency inspectors, who would have some sort of enforcement power, were available. The \$4 per space for park owners and residents would have to be increased, I suppose, but an effective program should minimize complaints. So far, it would appear that under-funding is hobbling a good idea."
3. Virginia Croft, Treasurer: "I feel the mobilehome park inspection program should be continued. \$4.00 is little enough to pay for these inspections. I feel it is beneficial for the program to remain in place, if there is a way to do it."
4. Lucille Jones, President: "As stated above, the original intent of the program was to improve health and safety conditions throughout the state by conducting an inspection of all mobilehome parks to bring them up to H & S standards and state code. This was long overdue. Somewhere along the way the program has eroded to the point it is no longer effective. Unless drastic changes are made in this program, I believe this program should sunset in 1998 as I do not see it accomplishing its original goal."

Two board members had no comments for the Committee. It is apparent, however, that by their written testimony these members of the GSMOL Board who have, have mixed feelings about the program. In the interest of brevity, I will not point out specifically what you have in your possession already in the packet, but I believe it is apparent that changes and modifications must be made to get GSMOL Board of Director's support for an extension of the program. You have in your packet the specific items needing to be changed in view of the Board members, who get input almost daily from the field. Speaking to the situation in my own Northern Zone, two problems have surfaced during the life of the inspection program. First, the language of the citation notice is so threatening to the mobilehome owner that constant complaints are made about the threat that they are going to jail, even on technical violations, as the resident interprets it.

Second, many park owners and management use the HCD citations as back up for their demands and threats against park residents. GSMOL's legislative committee will be proposing legislation to prevent this type of needless harassment from park owners and managers associated with the inspection program.

My feeling, as a Board Member representing the Northern Zone, is that unless there are extensive corrections made in the program, including these items I have just mentioned, I

JIM SAMS:

would urge the program be terminated. In a recent meeting with the leadership of Housing and Community Development, GSMOL pledged to work with the Department, with the approval of our Board of Directors, to make the program workable. I am sure that the Board would approve our participation as part of the committee to resolve these problems and produce a more acceptable program. Again, as a personal view, it is my position that, until the stated abuses are eliminated and a program to implement the needed changes is put into place, no change in the assessment program fees be made. Thank you for the opportunity to testify, and if you will allow me, I would like to read Coleman Persily's testimony. He had a hip injury and was unable to be here.

SENATOR CRAVEN: Go ahead, sir.

JIM SAMS: It is the last page in your packet, if you wish to refer to it while I'm reading it.

To: State Senator Craven and Committee. For many years, I was looking forward to expressing my opinion on HCD, its rules, regulations and enforcement procedures. As a regional manager for GSMOL, I feel qualified to testify at this hearing. I propose the following changes: 1) That the violations served on the homeowner be a confidential violation and not one that is reported to the park owner/management. I have found park owner/management using this as a tool and using this information given to them by the HCD inspector to persecute, scare, threaten and evict residents. In one case where a park owner wanted to change the status of his park, he threatened to evict the entire park, based on the issued violations. I request that park owners not be notified of a resident's violations; 2) Many of the residents in the parks are frail seniors with heart conditions. Residents receive the violations with anxiety and fear. I suggest that the threat of imprisonment be eliminated from the violation form. Perhaps there is a gentler way to put it. Any violation which is not the fault of homeowner and is the fault of the management, such as lot lines, distances between homes, location being a fire hazard, and so forth, should be a violation against the park owner and not the resident. (And, he has two more points.) 3) Where there is an existing park chapter of the GSMOL or a homeowner association, that the organization be notified of any fire or safety park violation. Thus, steps can be taken by the organization to have the hazard eliminated. 4) Finally, in any park where there is an organization or GSMOL chapter, that instead of notifying the park owner of a resident's violation, that the organization be advised so that the organization, in a more friendly manner, convince the resident to take heed of the violation. Signed, Coleman Persily.

SENATOR CRAVEN: Now, the organization there, Jim, is GSMOL?

JIM SAMS: Yes.

SENATOR CRAVEN: Does GSMOL have what you would call availability in every place and park?

JIM SAMS: Well, I'm not sure that what he proposes would be workable. I'm only giving you his feelings ...

SENATOR CRAVEN: That's a thought that occurred to me. I understand your position very, very well. John, this is John Tennyson, who is our brains of this outfit, really, and who works constantly on legislation and whatever the people who are involved with the mobilehomes are concerned themselves. Have we erred in setting this thing up originally with the language which may have been a little too stringent, or was easily misunderstood? What do you think about that, John?

JOHN TENNYSON: Well, I think it depends upon what your talking about. With regard to the notices that Mr. Sams mentioned, I believe the Department has already, and I'm sure they will testify to this a little later, taken some steps to modify those notices so that they are not as threatening. Perhaps they are still..., it is a misdemeanor, these violations, so certainly some mention does have to be made that it is a violation of the law. Most of these things are done by regulation, some of them are done by law. The Legislature does have, obviously, discretion to either change some of the existing provisions that are in the law, or enact things that would specify how they want these notices carried out, or, if they want to exempt park owners from receiving residential violations that could be spelled out in law, as well. I believe that's basically done by regulation or done by the Department of Housing, at this point.

SENATOR CRAVEN: Do we have a situation today whereby the park owner or management of the park is made aware of a violation, as determined by HCD?

JOHN TENNYSON: Yes, if it's a homeowner violation, the Department, the enforcement agency, furnishes a copy to the park owner on the premise that the violation is occurring on the park owner's property and therefore he or she is partly responsible for helping to enforce that, or correct, rather, that violation.

SENATOR CRAVEN: In order words, put them on notice that one of their tenants, if that be the way to describe them, is in violation and it's incumbent upon them to take steps to help rectify that?

JOHN TENNYSON: That's the implication. I don't believe the Department goes as far as to say, "Mr. park owner we expect you to evict this person if they don't correct the violation within 60 or 90 days."

SENATOR CRAVEN: No, in other words, what I'm getting at is it doesn't say that specifically, doesn't it?

JOHN TENNYSON: No.

SENATOR CRAVEN: We have sort of a third party situation involved in this thing, at least to me. Rube, did you have something to say? Senator Ayala.

SENATOR AYALA: We had a similar hearing about a year ago and at that point, there were a number of recommendations we made in terms of inspections. I'm surprised that some of the homeowners feel that the regulations or the inspections lean to assist the park owner, as opposed to the homeowner. I was under the impression that the regulations, that we suggested and we supported, would be equally supportive of both, or the inspection should be made to help both the park owner as well as the homeowner. Apparently, some of the information we have here, now, is that some of the folks feel that the program, as administered, benefits the park owners more than they do the homeowners.

JIM SAMS: May I make a comment on that, Senator?

SENATOR AYALA: Sure.

JIM SAMS: The park owner, as you know, already, under Title 25, can take care of violations in the park. What we find happening here, in a great many cases, is the fact that the weight of the state is coming down behind a park owner who wants to use this and say, "the state made me do it." This is a threat of the power of the state. Now, he has that power all through the year to do that. We say that people who are elderly are very susceptible to threat and to have this come along, and this notice has been a sort of a threatening kind of thing, too. We say that it should not lose its message, but it should be presented in a little different form. I think what we are saying here, in this case, is that park owners -- some park owners -- have abused this and used it as a whip on their people.

SENATOR AYALA: Someone suggested that we keep these complaints and inspections confidential so that the park owner would not be aware of these complaints. Would that be helpful in any way?

JIM SAMS: My understanding is that this becomes public record after it has been issued, therefore, how are you going to do that? One thing that I brought out to HCD was possibly to change the law so that the park owner could only pursue these under the

JIM SAMS:

inspection program with the recommendation of Housing and Community Development. This would require, then, that the Housing and Community Development say this is of such a serious nature it must be done. That would keep a park owner from arbitrarily doing it, without specific recommendations from the Housing Department.

SENATOR AYALA: Are inspections mostly for the benefit of the homeowners in terms of health and safety? Absent these inspections, what do we have left in terms of the homeowner, themselves, and their homes?

JIM SAMS: I don't know of anyone in GSMOL who is saying that there should not be health and safety inspections. That's not the problem. The problem is we have the categories of C & D, which are not going to be followed up by Housing and Community Development, but my understanding is that they are being pursued in the same manner as health and safety. And, we say to a lady who is an older person or gentlemen who has a low income, they are told you go to jail or you fix it. There is no way they can fix it. And I even know about a place in Sacramento, a park where the lady did not have a car port. She was told unless you put a car port up there, we're going to evict you. The car port would cost her \$3,000 and she was on Social Security. We're talking about the abuses of the program here. And, I qualified my statement saying that I would like to see it sunset with the needed changes where our residents -- we represents residents -- where our residents can feel good about the fact the inspection has helped them.

SENATOR AYALA: How do we do that? How do we accomplish that?

JIM SAMS: Well, first you soften the language. You get the point across. You don't make them feel like they're going to go to jail. Secondly, I think we have to correct the park abuses which are being done. And I think with the legislation I suggested is a starting point that could be done. Those are some of the areas. You will see in the packet other areas that need to be addressed, but these are a couple of them that I see.

SENATOR AYALA: Thank you.

SENATOR CRAVEN: Ralph, did you have anything? Bruce, welcome. This is Senator McPherson whose name I brought up earlier, who is from Santa Cruz and who is very interested in the entire mobilehome milieu. So, it's nice to have you with us, Bruce. Thank you, Jim. I appreciate it very much.

JIM SAMS: You're welcome.

SENATOR CRAVEN: Next we have Len Wehrman. I didn't see Len. There he is. Good afternoon, Len. Good to see you. How many years have we been doing this, Len?

LEN WEHRMAN: Since day one.

SENATOR CRAVEN: We did it even before they started complaining about the inspections, didn't we?

SENATOR DILLS: I remember.

SENATOR CRAVEN: Do you remember that, Ralph? Ralph remembers when Pio Pico was here. Go ahead, Len.

LEN WEHRMAN: Chairman and members of the Committee, my name is Len Wehrman. I'm a homeowner. I live in Daly City, CA. As the Senator's already pointed out, I've been around this thing about 28-29 years, and was the founder of the National Foundation of Manufactured Homeowners which represents the homeowners across the United States, very similar to what GSMOL has in California. I might add there are 26 GSMOL types across the United States.

We're here for two significant issues. Narrowly speaking, the health and safety on-site inspection, preparing notices and seeking compliance with the statutes and regulations, and two, all other aspects of the inspection program. It is very important that we understand the differences between the two issues because that's exactly what has brought us here today. The health and safety park inspection program has been very affective with ten's of thousands of violations cited, complied with by homeowners and park owners, park managers. If you look narrowly and solely at the health and safety aspects of the program, one can deem it highly successful and decide favorably to continue the park inspection program with possibly only minor changes. But, gentlemen, frankly, such is not really the case.

During the past five years plus of the program, major flaws in the system have surfaced that will require, in my opinion, new legislation and numerous regulatory changes before proceeding into the next 7 years and far beyond. In addition, we should be very mindful of the legislation enacted in 1996 that requires disclosure of specific aspects of the home upon resale, which is yet to be determined, that information to be conveyed to the next purchaser and homeowner. These will be health and safety related and will likely duplicate park inspection programs.

From the perspective of the individual homeowner, the park inspection programs, disclosure upon resales, selling agents, park management, and other such activity, presents a very complex and bewildering aspect to the life of the homeowner at a time when they

LEN WEHRMAN:

don't want it and, frankly, they don't think they need it. So, it is important that we make every attempt to make the park inspection program not so intrusive into homeownership and into their lives.

The following recommendations I would like to make are very specific about the program. In this regard, let me, Mr. Chairman, commend your staff, John Tennyson and others who contributed to the background paper. I thought it was an excellent portrayal of what the program is all about, and I commend John and others for that particular paper.

SENATOR CRAVEN: Thank you.

LEN WEHRMAN: Let me specifically address something that came up a few minutes ago, Health and Safety Code 18420, which is the citation notice. We do need new legislation that takes away the threats, both implied and written, in the violation notice given to the homeowner. The notices are very offensive and makes the homeowner furious and disgusted with the park inspection program and what it really stands for. Put the language in more of a friendly attitude, remove the intrusive verbiage and give at least 120 days to comply instead of the hard-nosed 30 days. Establish an A,B,C,D level of violation that defines and classifies the severity of the violation.

2. Civil Code 798.56 was referred to before. The park inspection violations should be a private matter between government and the homeowner. Other than compliance with urgent violations, they should not even be presented to or known by the park management until the government, both HCD or local governments, have fully or satisfactorily signed off and resolved any violations that the homeowners have been notified of. Currently, far too many park managements make demands of the homeowner while the violations are being complied with by the homeowner. Park managements have gone so far as to threaten or give notice of termination of tenancy based on the alleged negative response to the violations. The park management must be disconnected from the violation process during that period of time when HCD or the local governments still determine a level of compliance.

3. Civil Code Series 1102 and 2079. Safety disclosures currently pending and the demands of selling agents create an extra burden on the homeowners of questionable value considering this park inspection program, and clearly note that no such type disclosure is required of the park owners.

4. Health and Safety Code 18300, relative to HCD vs. local governments. The local government park inspection program functions very independently, in my opinion, from the state program and even from some other local governments. The state must establish

LEN WEHRMAN:

one program that is equally applied by HCD and all local governments. Though the state has jurisdiction over most aspects of these local inspections, the practical application does not make that possible. New legislation should require that the state have additional authority and overall jurisdiction of the park inspection program. In my opinion, there is too much difference between HCD and the local governments.

5. Costs to operate the park inspection program. During this current seven-year period, the cost to the homeowner, both direct and indirect, is about \$42 per home site. The way that is calculated is that in order to operate there is a \$25 flat fee for the application. Under the Mobilehome Parks Act, there is a \$2 fee. This inspection program has an additional \$4 -- \$2 of which is paid by the park owner, \$2 of which is paid by the residents, but we all know that all those dollars eventually go to the operating side of the ledger and are going to be passed through to the homeowner. So, during this seven-year period, the homeowner is going to pay, in my opinion, \$42 to have his lot and his home inspected, plus all the other costs that he incurs as a result of the violations.

Further, in my opinion, during the next seven-year period, that is from 1999 to 2005, should we have such legislation to extend the program, it will cost almost double the above amount. It will not and cannot be accomplished in this seven-year period. We all know that there is a shortage of funding and there is a shortage of personnel. Government programs are not going to grow, they are going to shrink, and if the inspectors do go out and do it all over again, they have to be very careful because the homeowner is going to, basically, say, "You've already inspected my place several years ago, and now you are doing it again." We are going to have more anxiety out there than we have ever created as a result of the first time inspection.

6. Report to the Legislature and to the public. One of the things that was very difficult in this whole process of putting this together is that there are no numbers out there. Nobody can get any numbers on what are the kinds of violations. The files are there from HCD, but you can't get anything from local governments. Many of them don't keep them or they don't keep them in such a way that you get a handle on it. You can't evaluate it from a public standpoint. I don't believe you can evaluate it from a legislative standpoint. So, what we need, very quickly, in order to understand this, is a very fast preliminary report so that we can all understand what this program is truly and really all about both from the state level and the from the local level, and in order to produce comparable legislation, should we decide that. We do need a final report so that we can put some figures in concrete and know exactly what we are doing.

Quite frankly, Senators, this will require a fresh approach to any health and safety inspection program with some very creative legislation and regulatory changes. And, I

LEN WEHRMAN:

think we are all dedicated to doing that. I'm hoping during this year that your two-year bill will succeed, though, and that perhaps, maybe you will have a work study, a work session to evaluate what should be in that program. If the core inspection program is allowed to sunset in January 1999, the core responsibilities of HCD and, in fact, some of the local governments, will be eliminated forever. For all practical purposes, the Department, Division of Codes and Standards, will almost likely cease to exist because right now that is the heart of their program. So, in conclusion, perhaps I've painted a negative picture of the park inspection program, but I'm sure it reflects the opinion and comments of thousands and thousands of homeowners across the state. And, together, we've got to find a way to resolve the issue confronting this inspection program, and move on ahead. I thank you very much.

SENATOR CRAVEN: Thank you very much, Len. We've always appreciate your comments. They are consistently very, very incisive, and I've had the good fortune of listening to you for many, many years, and I must say I've learned a great deal from that. So, it's always nice to hear you and your ideas and attitudes on this matter because you are very frank in what you say and you give great meaning to what you present. And, we appreciate your presence. Thank you. Thank you very much, Len.

Well, next we have Paul Henning, who is a GSMOL gentleman from the city of Sacramento. Paul, again, hello.

PAUL HENNING: Good afternoon, sir.

SENATOR CRAVEN: Thank you. Paul and I were having lunch next to one another today in that great Mecca of good eaters down in the basement. Right?

PAUL HENNING: Yes, sir.

SENATOR CRAVEN: Where the expenses are very low.

PAUL HENNING: Very low.

SENATOR CRAVEN: Go ahead, Paul.

PAUL HENNING: Mr. Chairman, members of the Board, my name is Paul Henning and I reside at Golf Green Mobilehome Park in Sacramento. I have been out of the "loop" for several years and am glad to be back. As you know, there are two sides to every dispute and it is best to investigate all aspects of a situation. Mr. Wehrman, Mr. Sams and myself did visit with Mr. Dan Rivers and Mr. Pitts for information. Truthfully, before this

PAUL HENNING:

meeting, I was leaning toward letting AB 925 sunset. If anyone in this room has this in mind, then I suggest that they visit with Mr. Rivers, because his office is wall to wall with mobilehome inspection files, and some of these files are 2" and 3" thick, containing several hundred violations in each park. In my opinion, these inspections have been more beneficial than detrimental. To the homeowner, they may have saved their home, and yes, maybe even their life, with the faulty gas, or electric lines. The park owner should welcome this free inspection to ward off any civil suit that could cost them thousands, and yes, sometimes millions of dollars. No system is fool proof, but if we work together, we can make it profitable for both the homeowner and park owner.

On question 3 of the Senator's background paper, we can find the answer in Information Bulletin MP 91-03, dated August 12, 1991, and signed by John Ellis, which read in part:

"Violations of either mobilehome park owner, operators, or residents are required by the Act to be addressed separately. The enforcement agency is required to issue a citation to park residents identifying violations which the residents are responsible to correct. Likewise, the enforcement agency is required to provide the mobilehome park owner/operator with a citation for violations which they, as owner/operator are responsible for correcting, along with a copy of any citation issued to a park resident, registered owner of mobilehome and occupant, if not the registered owner. At the time a copy of a resident citation is provided to a mobilehome park owner/operator, no responsibility or authority to correct resident violations is conveyed to the mobilehome park owner/operator. It is the responsibility of the enforcement agency to exhaust all administrative and legal recourse against a resident who fails to correct violations before looking to the mobilehome park owner/operator for corrective action. Only then, is the enforcement agency to request action by the park owner/operator to abate the cited violations. In most instances, the only course of action available to a park owner/operator to abate resident violations is through eviction of the resident. Under no circumstances is the enforcement agency to put a park owner/operator in the position of evicting a resident who fails to correct cited violations, unless the enforcement agency has exhausted all available administrative and legal recourse against the park resident."

Some of the problems between managers and homeowners are that the manager is demanding that the homeowner comply with violations which the inspectors have written up. But, they do not require the homeowner to comply if they are not life threatening or a health and safety violation. To abate this situation, I recommend that only the violations that are life threatening or a health and safety violation be given to the manager. The \$4 fee per year is not sufficient for this program. I propose that a \$4 fee be assessed twice a year, \$4 on January 1 and \$4 on July 1. I also propose that this should be made into law without a sunset clause and to explore the Senator's suggestion of inspecting problem

PAUL HENNING:

parks more frequently, those with a good record, less frequently. I appreciate the opportunity to participate in this hearing, and the views I have expressed are purely mine and have no association with any organization.

SENATOR CRAVEN: Thank you, Paul, very much. You touched on what I think are the very cogent problems involved. You know, in dealing with the matter and trying to come up with language that would be beneficial to the people we hope to serve, that is the tenant and the park owner, and those are the persons we are involved with, it is sometimes difficult to utilize something that government rarely, if ever, uses. And, that is some degree of compassion, you know. You can look through the ordinances and if you find a line that is compassionate, let me know because we'll probably take action against it. It is something that I think is a question of interpretation. A lot of people think we are doing this side versus that side, and it is very, very difficult, obviously, to hold the Scale of Justice and have it balanced equally on either side. And, if it doesn't, it is not because we haven't tried.

And, I'm sure there are people out there who think \$4 is an exorbitant cost to pay, and I feel sorry for those people because obviously they don't have a lot of money. But if they feel that way, there's not an awful lot that government as an entity can do for them. That's a responsibility of theirs. Their money is their money, and I guess they say don't take \$4 from me because that going to leave me with \$6.

And, those are the things that we want to hear from you, and particularly if you have some thoughts about how we can, oh, sort of ameliorate the problem that we have run into. We were very, very, oh, I don't know, happy, I suppose, John, to say when we started with this attitude to do something that we thought was going to take away a lot of problems. We, I guess, sowed the seeds for growing some more new ones that we hadn't anticipated. So, live and learn, I suppose, and another ten years or so and we'll be right with them.

PAUL HENNING: This letter that Mr. Ellis has written specifically stated how things should be handled, and if things were handled according to that letter, this was back in 1991 when this letter was published, it would work beautifully.

SENATOR CRAVEN: Who was this again?

PAUL HENNING: Mr. John Ellis, the Chief. He was chief at that time, from HCD.

SENATOR CRAVEN: HCD, yes.

PAUL HENNING: Yes, sir.

SENATOR CRAVEN: Well, Bruce and Ralph and Ruben and myself, we get letters from people everyday to tell us what to do and how to do it. And, they never served a day in government. They've never run for office, but they are the people who know all of the answers. I wish some of those people would run. I'm sure that if they did, they wouldn't be elected because I don't think they know what they're talking about. I've got to be honest with you. But, you know, it's not fashionable for those of us who serve in this capacity, and we feel very honored to have that opportunity, but you've got to remember we started somewhere. We had absolutely nothing going for us, and we decided we had the talent to do the job and we convinced enough people to do it, some of us for many, many years.

Senator Dills, I don't want to make an example of him, but I was a junior in high school when he was an Assemblyman. So, he's been at it a long time. And I never questioned what he said. As we always said in the service, you always had the last word, "Yes, sir." And, that's the way I treat him, because he is deserving of that. And, I'm going to hope that he's going to come up with an answer to this one, but as a former judge and other things, of the governmental milieu, there's just nobody like him. And, hopefully we can come up with some ideas. We will come up with something based on what you have said to us today, and we appreciate your being with us. Thank you very much, Paul. Good seeing you again.

PAUL HENNING: Thank you very much, sir.

SENATOR CRAVEN: Next, we have George Smith, Escondido Mobilehome Positive Action Committee known as EMPAC and County Mobilehome Positive Action Committee, CMPAC. George, nice to have you with us.

GEORGE SMITH: Thank you, sir. Mr. Chairman, members of the Committee, I am George R. Smith and I reside at 15420 Old Highway 80, Space 175, in El Cajon, and that happens to be a resident-owned park. And, we haven't talked about that yet today, so I'm going to spend a little time with you talking about that, in addition to some other things.

SENATOR CRAVEN. Please do.

GEORGE SMITH: I do not feel it is necessary for me to chew all the cabbage twice that has been already chewed here today, much of which I agree with. One of the things that I see that is most important, in my view, is the separation of the enforcement problem so that the enforcement of the mobilehome owners violations are not a subject of oppression. And, I guarantee you, it exists all over San Diego County.

SENATOR CRAVEN: What you are saying is the government, if you will, is sort of an agent in putting the screws to the other side.

GEORGE SMITH: And, that can work both ways, but...

SENATOR CRAVEN: Of course it can, but I understand exactly what you are saying.

GEORGE SMITH: But, that, in my view, is one of the most important things that we must do if this inspection program is going to continue, and I urge that it does continue because it has done an awful lot of good, and if we do it right, it will continue to do an awful lot of good. But, we do... contrary to, and I might as well be blunt, in my seventeen or eighteen years that I've lived in a mobilehome park I have been observant and aware that there is a constant controversy and a constant abrasiveness between mobilehome owners and park owners. This is a continuing thing that exists in this program, and we need to do something about that so that it accomplishes its purpose without aggravating the hell out of both sides, to put it bluntly. That, I thoroughly agree with.

Let me talk about ROP parks a little bit because I happen to have been in a park that was converted in 1985, and I was part of the acquisition committee. I've been on that board of directors for two years, and we don't talk about this program in reference to ROP parks. I think it's every bit as important that it applies to ROP parks and it's not clear that it does, in my view, at this stage of things. Now, having said that, there is also some peculiarities about ROP parks that are not addressed and not generally known. For example, in my park, because of the nature of it's conversion, we converted as a condominium, what is called an "air space condominium on leased land." So, when we did that, in order to not saddle ourselves as renters, we sold back the spaces that were not purchased by the members to the former owners, so we have two separate mobilehome parks subject to the Mobilehome Residency Law within our park. And, that's not unusual. There are a lot of ROP parks that have that problem. So, the question is here, if that is true, and we have rental mobilehome parks within condominiums, how are we going to address that issue? That's not clear in my view and should be clarified in the law.

San Diego County is somewhat unique, Senator. You know that from living there all these years. The entities that I'm representing here today are small political pressure entities that were designed and organized specifically to apply political pressure to the local legislature, whether it be the city, or the county and/or the state. So, we have all of these little sub-entities and starting with Oceanside, which you are familiar with, San Marcos, Vista, Escondido, Chula Vista, Carlsbad, and Santee. Today, I'm talking for Santee and the County and Escondido, only. But, I wanted to relay those concerns about resident-owned parks. I intend to follow-up, if I may, with your permission, a detailed, written evaluation of this problem and, frankly address the...what I thought were very astute and cogent questions that you asked in the material that you submitted, and those

GEORGE SMITH:

will be answered in detail. I don't want to take the Committee's time to do that now, but I particularly...

SENATOR CRAVEN: We'd be happy to have you do that.

GEORGE SMITH: I particularly, again, ask all of you to re-address the ROP park issue because it is something that hasn't been talked about. Thank you very much, sir.

SENATOR CRAVEN: Well, thank you. Any questions of Mr. Smith? He's talking about an area that, of course, I'm very familiar with having represented all of -- well I never represented Chula Vista -- but all of the other ones you mentioned, I have. And, I followed the growth and the trials and tribulations of mobilehome parks in all of those areas. And, as a city manager, in a town that had quite a few good parks, why, San Marcos, you know we had some problems there, too.

GEORGE SMITH: Yes, and that was the original public rent regulation ordinance in San Diego County, San Marcos.

SENATOR CRAVEN: Yes, that's right.

GEORGE SMITH: Thank you very much, sir.

SENATOR CRAVEN: Thank you, George. Good to see you. Next, is Harry Foulks, California Mobilehome Resource and Action Association. They are known as CMRAA. And, here he is. You look like a real fashion plate here today, Harry.

HARRY FOULKS: Well, I don't feel like it.

SENATOR CRAVEN: Don't you, really? Well, you look very good.

HARRY FOULKS: Well, I don't feel bad, either.

SENATOR CRAVEN: That a boy.

HARRY FOULKS: I came to live in a mobilehome in Sacramento in 1985.

SENATOR CRAVEN: From where?

HARRY FOULKS: Prior to that time I practiced law in Nebraska and Iowa and Illinois. And, I know nothing about California law, California procedure, or anything else.

SENATOR CRAVEN: You may be better off, Harry.

HARRY FOULKS: So, I'm here... You, of course, have given us the entire solution, Senator Dills. He's the man. He's got all the answers and that's it. But, in any event, I'm here at the request of the board of directors of the California Mobilehome Resource and Action Association, Inc., which is better known as CMRAA, which has been in existence in this state for less than a year. It's mobilehome owner membership, however, is growing throughout the state. My remarks, after hearing some of the remarks already made, have gone from being brief to extremely brief because these things have been covered. Just to summarize, I'll leave about a three-page document which will expand upon what I'm going to say, but in any event, ...

SENATOR CRAVEN: It will be made a part of the record.

HARRY FOULKS: Our position is that the HCD park inspection should be kept as a state-wide program rather than suffering things to go to, say, several hundred local government entities, and so forth, who will not be applying the same standards in the same way that HCD can originally set up. But, and I've heard and I realize that there are a lot of objections to how HCD is doing what they have to do and it seems to me, being entirely unacquainted with the law of California, that in connection with the citations that are issued to residents in connection with their particular mobilehomes, that if those citations which have been in effect for a long time, maybe the "C" citations, and so forth. if those particular discrepancies could only be made under your SB 1704.

If they could be made a part of the disclosure on sale, it would seem to me that a lot of these would be completed because you have someone who wants to sell and you have a park owner who wants a tenant and you have someone who wants to buy. If you disclose all of the facts in connection with that particular unit, that particular mobilehome that has become a matter of record, one way or the other, you are going to get a lot better enforcement in those limited number of cases. Things are going to be corrected because I'm not going to buy if I'm buying into a problem that I think the prior owner should end, and it seems to me also that the park owner has a great interest in seeing that his former tenant and his new tenant come together in a situation where they can come together. Most of everything else that I wanted to say has already been mentioned and I thank you very much for your attention.

SENATOR CRAVEN: Well, thank you very much, not only for your comments that you have delivered, but also the reality that some of it may have been said once or twice before and because of that you have squared this hearing up for the fifth time, as the case may be.

HARRY FOLKS: I could have said it better, but there's no reason...

SENATOR CRAVEN: Well, it's nice to have you here. We're most appreciative. Hopefully, you are enjoying the great state of California more than the Midwest.

HARRY FOULKS: Yes, I am.

SENATOR CRAVEN: That's good. Are you a native from that area?

HARRY FOULKS: Yes, born in Iowa and raised in Nebraska and educated in Chicago at Northwestern University.

SENATOR CRAVEN: Oh, good. Well, that kind of took you out of the...

HARRY FOULKS: It keep me in the same place.

SENATOR CRAVEN: That's right. I was almost born in Evanston so I'm familiar with that area.

HARRY FOULKS: Great, great. Evanston is a terrific place.

SENATOR CRAVEN: Yes, it is. Chicago is a beautiful place, I think. But I find a lot of people don't think that way. I don't understand why, but I think it's great.

SENATOR DILLS: Chicago, Chicago...

SENATOR CRAVEN: Yeah, see Ralph likes it. He can play that on his horn, too, I might add.

HARRY FOULKS: Thank you again for your attention.

SENATOR CRAVEN: Thank you very much. Nice to have you here with us. Donna Matthews, mobilehome owner from Calimesa. Please be seated, Donna. Tell me where Calimesa is. I have to show my ignorance. I don't know where that is.

DONNA MATTHEWS: It's by Riverside. Redlands.

SENATOR CRAVEN: Oh, yes. Is it a little town?

DONNA MATTHEWS: Yes, very small. Just became incorporated in 1991. Otherwise, we were under Riverside.

SENATOR CRAVEN: So, it's now...well, then you know Ruben very well. Do you?

SENATOR AYALA: No, that's ...(in audible)

DONNA MATTHEWS: Yes, Presley.

SENATOR CRAVEN: Oh, really? Well, Rube has San Bernardino County, but frankly, that's the first time that I've run into that so I've learned something there. Plus the pleasure of seeing you.

DONNA MATTHEWS: Thank you. I am here today to urge the state to continue the mobilehome park inspection program. We, seniors, place our investment in the park and if the park owners are in violation of the state codes and there were no inspections or enforcement agency to turn to, our only recourse would be to sue. And this is not the answer. So many seniors do not have the know-how to find a lawyer, a knowledgeable lawyer, or have the health or finances to stand a long trial. So many would just suffer in silence and unhealthy conditions. But, I want to stress that a program is only as good as the enforcement. If a park owner does not abate code violations after receiving a citation, the Health and Safety Code is very clear. His permit to operate should be revoked, and/or the District Attorney files a civil suit.

We have had a problem with enforcement in our park. The Riverside Health Department issued a citation in August 1986 for violations of 1610 b and c, not proper drainage under the mobilehomes. The mobilehomes were installed in a pit set method below grade without the proper permit or grading allowing for drainage from beneath the mobilehomes. Since 1986 there have been two inspections, a mandate issued to correct violations and an HCD order to abate violations, all listing 1610 b and c as the violations. But, the park owner still has his permit to operate renewed each year. There is no time today to go into detail of all the years of harassment, frustration, and stress I have gone through trying to see that the code is enforced. So, I have compiled the facts in this book for the future study by this Senate Select Committee. The citations have been issued, the laws are there. Over the years, I have personally contacted or written to representatives from our county supervisor's office, Riverside Health Department, the District Attorney of Riverside, HCD southern area office, Senator Leonard, Assemblyman Granlund, HCD Deputy, Mr. Pitts. I even contacted the Attorney General Lungren because the California Constitution states, "It shall be the duty of the Attorney General to see that the laws of the state are uniformly and adequately enforced." And, they are not.

SENATOR CRAVEN: Are you implying that that's Mr. Lungren's problem or lack of efficiency?

DONNA MATTHEWS: Well, if the laws are there, HCD is not enforcing them, Riverside County wasn't enforcing them, somebody has to enforce the laws.

SENATOR CRAVEN: That's absolutely correct.

DONNA MATTHEWS: And, so how do I get somebody to enforce the laws?

SENATOR CRAVEN: Well, why don't you try what everyone else does, bombard our office?

DONNA MATTHEWS: I have. Mr. Pitts has a file like that for me.

SENATOR CRAVEN: Oh, yes. Well, Mr. Pitts is, he's on our side.

DONNA MATTHEWS: All right. And, Senator Granlund's office sees me every week.

SENATOR CRAVEN: Oh, Senator Granlund?

JOHN TENNYSON: Assemblymember Granlund.

DONNA MATTHEWS: Oh, Assemblymember, oh, I'm sorry.

SENATOR CRAVEN: You know, let me just tell you something, not to get you off the track, but there's no one who's going to look at your problem the way these gentlemen here, and myself, do. It's very, very difficult to try to explain this to anybody, but you are family. Now, our family comes first. In other words, we want to do something for them because they are ours. The sections and the departments and the bureaus and the government don't look at things that way. But, of course, they're not elected by the people, either. And, there's a big difference there.

We have a very close feeling. That doesn't mean that we will always agree with you, or, vice versa. But if you are really close enough to us, you understand that we're trying all of the time. And, if we said, well, we just have to take care of the people who live in the parks, that would be very, very easy, really. We have to take not only that side, but the ownership side which is very, very important to all of us. And, it doesn't make for an easy game, if you will. It requires diligence, I think, and an informational flow from you and the parks to us so we will know, basically, what the problems are and what you think is the right route to alleviate those problems. You are, to me, what I would like to think of as being a typical constituent, a little better, I think.

DONNA MATTHEWS: But, you must understand the park owner did not follow his permit, and put us in illegally, and, HCD has documented this. And, there are health and

DONNA MATTHEWS:

safety problems there. I have friends that have been living over water for 10 years, moisture. And, I'm not talking a little bit, I'm talking...

SENATOR CRAVEN: Yes. I understand what you are saying. The fellow to my left, John Tennyson, who is the consultant for this committee and has been since its inception, he's the fellow that deals with all the agencies, and it is a situation that, frankly, if he didn't have a degree in law, we would be in big trouble already. But, it's just one of those things that takes time. We keep trying. We are far from perfect, but it isn't because we don't try. Will you go home feeling better now?

DONNA MATTHEWS: No, I'm not finished. I would like to continue.

SENATOR CRAVEN: I didn't mean to interrupt.

DONNA MATTHEWS: To me the cost of this program would not be prohibitive if there was better enforcement.

SENATOR CRAVEN: Well, we agree with that.

DONNA MATTHEWS: By not enforcing the code, when this park first received their citation back in 1986, there have been numerous unnecessary inspections because they keep being called back and back, again and again, and they still will be because the water problem is still there. And, if they would have just done the enforcement in the beginning... There are only 44 homes listed in the first inspection. Now, HCD listed 217, so the park owner continued after his citation, to do this against the law, against the Health and Safety Code, and seniors are suffering there from not having the Health and Safety Code...

SENATOR CRAVEN: How long has this been in effect?

DONNA MATTHEWS: The first citation was 1986.

SENATOR CRAVEN: '86? Do you know anything about that?

JOHN TENNYSON: I'm not familiar with the specific case.

DONNA MATTHEWS: It's all documented, right here.

SENATOR CRAVEN: Very well. Are you going to leave that with us?

DONNA MATTHEWS: I'm going to leave that with you.

SENATOR CRAVEN: That would be fine. Thank you.

DONNA MATTHEWS: So, I urge you, again, keep the program. The laws are there. Make it mandatory that they are enforced. Then, save the seniors from years of frustration and stress and having to live in unhealthy conditions. Any questions?

SENATOR CRAVEN: Any questions? Yes, I think John may have a comment for you.

JOHN TENNYSON: The only comment that I can make, without knowing the specifics of the case, is the reason that the permit to operate is not suspended is that if it was and the park no longer was in business, then everybody would be evicted, basically. Your question was, "Why don't they revoke the permit or suspend the permit or why don't they refuse to renew the permit?" And that's the Catch 22 that the enforcement agency is in. The ultimate hammer is, if they close the park that everybody is out of the park, everybody is out of a place to live, which is not a situation the enforcement agency, the Department of Housing, wants to put you in, so they have got to find some way to get the park owner to comply, short of that, unless it is such a dramatic problem, such as a major fire hazard, or sewage problem, there is absolutely no other choice.

DONNA MATTHEWS: What about the District Attorney filing a civil suit?

JOHN TENNYSON: Well, that would be a course of action that could be taken, but...

DONNA MATTHEWS: I went to the District Attorney, and he stated that then I had to go to the Health Department or HCD had to file. He could not file with my information. He had to have it come from either HCD or the Health Department. They put me back to somebody else.

SENATOR CRAVEN: That action, however, is not necessarily exclusive to you. That is the same move or failure to move that he takes in anything. Sometimes I think the public says that you are our attorney. Well, not really. He can't do things unless he's got some background within his scope of interest and that's what you've run into there.

DONNA MATTHEWS: But, HCD has documented these violations.

SENATOR CRAVEN: I don't doubt that at all.

JOHN TENNYSON: Well, we'll be happy to look into it, and see what...

DONNA MATTHEWS: And the Health Department has documented it.

SENATOR CRAVEN: Well, when we get that big blue book there, why we will, you and I, will be more seniors than we are now. Well, thank you very much.

DONNA MATTHEWS: Well, thank you for allowing me...

SENATOR CRAVEN: You're very kind and I appreciate your being here with us. Yes, sir, Senator Dills.

SENATOR DILLS: Some folks recently asked me how are things different now from what they were when I was in the Assembly in the '40s and '30s. I said, "No difference at all." It's all about one thing, a five letter word, m-o-n-e-y. Everything is about money. If there's not enforcement, its because there's no money. Where do you get the money? Those are the two things. Where do you get the money? Where do you spend it?

Enforcement costs money, and maybe the Attorney General has some extra money, or money but with reference to gambling or something else, he wants to use it over there. I don't know. The district attorney, cities, and all, they have the shorts. They don't have the money. People don't like to pay taxes or fees. I'm not saying that is the only problem, but it has been that way ever since I've been around here. And, where's the money coming from to enforce these laws that we made? I think that may be one of big problems, if not THE problem. We made the laws. Here they are. Mr. District Attorney, Mr. City Attorney, Mr. City Council, Mr. Board of Supervisors, do the job. And they say, "With what?"

SENATOR CRAVEN: Yes. Well, you know I think you said the thing, really, that should have been put up over the dome of the Capitol, I guess. There isn't enough money. And, seemingly there is not. And when we try to rectify something by putting in an inspection program, who came to the rescue, basically, but the people who said we will spend "x" number of dollars, each of us in order to implement this. And that was a wonderful move and we felt very, very joyous about putting that into law. But, we find in time, as we do in so many instances, that we run out of money even doing that, which we had thought would be covered by XYZ move in the legislation, but it wasn't sufficient.

But, it is no reason that we have to, you know, just lie down and roll over. We have to find another way to do it. It's not easy and a lot of times the people to whom we may, you know, present our problem, are not quite as receptive as we may be to your problem because they don't live with it everyday.

DONNA MATTHEWS: May I address this?

SENATOR CRAVEN: You may.

DONNA MATTHEWS: But, look at the money the state has paid for ten years for all these inspectors having to come out, time and time again, and this problem still exists, and the state law states, "We have a right to live in a healthy environment."

SENATOR CRAVEN: Of course you do.

DONNA MATTHEWS: And, we're not.

SENATOR CRAVEN: I understand, and I am very sympathetic with that. There is no question about that in my mind.

DONNA MATTHEWS: Thank you, again.

SENATOR CRAVEN: All right, thank you very much for being with us. Norma Gray. Norma, you've been sitting up front there. Good to have you here with us today. Norma is a mobilehome owner who lives here in the city of Sacramento. I don't know whether you have been to any of our hearings before, but if you have I don't recognize you.

NORMA GRAY: I haven't.

SENATOR CRAVEN: Well, it's nice to see you.

NORMA GRAY: Well, thank you. I appreciate you and the other committee members taking time to hear this, and I want to say that Mr. Tennyson has been very courteous to me on the phone when I have called.

SENATOR CRAVEN: Mr. Tennyson is an outstanding public employee. He and I started here in this building at the same time, so I know him quite well.

NORMA GRAY: Ok. I am a mobilehome park owner, and I didn't have any experience until just this past year with...

SENATOR CRAVEN: May I just intrude there a moment. You are a mobilehome owner, not a mobilehome park owner.

NORMA GRAY: Right, thank you.

SENATOR CRAVEN: Well, John..., I caught that and thought, Oh well, we'll just..., but he's much more particular than I am.

NORMA GRAY: No, I am a mobilehome owner, right. It's a big difference. My home was inspected last spring and the park owners accompanied the inspector. My complaint

NORMA GRAY:

is against the particular inspector that inspected our homes, and my window was open and I heard one of the managers, it's a husband and wife, telling her that I had a stuffed chair on the patio on the other side that was a fire hazard and needed to go. I had a vinyl chair. I did remove it because of that. It was a rocking chair that I enjoyed sitting in out there. There is a lot of double standards. A neighbor across the street had two wooden and overstuffed chairs and a wooden table. She was not cited and was not told to remove hers.

There were many untruths -- I'll just say it -- out and out lies on my notice that was sent to me. It said that I had refuse, rubbish, lumber scraps, paper, leaves and brush. In a cart, I had a box of leaves to take down to the dumpster and some newspapers underneath that. I have a bad back. I crashed on an elevator at work a few years ago and injured my back and my hips and doing leaves and doing things to bend over, I can't always make it down to the dumpster. We don't have garbage pick up at our doors. I thought we did when I moved into the park, but I have to walk a block down to the dumpster to take things. So, I did have those leaves. I told her that I was taking them down. I also didn't have the decal, registration, on the front of my house, and she mentioned that, and I knew right where it was, I just needed to put it on. I said, "Let me go get it for you." She said, "No, I'll check and see if that's up next time that I come down." She was three doors down, and I took the cart down to the dumpster, emptied those things, showed her that they were emptied. I had a shelf from my closet that had broken down and it was leaning up against my house in the patio, horizontally, waiting for my son to come over and put it back up for me. That was what she was referring to as lumber scraps. I told her it was my shelf, and she said that I had to get rid of it. I took it in the house then, before the next inspection, and leaned it up against the wall in my bedroom, waiting for my son to come over and do it.

I had a screw that was out of an awning over my bedroom window. The wind had blown it out, and I was waiting for my son to fix that. I paid someone to repair that because when the time, the 30 days was going to be up, and my son still hadn't been over. I ended up paying \$91.50 for that to be repaired. He couldn't get it back in and he had to raise it up to some other spots. Couldn't get the screw in that spot.

I had a dented carport support, and I had to pay someone to replace that. I was told I had to replace that. I have pictures of my next door neighbor's --I had a dent-- that are broken, actually broken. And, she never received a warning or a second letter and they are still that way today. I checked when I drove out today, and they are still that way. There are double standards. Anyone in the park that has ever complained to the park owner about the manager has received harassment and there are double standards. I mean, this inspection is definitely not fair when the park manager accompanies the

NORMA GRAY:

inspector, and I don't know whether it happens in all cases, or not, but in this case it did.

SENATOR CRAVEN: You feel that the park owner may have influenced the inspector?

NORMA GRAY: Yes, I definitely do.

SENATOR CRAVEN: Which, of course, you guess at that, so to speak. You don't know for sure that that be the case.

NORMA GRAY: Well, when you see pictures like that. Those are broken. Mine was dented, and it costs me money.

SENATOR CRAVEN: Yes, I can understand that. I don't think it is good professional etiquette, if you will, for an inspector to have the owner of the park come along with him. I don't think so.

NORMA GRAY: And, on the second time around, they had the maintenance man accompany them with a list that the park owner..., they had their list that they were going down. I was threatened with..., I was very upset. I received a second letter. After she came again, I had a little tiny pile of leaves, was the only thing...

SENATOR CRAVEN: Now, she is the inspector?

NORMA GRAY: Yes.

SENATOR CRAVEN: Ok.

NORMA GRAY: I had a little, tiny pile of leaves that I hadn't been able to pick up that I had raked up from the awning being fixed and some leaves had grown up under that, and so I hadn't been able to rake those up. She told me that I had to get rid of those. I said, "You know, any time that you come, there could be leaves. I do leaves all the time." There are leaves coming down and I don't think that should be a violation. And I had some containers, black plastic containers that had dirt in them for plants. I was going to replant some new plants in them. She said I had to get rid of that. That it was debris. And, I said, "No, I have seeds that I'm going to plant in those." No, at first she said it was a fire hazard. And I said, "Those are black plastic containers with dirt in." And, I said, "That's not a fire hazard." She said, "Well, it's debris, and you have to get rid of it." She was on a power trip. She was very abrupt and, as I say, there were things in talking with some of the other people in the park. It's not a fairness that the managers, in this

NORMA GRAY:

case, the managers did come in on it. Seems like anyone that had ever complained against the managers get harassment. I've had numerous types of harassment.

SENATOR CRAVEN: Well, now, let me ask you a question based on what you have just said. Are you in favor of maintaining an inspection policy or doing away with it regardless of what it would cost?

NORMA GRAY: Well, I'm in favor of doing away with it.

SENATOR CRAVEN: Are you?

NORMA GRAY: If it's not...

SENATOR CRAVEN: But, that's based, presumably, on one inspector. Is that correct?

NORMA GRAY: Right. I will say that I called here and complained and was given the name of someone over the program, mobilehome program, enforcement.

SENATOR CRAVEN: HCD.

NORMA GRAY: Right. And I talked to someone there. They said that they would send a senior person to check. He wrote a letter off that everything was taken care of and corrected, but the thing is it infuriates me that a copy of this letter was sent to the manager, to the owner. I didn't have these violations. What infuriates me is that there were lies on the violations I did not have. I did not have rubbish and debris and lumber scraps. All of those things and I had a dent, I mean a dent, in my carport support and it cost me money. It cost me \$56.50 to have that replaced because you couldn't buy just the one support. It came in a two-section thing through the man that I bought it through. And, I had to pay for his labor on that, and neighbors have cardboard boxes, that are friends of the managers, have cardboard boxes stacked up, at least a dozen of them. Now, that's what I would call combustible, but my newspapers that were no longer even there, that I had in the cart to take to the dumpster, and it was stated on the second violation, and I took those down while she was there.

So, I just feel like there is an awful lot of unfairness. The second man that came out was nice, but I feel it's kind of a waste. Maybe it's helping in some parks, but I know our park is a good park, and in some cases maybe there are violations where things aren't being taken care of, but I don't call leaves and a dented carport support..., and you can see from that picture that that other is actually broken.

SENATOR CRAVEN: I think that you caught her on a bad day.

NORMA GRAY: Pardon?

SENATOR CRAVEN: I think you caught her on a bad day.

NORMA GRAY: On, no, the second day she came she was just as bad, if not worse. She is a person that's on a power trip.

SENATOR CRAVEN: When she got out of her car you didn't hear the sound of trumpets, did you?

NORMA GRAY: No, but she's just..., there are people who are like that. When I worked, there are people that are nice and there are people that are...

SENATOR CRAVEN: She's one of those dedicated public servants whose dedication alienates almost all of the people she deals with.

NORMA GRAY: Well, she wasn't truthful in this. I feel that she was going along with the park managers.

SENATOR CRAVEN: Well, you know, I'm going to put you down as doubtful, as they say around here. Presumably, you are opposed to that inspection process based on a bad situation that you encountered, and from listening to your story, I would understand why you would feel like as you do. However, let us hope that all inspectors are not of that ilk, and they are more reasonable and more, you know, thoughtful in dealing with the public. Nobody gives them a saber and a flag to go out and start saying "I'm the law."

NORMA GRAY: To me, for the mobilehome park managers to accompany them to the homes and all homes are not treated the same, or all people. From what I heard from the few people that I know in the park, seemed like people who were targeted were people that complained to the owner about the manager.

SENATOR CRAVEN: Well, I don't know that right at this moment I would be willing to tell you how I feel about the park owner with the inspector going together. I think I'd give that a little more thought because I have a feeling that if I were to talk to park owners they would give me a very valid reason why because they would perhaps say, "Well, the lack of activity from a cleansing standpoint in this mobilehome area has a tendency to downgrade or denigrate what I'm trying to build here, which is the best of everything." I can understand that. That's not a hard argument to make. But, when you mentioned that, I thought just off the top of my head, which is not the way to really judge something, that this seemed to me to be rather unprofessional because it seems to, oh, I don't know, cast a certain aspersion upon management colluding, if you will, with the inspector. And I'm

SENATOR CRAVEN:

sure that was not the case, but it just doesn't add up to me. But, you know, we'll give it some more thought.

NORMA GRAY: Well, why the double standard? There's double standards when some people..., like the chair across the street and the post next door, which actually...

SENATOR CRAVEN: Well, we shouldn't have a double standard. You should be treated no different, no better, no worse than the next fellow, or girl, as the case may be.

NORMA GRAY: And, the second man was very nice.

SENATOR CRAVEN: What part of Sacramento is your mobilehome...

NORMA GRAY: In West Sacramento.

SENATOR CRAVEN: Ok.

NORMA GRAY: And the man that did come out was nice, and he did say that he had spoken with her before and that she does have a problem that way.

SENATOR CRAVEN: Yeah, so you're in Yolo County.

NORMA GRAY: Right.

SENATOR CRAVEN: Yeah, Ok. Norma, thank you very much. Appreciate it.

NORMA GRAY: Thank you very much.

SENATOR CRAVEN: And, hopefully we can address that and come up with something that is equitable for both sides. Ok?

NORMA GRAY: Ok, thank you. I appreciate having a chance to testify.

SENATOR CRAVEN: Thank you. You are very kind. Next, we have a category of mobilehome park owners. The first gentleman, Craig Biddle, the Western Mobilehome Association (WMA), is an old friend of ours from many years back. Craig, nice to see you.

CRAIG BIDDLE: Good afternoon, Mr. Chairman and members of the Committee, Craig Biddle representing the Western Mobilehome Park Owners Association. Let me

CRAIG BIDDLE:

just say at the outset that our association does not at this time have any official position as to whether the inspection program should be continued or the sunset should be allowed to go into effect. We're kind of looking to HCD for their final report. We are looking at the testimony today and the testimony at, if you had a second hearing, as you mentioned, if you do that later in the year.

SENATOR CRAVEN: Well, when we finish today we're going to go home and light all of the votive candles and start our prayer because we're going to have to do a lot of soul searching, I think.

CRAIG BIDDLE: But, I think it's interesting, just from my own perspective. As you know, I've represented the association for many years. I can remember back in 1990, Jack O'Connell, Senator O'Connell, an Assemblyman then, was the author of the bill.

SENATOR CRAVEN: Yes, and a very good one.

CRAIG BIDDLE: And really, Maury Priest and I and Travis Pitts and Jack O'Connell, really the four of us sat down and worked out that bill. This is AB 925. And, we each had conflicting things that we wanted, and I can remember at that time that one of the things that I really insisted upon was the once every five years inspection. You continued it to seven years, but I always felt, our association felt, that it was important to mandate exactly how many we were going to have, not letting HCD just go on. We also wanted a sunset date in there to take a look at it at the end of the five years. And, I can remember Maury Priest had some certain things that he wanted as far as we were concerned, and we worked out a consensus in the bill. Just by way of note in my memory is that both associations supported the final bill. We were both in support of it, and it passed unanimously, I think, when it finally got to the last stages.

And, I would hope that we can do that again this year in 1997. I would hope that the representatives of our association, as well as GSMOL and HCD -- and Travis is still here and will testify later -- I would hope that we can sit down this year and work out some of the problems that have been identified, and we'll identify a couple of problems we have here from our side and work out all these problems and probably continue the program.

It sounds to me like the consensus from GSMOL, that if we can take care of some of these major problems that they are having and that we're having, that we can continue on and have a program.

CRAIG BIDDLE:

Our association - as John Tennyson's report indicates - back in 1990, we weren't unanimously in favor of the program then. In our association, at that time, some of the members didn't want the inspection program, and it has been in effect now for seven years and they have different feelings about it. So, I hope we could do that again and sit down and get the various interest groups together.

SENATOR CRAVEN: We can sure give it a good try, Craig.

CRAIG BIDDLE: I have with me the chairman of our legislative committee from WMA, Ray Baumer, who is a new chair of our committee. This is his first time he's been in the Legislature, and he's been watching you very carefully today. I think he's going to resign as legislative chair on me tomorrow, but I want him to comment on a few things and he has had an inspection in his park. He's a park owner in Auburn, which is right nearby, and wants to talk to you about some of the problems and the personal experiences he's had with the inspection in his park in Auburn.

SENATOR CRAVEN: Very good. Before you begin, I think Senator Ayala had a comment to make.

SENATOR AYALA: A couple of questions for Mr. Biddle, former Senator Biddle. You mentioned the fact that your association hasn't taken a position whether to continue or not continue the inspections. I guess the health and safety inspections aren't going to go away. If the state doesn't hold the field, you are going to have the county and cities or the multiplicity of ordinances governing that. It seems to me from the standpoint of the state, we should have a uniform ordinance across the state, or a law governing all mobilehome parks as opposed to having a county and city, wherever they may be located, with a different ordinance which would be quite confusing, I think.

So, I think inspections for health, the county normally takes care of that in most places, and safety, I guess. You can't walk away from those. We're going to have to have them whether we do it from the state level or the local level and today, as we all know, the state has preempted the field, but if we don't renew existing law its going to be a jungle out there, you know, chaotic as heck, because every city, every county is going to have their own ordinance and it will probably be hard to enforce, even worse than it is today.

CRAIG BIDDLE: I would agree with you, Senator. This is Mr. Baumer.

SENATOR CRAVEN: Yes sir.

RAY BAUMER: Thank you. It is a pleasure to be with you here today. I really want to compliment your attention and stamina this afternoon.

SENATOR CRAVEN: Thank you.

RAY BAUMER: My family developed a park in the early '70s up in Auburn, and I am now the last one there to keep the place operating. So, we are a family owned and operated business. Our community was inspected last spring, and I am hopeful that maybe my experience and perspective that I share with you, might collectively, with the other perspectives you have heard today, contribute to some definition of reality. When you hear the phrase perception is reality, I think you are going to hear a lot of perceptions today.

I will tell you at the outset that as a community owner, I like to be inspected. I like documentation that I'm doing things right, I'm meeting government standards, I'm meeting the approvals that I need to make and I operate in an environment where I have ample incentive to want to have that done. I want to build and maintain facilities to code. I like lots of documentation that I do that. And, as one of our speakers previously alluded to, there is always the threat of injury and liability exposure that the businessman faces and so, from that standpoint, I welcome the park inspection. We have, in the past, actually even hired a private inspector, a former HCD field person, to come and do a private inspection of our park. And, we've also had inspections done by various insurance carriers when we, maybe, changed insurance carrier for a liability program. They often provide risk analysis and they come and do a pretty thorough evaluation. And, again, we welcome any effort we can make to avoid liability exposure.

The HCD inspection that we had revealed several deficiencies, and we were only too happy to have those corrected. The process itself worked just fine for us. Maybe we are a happy example. We had an inspector that was very professional, very efficient, communicated well. And, so from our standpoint, it worked just fine. I would say, though, it was a different story for our community, and I brought along a little visual aid today. This was the extent of my..., the result of our inspection. A short letter, a few things to correct for our park facilities, common areas, and utilities and so forth. Only too happy to get those handled.

This is the result of the inspection of the park itself, the homesites. We have 216 spaces and I think, just to give you a characterization, if you drove into our park, you would liken it to be a nice place. Very clean, attractive, well maintained homes. Very appalling, and so I think it is significant to note that there were significant number of violations found on the homesites. In particular, out of the 216 homesites, there were only 39 spaces that received no letter whatsoever. The balance received a notification of some deficiencies

RAY BAUMER:

and that's what's represented here. I should note to you and emphasize, though, that none of those were of a nature of immediate safety or dangerous situation. The inspector has that privilege and authority to point out a live wire or a gas leak, something that is very dangerous and requires immediate correction. There were none of those situations found. So, I think a little contrast is maybe helpful.

The process, itself, I thought was quite good. The inspector came out to the park, met with us, told us what would be happening. So, we did our part. We posted the notice. We distributed the resident booklet. I don't know if you've all had a chance to really know how this works. The inspector provides the park owner with these booklets. We distribute these to the residents. We did so. Of course, that generated lots of questions. We also utilized our community cable TV channel that we have within our community to let the people know the specific date when the inspector would be coming because they are quite sensitive to having strangers in their neighborhood. We're a private community and we closely value that. So, when the time came, we did put that on our community TV channel, and let people know that the inspector was going to be in their neighborhood on which particular days. The inspector was very helpful and cooperative in letting us know when she was coming and the days that she would be there. As I mentioned, she was very professional.

I would say that the problem began with the letters. You've heard enough about that. If you would like to read any, I have samples here, obviously. And, you've heard reference to the language in the letters. I think that's been well covered. I believe Mr. Tennyson referenced earlier that current statute encumbers the park owner with some responsibility for code violations on their property, and you'll have to sort that out as to whether or not that's reason enough for the park owners to receive these notices. I will say though, from just a purely practical standpoint, that it was probably very helpful to the HCD staff that we did receive these, in our particular case. We were inundated with questions. Some people didn't understand the nature of the violation, even what it was exactly referring to. It's quite difficult if you are in someone's yard and there's a particular problem, to render that into a short paragraph in an official letter. So, our staff was quite burdened with answering questions and explaining to people, trying to interpret what the letter was intending to communicate. I know it relieved the inspector of numerous phone calls. And, on that point, I would say it is very difficult for the resident who is inspected to contact the inspector. The inspector is in the field all day. They can call and leave a message and then the inspector will attempt to return that call, but we've all played telephone tag enough to know that's very difficult, especially when the inspector is basically out of the office all day and has a short window of time to return calls.

RAY BAUMER:

There is the initial inspection, then a final notice. People have mentioned, already, the words of incarceration and fines. The language is quite onerous. I would just tell you that we are in the business of trying to maintain the quality of our community. We're doing an enforcement job everyday. That is what we do as we operate a community, to try and maintain standards for everyone's benefit. And, I would just tell you that as it stands today, the technique, the method, if you will, of communicating to the people who are being inspected is probably not all that it could be.

We can all agree on that there is a real problem in some sort of mechanism that threatens action that is not carried through, because out of all these letters, and I should point out another little visual aid, here. This big stack rendered down to this little stack of things that were not corrected. These are the residents, individual spaces. Some of these may have been taken care of. There were folks in our park who literally could not sleep at night, and who were severely stressed--couldn't eat. Suffering real physical consequences because of fear of incarceration, because they didn't have the funds to change an electrical feeder cable, to move a disconnect around the corner, to put a handrail on. Legitimate health and safety issues but none the less, quite a severe threat. There were other residents, on the other hand, who know absolutely full well that they would not go to jail for these and simply ignored them.

And the term double standard was mentioned earlier. That's a bit of the problem, too. I think an agency or anyone, park owner, loses respect and credibility when they threaten something and don't follow through. So, if there's one urge I would give you today, one admonishment, or request, it would be to consider additional or alternate enforcement mechanisms. Someone mentioned earlier that the only real hammer in a situation was to revoke the park owner's permit to operate. That's an extreme measure and creates the Catch 22. Quite often the park operator is in the same position, but maybe in a different setting. Maybe it's a rules violation. Our only enforcement mechanism is eviction, and we don't want to do that. But, it's the only mechanism available. And, I would really encourage all of us here to put our heads together and come up with some alternate methods for seeking code enforcement. I think this is a great example of how that could really accomplish something worthwhile for mobilehome park residents.

SENATOR CRAVEN: May I interrupt a moment? If you...

RAY BAUMER: I was finished, actually, so it's good timing.

SENATOR CRAVEN: Well, that's fine. If you have time in your busy schedule, give us some thoughts that you may have on the subject that you just touched upon because I'm sure we could profit by your experience.

RAY BAUMER: Sure, I'd be happy to that.

SENATOR CRAVEN: Good, thank you very much. We'd enjoyed your comments. They were excellent and most articulate.

CRAIG BIDDLE: Hope we can work together and work something out with all the interested parties.

SENATOR CRAVEN: Thank you, Craig. We appreciate it very much. Stan Hansen, park owner, Concord. Here he is.

STAN HANSEN: Senator Craven, in the interest of the shortening up of the meeting here, I'll waive my opportunity to say much of anything. I'm Stan Hansen, park owner/manager from Concord, CA. I am very much in favor of the program. I believe that we need something to extend the life of these mobilehome parks. We're in trouble, I think, so far as the future is concerned. There is need for modification. Those that cannot afford to make the improvements need some kind of help. Some kind of a funding that possibly the park owners, homeowners could come up with. We resolved the problem in our park by offering to do all of the homeowner correction work for them. They would pay the labor cost. We provided all the materials, and this has worked out very nicely.

SENATOR CRAVEN: Yes. Let me ask you a question. Stan, could you strike an average as to what the person who has to do a redo, or an improvement, how much money do they have to spend? I mean, \$25, \$50? What's the average?

STAN HANSEN: In our park, which is a very high-quality park, our steel railings that have been required, are costing \$14,000. I'm paying \$9,000 of that. The residents are paying \$5,000 for the labor to put them in. That's about \$200 a space for 70 some spaces. For us, we have an affluent group of people. It's no problem. A few we had to help financially on both ends. But, in other parks I know that people are really strapped and they're working at a poverty wage, and there should be funding of some kind.

SENATOR CRAVEN: Yes. Well, I think that that is a very charitable thought. If you go back to what Senator Dills said about the money, that's a problem because somebody is going to say, "Well, the state's got lots of money. We read that in the paper everyday. Most of it's spent by you legislators." I just don't know whether it would be that easy to do it that way, but I don't know, are we our brother's keeper?

STAN HANSEN: I feel that way. We perform a service for people. We have to do more than just rent them a space. I think we have to help people as much as we possible can...

SENATOR CRAVEN: But, as the entrepreneur, is that not your responsibility?

STAN HANSEN: I've taken it on as my responsibility. Our whole family serves in the park.

SENATOR CRAVEN: Well, that's very good. That's a very charitable thing, but somewhere along the line, somebody has to say no, we cannot do that. I don't know really how to overcome that, but the point that you raised is certainly a valid one, and I appreciate your approach to the whole thing. And, you're very kind to be here with us today.

STAN HANSEN: I'd like to kind of stay in the loop here. Be notified of any further hearings on...

SENATOR CRAVEN: Well, we can do that. The fellow on my left is in charge of all that sort of thing, John. Very good. Thank you very much, Stan.

STAN HANSEN: Thank you.

SENATOR CRAVEN: Now we go into the local government area and the only person involved there is the one who is approaching the stand here, and he is an old friend of mine, Terry Johnson, who is a councilman in the city of Oceanside. And aside from that, I know him to be a person who is probably one of the outstanding councilpersons in the County of San Diego, which is a very large county. It is nice to have you here, Terry.

TERRY JOHNSON: Good afternoon, Senator Craven and Committee members. Let me say this, we've had a wonderful afternoon with some very good discussion. I've thoroughly enjoyed it. I'll keep my written comments to less than 5 minutes. As stated, I'm from the wonderful city of Oceanside, which is in the greater area of north San Diego county. I'll will cover three topics: the discrepancy between fee costs, fee revenue and costs, difficulties with the regulations in Title 25 and briefly, on the need for funding to subsidize mobilehome rehabilitation, which has a direct bearing on inspection costs.

Before I get into these, I'd like to give you a little background into the world of mobilehome parks in Oceanside. The city of Oceanside has 19 mobilehome parks comprising 2,513 mobilehome spaces and two RV parks with 242 spaces. This is a major portion of our affordable housing stock. The city of Oceanside assumed enforcement responsibility under the Mobilehome Parks Act in July 1994. Prior to that, the

TERRY JOHNSON:

Department of Housing and Community Development was the enforcement agency. The reason that Oceanside petitioned for enforcement responsibility was that the level of service received from HCD was unacceptable. The City Council, at that time, received dozens of complaints from mobilehome park residents about substandard living conditions, slow response by HCD to complaints, and inadequate enforcement by HCD. The City Council, after extensive deliberations, decided that the citizens of Oceanside deserved a much better level of service. The one issue that complicated this decision was cost, which leads me to my first topic for discussion.

Local enforcement agencies are severely limited as to the fees we can charge for inspection services. The three sources of this fee revenue are permit to operate fees, AB 925 inspection fees and the permit fees for construction. As I'm sure you are aware, these fees are strictly regulated by the Health and Safety Code. The total of all fee revenue from these sources for mobilehome park enforcement in Oceanside is approximately \$18,000 annually. Our annual hard costs for inspector time, clerical support, and incidental expenses such as transportation, supplies, training, etc., are about \$75,000 annually. Soft costs, such as supervision, management, attorney fees, are a minimum of \$40,000 based on the average amount of time devoted to mobilehome park issues.

So, as you can see, the city of Oceanside subsidized mobilehome park inspections from general tax revenues by nearly \$100,000 per year. We knew that the fee revenue would not be sufficient to support the costs of inspection going in, but the level of public complaints about valid health and safety concerns left us little choice but to assume enforcement responsibility. HCD had quite simply dropped the ball. The law should be changed. Allow the cities to recover the full cost of inspections from park owners. The cities tax payers should not have to subsidize the program at the expense of police, library, and other important local services.

The regulations for mobilehome park enforcement as expressed in Title 25 and the Health and Safety Code, also need improvement. Our enforcement staff informs me that Title 25 is unique among all of the codes they enforce. It is not written in standard code language, it is inconsistent and sometimes contradictory. It is difficult to understand and it is certainly difficult to enforce. All other building standards are subject to the AB 49 code development process under the purview of the Building Standards Commission. Building officials lobbied long and hard to achieve that relationship because it is important that codes be consistent and enforceable. If Title 25 cannot be placed under the Building Standard Commission's umbrella, a similar process should be developed within HCD to take advantage of the valuable input of local enforcement agencies.

TERRY JOHNSON:

Finally, let me comment briefly about the present need for mobilehome rehabilitation. Almost by definition and with few exceptions, mobilehome parks are low and moderate income housing. One of the primary barriers to more effective results from AB 925 inspections is inability of mobilehome parks to pay for necessary health and safety improvements. If greater investment is made in improving the health and safety of individual units, inspections costs will decline. The city of Oceanside has provided \$62,000 in housing rehabilitation funding for mobilehome parks annually. It is not nearly enough to meet the need. Higher levels of state or federal subsidies aimed at facilitating health and safety improvements to mobilehomes are badly needed. And, as we heard today, funding is the problem with all cities, counties and states, and I'm here to plead for any help and assistance that we can possibly get. And, if you have any questions, I'd be happy to answer them.

SENATOR CRAVEN: Fine. Any questions from the members?

SENATOR DILLS: This has nothing to do with the meeting today, except my own ego. Oceanside is not too far from Fallbrook, is it?

TERRY JOHNSON: It's about 15 minutes or 20 minutes.

SENATOR DILLS: Fifteen minutes and, a rather famous man, I still think, by the name of Duke Snyder...

TERRY JOHNSON: Oh, yes, one of the greatest ball players of all time.

SENATOR DILLS: Babe Ruth, Lou Gehrig, and Duke Snyder. My only claim to fame as a school teacher was the fact that Duke Snyder was one of my students. That is the most important thing I know to bring up at this meeting, but I had to do it, cause I need some help.

SENATOR CRAVEN: I didn't realize that, Senator Dills. Well, I guess that in no small measure, he may attribute his success to your teaching.

SENATOR DILLS: Yes. It's very important to me.

SENATOR CRAVEN: Bruce, did you have something? Senator McPherson.

SENATOR McPHERSON: In your notice here, in the back in the addendum there are several cities and counties that have local governments with mobilehome park inspection

SENATOR McPHERSON:

authority. Would you say that from your knowledge most cities face the same dilemma that you do, or do you know that very many cover their costs, or is...

TERRY JOHNSON: I would say that most cities are probably in the same predicament that we are. Funding is of primary concern. If you take it from one pot it's going to cause a problem elsewhere.

SENATOR CRAVEN: It is, and Bruce I don't know how much you know about Oceanside, but as I recall the population is about 150,000 people and growing. It has grown. I first saw Oceanside in 1944, and I think there were 6,000 people when I arrived. And, it has just grown like Topsy. There's no question about it. The Marine Corps base, of course, has a lot to do with it. But, the Marine Corps base also provides us with a lot of problems. Not that I'm saying something bad about it, I just recognize it and as a former Marine, I just must be very, very honest in saying that the influx of people who are low-income people create problems. No question about it.

SENATOR McPHERSON: And, one more question. It's not directed exactly at your point and in your housing element of your general plans, and so forth, do mobilehome parks meet the criteria of affordable housing, or, ...

TERRY JOHNSON: Yes, they do. Yes, they do. And, as the Senator just stated, Camp Pendleton, which is our neighbor to the north, has a daily population of 100,000 people, and that's a lot of traffic that's coming through our city everyday, and we have a lot of other residents that live in the city limits of Oceanside.

SENATOR AYALA: Question.

SENATOR CRAVEN: Yes, here's another Marine.

SENATOR AYALA: How is it that certain cities and counties have inspection authority? How are they selected by this elective authority? Or, how does it happen?

JOHN TENNYSON: Senator Ayala, the state Department of Housing has ultimate authority to enforce the inspection program, but there are a number of local jurisdictions that, for their own reasons, want to continue to enforce. They use state standards, they don't use local standards. This is Title 25, as the Councilman indicated, but, for whatever reason, they want the enforcement to be local rather than state. In the case of Oceanside, for example, I think the problem was that at that time there were 20 or 22 parks and the state had not inspected them within a two-year period after the program began, so the city

JOHN TENNYSON:

wanted to do the inspection because the mobilehome owners in that city were not happy with that situation.

TERRY JOHNSON: Yes. Excuse me, but the residents basically came to the Council asking for more timely inspections, so they pleaded with the Council to take over Title 25 and we did that.

SENATOR AYALA: Who assumes the cost of these inspections if you take over that program?

TERRY JOHNSON: The city.

SENATOR AYALA: The city? If it is a state inspection, you take it over, you then pay for the inspections?

TERRY JOHNSON: Yes. And to date, it's costing us roughly \$100,000 a year.

JOHN TENNYSON: I might add that the local jurisdictions, the city or county, which assumes enforcement authority does receive the fees from the park, the permit to operate fees, and all the other fees that HCD would receive for that enforcement power -- the \$6 plus the \$25 per year plus the other fees for inspecting installations, and so forth.

SENATOR AYALA: This is voluntarily done by local governments at their own request.

JOHN TENNYSON: That's correct.

TERRY JOHNSON: And our cost is \$100,000 a year, city costs. Anything else? Thank you, Mr. Chairman and Committee members.

SENATOR CRAVEN: Thank you very much, Terry. Nice to have you with us today. Next, from the Department of Housing and Community Development, the Director of HCD, Richard Mallory. You know, it seems like everybody is hitting the balls in your direction and a lot of them are very, very difficult to handle and we understand that. We've lived with that for years, and I guess you will in your position, as well. But, I'm sure that you are very -- the agency, if you will -- has been very cooperative, and I've worked in times past with Travis and he's pulled us out of the muck many times, to be honest about it. He's done a magnificent job. But, I don't really know that anybody gives him any accolades for that. However, that's the way the ball bounces, I guess. But, we're happy to have you here today and hear what you have to say.

RICHARD MALLORY: Thank you, Chairman Craven. Before I get started, maybe I could get an idea about how much time you'd like us to provide in introductory remarks.

SENATOR CRAVEN: I'm looking at..., 4:30 was the end, wasn't it? So, don't worry about that because you are going to owe us a couple of minutes, if that be the case.

RICHARD MALLORY: Ok. All right.

SENATOR CRAVEN: No, you take your time. Whatever seems to be...

RICHARD MALLORY: Ok, good. I wanted to provide some introductory remarks of myself, and lead into my deputy's presentation, and hopefully leave plenty of time for your questions. But, I am Richard Mallory, and I am the newly appointed director of the Department of HCD. I'm looking forward to working with John and yourself to resolve some of these things.

A little bit by way of background. From 1986 until February of 1993, I was the state director for the California/Nevada jurisdiction of Farmers' Home Administration. Of course, that's the equivalent of a regional director's position and that agency has since been restructured a little bit, but the key thing, the key experience I think will be helpful, is that that agency was very much involved with housing, particularly rural housing and during my tenure we approved a number of rural rental housing that were manufactured housing based as well on expanding the single family housing loan guarantee program to manufactured housing so some good experience there, and hopefully, that will come to bear and help in the administration of this program that you are talking about today.

Also, in the three years, three and a half years, by the time I left federal service and coming to this position, I worked for Leeds Corporation, which is a quality management implementation firm. One of our customers in that endeavor was Sacramento County Building Inspection Division, so we're very much had a good opportunity to become aware of the inspection issues and those sorts of things.

The Chairman made a comment about the fact that in dealing with constituents that you as legislators should view the constituents as family. And, that was a unique perspective and I agree with you there. We are going to work on regarding your constituents as our family even though our family is a larger one, perhaps, than yours. But, we're going to work very hard at developing "customers," with the concept of customer and that's one of the things that I wanted to advise you and the folks here that as part of our strategic planning effort I've challenged our staff to go out and speak to our "customers" as if they are people that have a choice of whether or not we have jobs tomorrow. And, I think, hopefully, that will create a new attitude that, hopefully, will eliminate some of the problems which you have heard here today.

SENATOR CRAVEN: Well, I think that sounds like a very interesting and happy thought, no question about it. Any reference made along the lines of denigration were not aimed at your department because I would say just the opposite. As I said a minute or so ago, they have done a great job, as far as I'm concerned, against very heavy odds.

RICHARD MALLORY: Thank you, thank you very much.

SENATOR CRAVEN: Rube?

SENATOR AYALA: Yes, I'd like to ask the Director. We had a hearing about a year ago on inspections, I forget what month it was. One of the problems that existed at the time was that you're folks come in and inspect a mobilehome and find it deficient with violations, but obviously, they existed before that owner purchased that home and now they are saddled with paying for the corrections. Upon sale, wouldn't it... I don't know what happened since then, but when a sale is made, wouldn't that be the proper time to make sure that the new owner knew exactly what the problems that existed were before they make the purchase? I remember that came up last hearing we had here. I don't know if you were here or not.

RICHARD MALLORY: No, I was not.

SENATOR AYALA: It developed that a person would buy a mobilehome and the inspector came in three or four months later and found it, you know, with discrepancies in terms of the inspection. But those problems existed prior to the purchase being made and I'm being redundant now, but that's exactly..., I wonder what corrections have been made since about that problem.

RICHARD MALLORY: Well, being the new guy on the block, I was just about ready to punt that over to my able Deputy Director, Travis Pitts, but certainly what you're saying makes good common sense, and I know that that is one of the things that we're looking at. So, I think I'll let Travis give you the update since then and defer to him at this time.

TRAVIS PITTS: Travis Pitts, Department of Housing, Senator, members.

SENATOR CRAVEN: Fine, thank you for introducing yourself.

TRAVIS PITTS: Thank you.

SENATOR CRAVEN: I've seen this fellow once or twice before.

TRAVIS PITTS: Senator Ayala, we have not been able to do anything in regard to that specific issue. I think that's why Senator Craven carried the legislation establishing the potential for disclosure and is bringing together a task force to address it, the difficulty being that there are different points of view, depending on whether you are a homeowner, an HCD inspector, or a park operator. We need to come together and come to terms with how those could be disclosed and subject to negotiation between buyers and sellers rather than a criminal violation as they are today.

SENATOR AYALA: But, you had developed a questionnaire, did you not, that the seller would have to fill out in terms of the different issues and items that you felt ought to be addressed so that the new owner or the prospective buyer would know exactly what those violations were, and they should be corrected or he would assume the responsibility. But, knowing he would be doing it, not finding out later that he is saddled with the problem he didn't anticipate.

TRAVIS PITTS: That's correct, Senator. That's what we're working toward, but it is not the law or the fact, to date.

JOHN TENNYSON: If I might intervene a second? We do have a bill or had a bill, as Mr. Pitts indicated, SB 1704, which will mandate disclosures on mobilehomes and mobilehome parks as of 1999. We have to set up a task force to come up with exactly what you're talking about, this questionnaire, or what is to be filled in because there is serious disagreement among the real estate brokers, the dealers, and the homeowners and the park owners as to what should be in that disclosure form.

SENATOR AYALA: I remember the form, though, had a check of the following: air conditioning, all that sort of thing. You said "yes." Yes, what? You have one, but what condition is it in? That is what we want to know, not that you have one or not. The questionnaire was a little bit short on finding out exactly what the owner, new buyer, should know. Sure you have this and you have that, but what condition is it in? That's what they wanted to know.

TRAVIS PITTS: Senator, if I may go on, everything has been touched upon that I had written down, but I'll just give you some numbers.

SENATOR CRAVEN: Fine.

TRAVIS PITTS: Since 1991, thirty-two local jurisdictions have returned enforcement to HCD. In response to the Senator's question, enforcement is a local government option, which defaults to the Department of Housing, should they choose not to exercise it. This, unfortunately, has reversed a trend. In 1974 when we did the last inspections, HCD had 30% of the mobilehome parks and local government had 70%. Today, we have virtually

TRAVIS PITTS:

a reversal, with HCD nearing 70% of the parks having been returned. I applaud the actions of the city of Oceanside, and I think they're doing an outstanding job for their constituents, and I acknowledge that it does cost money if you do a good job.

We have inspected, of those parks under our jurisdiction, which have increased because of local government actions by 45,000 spaces, we've inspected 22,079 parks, which is approximately 67% of those under our responsibility. We have 80,000 spaces yet to be inspected, and we can make that within the statutory mandate of 7 years. Unfortunately, we've gained complete compliance in only 901 of the parks, or about 40% of those that have been inspected. It will be a fact that we will have inspected a great deal more than we will have in compliance on the sunset date. We have identified 433,866 health and safety violations, or an average of about two violations per space inspected. And, I would be more than happy to respond to any questions you or the members may have.

SENATOR CRAVEN: Those are very interesting statistics, Travis, and I appreciate that. I don't know that it's necessary to go into anything further along those lines. Rich, have you got anything further that you want to say? If you do, well, don't hold back.

RICHARD MALLORY: No, I've covered the major points.

SENATOR CRAVEN: Well, first of all, all of us here on this side are very happy that you're in the position. We think we're very favored by having you there, and you, in turn, are very lucky to have the man at your right, who has done an excellent job, and he's the fellow we've worked closest with over a period of years. We don't always agree, but he goes out of his way to try to make it best. And, we appreciate all of the things he's done.

John, -- and I have not spoken to Mr. Tennyson about this -- but, I think maybe what we ought to do is take the show on the road and do one in Southern California and see, because we've got a world of mobilehome parks down there. Some good and some bad and some in-between, I suppose. But, I think that the interest displayed here today means that we should do it down there, as well. I just don't know that there is any easy answer to the problems that we face, maybe because we have a lot of minds working in, hopefully, the right direction. As a unit, maybe we can come up with something that will take over and handle the problem for us. At least, we can give it a try. But, we're going to have to call upon you and your office, from time to time, no question about that. But, the closer we are together, the better we are. And, may I be so bold to say, we'll look upon you as our family, too.

RICHARD MALLORY: Ok, good.

SENATOR CRAVEN: Ok?

RICHARD MALLORY: We would like that.

SENATOR CRAVEN: Thank you very much. We appreciate your being here. Do any of you in the audience have any comment? Oh, you do? All right.

TERRY JOHNSON: Senator Craven, just one quick comment.

SENATOR CRAVEN: Sure.

TERRY JOHNSON: I'd like to invite you..., if you'd like to have your next meeting in Southern California, Oceanside would like to host it.

SENATOR CRAVEN: Fine. Have we ever had a meeting...? We had a meeting in Carlsbad, I think, one time. One in Oceanside, too? Oh, yes, it was at Pendleton. Yes, that's right. I remember. We had a lot of people at that one. That was the biggest meeting of that nature that we've had.

Why don't you come forward? Yes. You've got Ralph Dills hat.

CLAY HARRISON: Yes, good afternoon. I'm sorry Senator Dills has left because I notice he's able to wear his hat with that high back chair. I can't do that in my car with those, and I wanted to ask him to teach me how to do that.

SENATOR CRAVEN: Well, he could probably do that. There's very little that he cannot do, believe me. He's, I'll tell you, I am a little prejudice about Senator Dills, but he's one tremendous man. I mean, he's done everything. And if anyone who has money and they want to make a movie, they should do it about Ralph Dills and his brother, who came out here with not a penny, and were all, I think, immanently successful. Well, let's hear about your success.

CLAY HARRISON: All right. My name is Clay Harrison, and I live in Auburn. I'm regional manager for GSMOL. There are eight counties, Amador, Placer, El Dorado, Nevada, Sierra, Lassen, ...

SENATOR CRAVEN: Yes, we're very familiar with the area.

CLAY HARRISON: So, anyway, and I live in Auburn, Placer County, which is the gateway to the gold country, by the way. We're gearing up to celebrate the sesqu...

SENATOR CRAVEN: The sesquicentennial? Thank you. You have to be a Philadelphian to say that word because in 1926 it was the sesquicentennial of the United States and the celebration was in Philadelphia.

CLAY HARRISON: Sesquicentennial. All right. I haven't practiced how to say it.

Catch 22 was mentioned, and I'd like you to know that there are three parks in my jurisdiction where we have that situation. At least two of these parks are in terrible, terrible, terrible condition. These people are living in conditions that you would not allow your pet dog to live in. And, presumably, nothing is being enforced on these health and safety violations and whatever is causing these conditions.

SENATOR CRAVEN: Well, would I be correct in assuming they're very old parks?

CLAY HARRISON: Yes, very old.

SENATOR CRAVEN: We have that condition in places other than Auburn, or that general area, and it's something that we've worried about for years. We haven't been able to solve the problem because you just don't like to take what would be interpreted as a punitive action against these poor souls living there because they don't have enough money to live anywhere else. And, of course, the park doesn't make enough money for the owners to make any changes to make it any better. If they made it better, they'd lose their tenants. So, it's a kind of a Catch 22.

CLAY HARRISON: Exactly. Personally, I'm in favor of the program.

SENATOR CRAVEN: You mean the inspection?

CLAY HARRISON: Yes.

SENATOR CRAVEN: Oh, yes. That's good.

CLAY HARRISON: Before I go further, I don't know if our friend from Oceanside, the councilman is still here...

SENATOR CRAVEN: Yes, Terry is still here.

CLAY HARRISON: Well, a lot of people emigrate to Placer County from Southern California. And, if he ever wants to emigrate north, I hope he would settle in Placer County. He'd make a wonderful supervisor for Placer County.

SENATOR CRAVEN: Well, there you go. I hate to say this, but I think that somewhere within himself he is harboring thoughts of maybe being the president. I don't know. He mat stop at supervisor for a while, but he'll leave that to go somewhere else. But, he's a very talented fellow, and I watch him very closely.

CLAY HARRISON: Ok, another issue is, this was mentioned, too, before, but I would like to give you an example. In one of the parks in my jurisdiction, the home was placed in the park under the direction of management. They had an inspection this year and low and behold, this lady finds that she is cited for home encroachment on the lot behind her. And, the violation said that she had to move the home. This can't happen. These people just cannot cope with this. And, inspite of that, fortunately, she is employed. And..., but I don't know if her income..., I know she can't afford it. But, she's told me that she has spent to date \$1,000 on this issue for legal fees. I know she can't afford it, even though she is working. I don't think there is very many of us that can just chuck out \$1,000.

SENATOR CRAVEN: How old a person is this?

CLAY HARRISON: How old?

SENATOR CRAVEN: Yes. Well, just a rough estimate.

CLAY HARRISON: Maybe this young lady?

SENATOR CRAVEN: You mean 36? Well, maybe you ought to use me. Is she as old as I am?

CLAY HARRISON: I think you're older than I am. I don't know.

SENATOR CRAVEN: That could well be. How old are you?

CLAY HARRISON: I'm seventy-seven.

SENATOR CRAVEN: Well, you're two years older than I am. I'm seventy-five years old.

CLAY HARRISON: Well, she's younger than I am. She's younger than you. Maybe in between.

SENATOR CRAVEN: Well, we are both in an age category that's really very unstable by virtue of time to live, or maybe I should say time lived. It puts us in a different category. There are few people who are in our age group who, perhaps, have enough money to do whatever they choose to do as long as they live. And, then there are some of

SENATOR CRAVEN:

us who are not necessarily that fortunate. And, we just try to do as best that we can from day to day. But I don't know, we have an area, certainly, of people who fall into that category. It's not just something that you have up there, and if I have heard the weeping and moaning and gnashing of teeth from the poor people from mobilehome parks, if they raise the rent, or if they have inspections they always feel that they got it right in the old aorta. And, that's unfortunate because that's not the intent. The intent is, really, to help them, but sometimes it is difficult for them to interpret it that way.

CLAY HARRISON: Yes, yes. Sometimes help does too much good, or so to speak, it reverses. Intended help, sometimes, does damage.

SENATOR CRAVEN: Yes. John would like to ...

JOHN TENNYSON: If I may comment. Unfortunately, under current law, a lot encroachment problem, setback problems with regard to the home, are the responsibility of the home owner to fix and that is something we can certainly take a look at, but with regard to your particular problem, if you want to give us the specifics, we can certainly have the Department look into it, and see if something can be done.

CLAY HARRISON: I'd be happy to give you all the details.

JOHN TENNYSON: See me after the meeting.

SENATOR CRAVEN: Clay, I might add this is not the first time I've ever heard that problem. That has happened down in the Southland, the area I serve. And, it's one of those things you think, "What are we going to do now?" Because, invariably it costs a lot of money to take whatever action is taken, even the most minimal costs a lot of money because you're doing surveying and all of that sort of thing, and then the displacement and reestablishing, that is costly, as well. So, I understand, and I don't know how we can do that, John, but we can certainly try and look at it.

CLAY HARRISON: I won't take up any more of your time.

SENATOR CRAVEN: Well, don't feel that you've taken up the time. You've added a great deal to the hearing, and we're very appreciative of your presence today. You come back and see us anytime.

CLAY HARRISON: All right, thank you very much.

SENATOR CRAVEN: You don't have to wait for a hearing. Just drop in at 3070.

CLAY HARRISON: All right, I'll come and see Senator Dills, and maybe he can give me a lesson on how to wear my hat in the car.

SENATOR CRAVEN: Listen, he would be delighted to see you. You know, Ralph still plays the saxophone with his band, like he's 35 years old. I mean he is really something. He also said he was 85. Just among us, I think he's 87. Be that as it may, he's quite a fellow.

CLAY HARRISON: Yes, tomorrow is his birthday.

SENATOR CRAVEN: Thank you very much for coming. Nice to have you with us.

CLAY HARRISON: Thank you.

SENATOR CRAVEN: Now, another gentleman. Oh, do you want to come back?

GEORGE SMITH: Senator, just one quick comment.

SENATOR CRAVEN: Sure.

GEORGE SMITH: At the risk of being a little bit contentious, and I am sometimes, I gather there was an inference here that, or could be made, that mobilehome park residents don't pay taxes. The heck they don't. So, the good gentleman from this council in Oceanside needs to think about the fact that his general fund is funded by taxes from some of his residents. It is not a matter of spending tax money on those who do not pay it.

SENATOR CRAVEN: Yes, I understand what you're saying.

I think that you all have been very patient, and we did quite well. We thought we would go to 4:30, and I think we did exceedingly well. Frankly, I think I heard today as articulate testimony as I have heard anytime. People who spoke, spoke very thoughtfully and with knowledge. And, I think with a certain degree of patience. That's very important in this business because we have to invariably try to help all the people, but in so doing we invariably alienate a group there that's somewhere on the fringe. We don't like to do that and as a result, we try to do everything to make it equal. And, that's what takes time and that's what really tries our knowledge, background, and so forth, to make things work out.

But, if it were not for people such as yourselves, we wouldn't be able to do whatever we've done because what we do has been predicated a great deal on what you told us to do and why it should be done, and we are very willing and anxious to always listen to you because you mean that much to us. It's not a situation of party. We couldn't care

SENATOR CRAVEN:

less if you're a Democrat or a Republican. Nothing we do is oriented that way. It's a people to people situation and those of you who have experienced and lived it, know a lot more about it than I do. I have dealt with mobilehome people for about 40 years, I guess, but I've never lived in a mobilehome. And, you have to be there to know it. And, you do and you've been kind enough to pass your knowledge to us and for that we are most grateful. We thank you for bring here.

If you want to get in touch with us, or John, who I said is chief of staff, here. He runs things as the committee consultant. There is no problem that's too great for him, and he's done a magnificent job. And, he and I have been together for many years and it's amazing to see how much resilience he has. He never seems to get beaten down or tired. Sometimes he gets a little mad, but that's all right. We all get that way once in a while. Thank you very much for being here and have a safe trip home.

Meeting adjourned at 5 pm.

SUMMARY

FEBRUARY 18, 1997

SUMMARY

Following the February 18th hearing, Senator Craven introduced Senate Bill 485 as the vehicle for extending the Mobilehome Park Inspection Program. The bill simply extends the program for another 7 year period ending on January 1, 2006. The author intends the measure to be a two-year "work in progress" and will move the bill through the Senate this year while giving consideration to some of the issues which arose at the hearing.

A copy of SB 485 may be found in the appendix.

Another hearing on the Mobilehome Park Inspection Program and SB 485 will be held during the fall, 1997 interim. Those wishing, in the meantime, to comment on the bill or issue should address their letters to:

Senator William A. Craven
Chairman
Senate Select Committee on Mobile and Manufactured Homes
1020 N Street, Room 520
Sacramento, CA 95814

A P P E N D I X

(Related Materials and Information)

FEBRUARY 18, 1997

GOLDEN STATE MOBILHOME OWNERS LEAGUE, INC.

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Jim Sams, GSMOL
Vice President, North
7515 Goldenrod Lane
Sacramento, CA 95828 - 4154

"A Homeowners Association"

February 18, 1997

Senator Craven, Chairman
Senate Select Committee on Mobile and Manufactured Homes
State Capitol
Sacramento, CA 95814

Senator Craven and Members of the Committee.

Thank you for holding these hearings to enable us to give input on this mobilehome Park inspection program.

My name is Jim Sams. I am the Vice President for the Northern Zone of the Golden State Mobilhome Owners League.

I am here to present the views of the GSMOL Board of Directors on the subject of the HCD Park inspections and the decision to continue the program or let it sunset in 1998.

Following the polling of the GSMOL Board of Directors, the following points should be made, and I am quoting from sheets you have in your packet from those Board members who wished to make a statement:

1. Sandra Cole, Secretary. "I would be totally against continuing the program unless HCD treats Home Owners and Park Owners equally."
2. A.J. Davis, Vice President, Central Zone. "Perhaps the several successes in health and safety in parks would become many successes if funding for more program inspectors and for separate emergency inspectors who would have some sort of enforcement power, were available.

"The \$4.00 per space for park owners and resident would have to be increased, I suppose, but an effective program should minimize complaints. So far, it would appear that under-funding is hobbling a good idea."
3. Virginia Croft, Treasurer. "I feel the mobilehome park inspection program should be continued. \$4.00 is little enough to pay for these inspections....I feel it is beneficial for the program to remain in place, if there is a way to do it."

4. Lucille Jones, President. "As stated above, the original intent of the program was to improve Health and Safety conditions throughout the state by conducting an inspection of ALL mobilehome parks to bring them up to H&S standards and State code. This was long over-due. Somewhere along the way the program has eroded to the point it is no longer effective.

"Unless drastic changes are made in this program, I believe this program should sunset in 1998 as I do not see it accomplishing its original goal."

Two Board Members had no comments. It is apparent, however, that, by their written testimony, that these members of the GSMOL Board have mixed feelings about the program. In the interests of brevity, I will not point out specifically what you have in your possession, but I believe it is apparent that CHANGES AND MODIFICATIONS must be made to get GSMOL Board of Director support for an extension of the program.

You have, in your packet of information, the specific items needing to be changed in the view of the Board members, who get input almost daily from the field.

Speaking to the situation in my Northern Zone, two problems have surfaced during the life of the inspection program.

1. The language of the citation notice is so threatening to the mobilehome owner that constant complaints are made about the threat that they are "going to jail" - even on technical violations, as the resident interprets it.
2. Many park owners and management use the HCD citations as back-up for their demands and threats against park residents. GSMOL's Legislative committee will be proposing legislation to prevent this type of needless harassment from park owners and managers associated with the inspection program.

My feeling, as a Board Member representing the Northern Zone, is that unless there is extensive corrections made in the program, including these items, I would urge the program be terminated.

In a recent meeting with the leadership of Housing and Community Development, GSMOL pledged to work with the Department, with the approval of our Board of Directors, to make the program workable. I am sure that the Board would approve our participation, as part of a committee to resolve these problems and produce a more acceptable program.

Again, as a personal view, it is my position that, until the stated abuses are eliminated and a program to implement the needed changes is put into place, no change in the assessment program fees be made.

Thank you for the opportunity to testify.

Jim Sam

Jan. 27, 1997

TO: BOD

FROM: Jim Sams,
Chair, Legislative Comm.

*The comments below are from my
personal experience with the program.*

RE: Board Input for scheduled Senate Select Committee Hearing.

Sen. Craven has scheduled a hearing before the Committee addressing the issue of continuing the Mobilehome Park Inspection program after 1998.

I need input from each Board member concerning their position in this matter at your earliest convenience before Feb. 5th. I will present any letters ^{from} the Board at the hearing. Your response to my request will give the Senator the official position of GSMOL, with any difference in opinions recognized in a general way. Your Legislative Committee will be working with Qualco during the presentation.

(See attached)

Thanks,

Jim Sams
Jim Sams, Chair

cc: All Board Members
Catherina

Fax (916) 689-1852

PRO

CON

<p>1- Could be helpful if PARKS actually improved health & safety.</p> <p>2- Would be a good program, <u>IF</u> Park owners were forced to repair failing infrastructure.</p> <p><i>If Senator Craven thinks this program has been successful, he is mistaken. HCD leans toward the Park owners.</i></p>	<p>1- Park owners ignore citations</p> <p>2- Program is administered for the <u>benefit</u> of Park owners. Requests for compliance to Title 25 go unheeded (if a resident complains to HCD)</p> <p>3- Park owners <u>enforce</u> residents who are cited, with threats of eviction using TITLE: for <u>their</u> leverage.</p> <p>4- Residents have the "fee" (4.00) added to their rent bill. Residents of 19 park in Hunt. Bch. have paid the "fee". Only 3 parks inspected. One park had <u>256</u> cited problems - The owner ignores the problem and HCD!</p> <p>5- I would be totally against continuing the program <u>unless</u> HCD treats home owners and Park owners equally</p>
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From: Alice-Jean Davis ^{Gsmck} VP Zone C Mngr R.S 1/28/97

In Region 8, Ventura, Santa Barbara & San Luis Obispo Counties, there are two inspectors, I believe their regions of responsibility extend beyond these counties. They have an overwhelming task.

HCD serves emergency calls first, whenever they come in. The inspector may have to make two or three follow-up visits. This interferes with their inspection program schedule.

During the regular inspection program, they focus on the most blatant health and safety violations, leaving minor violations such as steps, etc. for park management to enforce. This is not part of management's job, but the inspectors might never finish the inspection program even with the extension of the mandated time.

Because there are no teeth to enforce violations, the rotten parks or residences are seldom brought up to code completely. Flurries of activity are followed by neglect until the inspector is called back again.

If the cities helped to monitor correction of violations, it would help, but it is not their job, and most have had to restrict many services anyway due to budgetary constrictions.

Perhaps the several successes in health and safety in parks would become many successes if funding for more program inspectors and for separate emergency inspectors who would have some sort of enforcement power were available.

The \$4.00 per space for park owners and residents would have to be increased, I suppose, but an effective program should minimize complaints. So far, it would appear that under funding is hobbling a good idea.

Croft

Fax : 818-716-1211

Jan 29 '97 18:01 P.01

Virginia Croft, Treasurer
Top 'O Topanga Mobile Home Estates
115 Navajo Lane
Topanga, Ca. 90290

Phone: 818-716-8886
FAX: 818-716-1211
E-Mail: Galcitz@SoCA.com
January 29, 1997

Jim;

I feel the mobile home park inspection program should be continued. \$4 is little enough to pay for these inspections.

In our park " Top O' Topanga" thw 50 empty spaces, many are for single wide coaches and these were removed and they are jamming in double wide coaches. We have some coaches that are so bad health and safety wise that one hates to see them. There is trash around them, boxes, wood right aganist the coach piled half way up the side; this will be worse if they eliminate the mobile Home Inspection Program. We have a few coaches sitting close to the edge on view lots and hillside do detoriate.

When the inspection program was done in our park four or five years ago, many main electrical cables were found to be on the ground or the insulation worn through, which could have caused problems. These were tagged and have been brought up to code. There were many doors that had no stairs and by making them put stairs in a safety measure for emergency getting in or out of the coach.

I feel it is benefital for the program to remain in place, if there is a way to do it.

Virginia

GOLDEN STATE MOBILHOME OWNERS LEAGUE, INC.

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19667-48 American Avenue, HILMAR, CA 95324
209-632-4525 FAX: 209-667-4564

February 2, 1997

TO MEMBERS ASSOCIATION

To: Jim Sams, Chairman
GSMOL Legislative Committee
From: Lucille Jones, State President
Re: Senate Select Committee hearing on Park Inspection Program

Following are my comments on the Mobilehome Inspection Program:

1. When the program first went into effect, the first parks to be inspected were those with numerous complaints to HCD. Many problems were encountered which had never come up before the inspection program began. The program got off to a slow start in 1991, then the computer glitches further delayed the start.
2. A major concern and complaint I have heard is of Inspectors approving the placement of a double-wide on a single-wide lot, not adhering to the rule that the homes may cover only 75% of the lot. (Section 1110 & 1330 Title 25).
3. Due to having to hire so many new inspectors, their training was not of the same degree as Inspectors who had been previously working for HCD. One of the biggest complaints is the lack of uniform interpretation of the Inspection program not only by the "seasoned" but the "new" Inspectors.
4. Permitting cities/counties to assume responsibility for the Inspection program in their jurisdiction has caused many problems in uniform interpretation of Title 25 and the inspection program. It should be mandatory for HCD to inspect ALL mobilehomes and not relinquish this authority to cities/counties. Oftentimes, the city/county made an error in approving placement of a home - this would be corrected by a State Agency.
5. There have been no statistics released to support this program i.e., number of homes inspected, number of citations by category, etc. Have all the homes in the state been subject to inspection at this time?

I observed the "Inspection" in my own park - down one side of the home, across the back and out the other side - approximately 2 minutes - hardly an "Inspection"!

As stated above, the original intent of the program was to improve Health and Safety conditions throughout the state by conducting

Jim Sams

Page 2

February 2, 1997

an inspection of ALL mobilehome parks to bring them up to H&S standards and State code. This was long over-due. Somewhere along the way the program has eroded to the point it is no longer effective.

Unless drastic changes are made in this program, I believe this program should sunset in 1998 as I do not see it accomplishing its original goal.



CITY OF NAPA
MOBILEHOME OWNER'S ASSOCIATION
139 Garth Street
Napa, California 94558

59.

Pres: Jean Phillips
Vice Pres: Bob Carner
Forrest Holnbach
Sec'y: Mary Richards

February 22, 1994

** See current date*

Mr. Dan Rivers,
Northern Area Supervisor
State of California
Department of Housing and Community Development
P.O. Box 1407
Sacramento, CA 95812-1407

Dear Mr. Rivers:

The City of Napa Mobilehome Owners Association, which represents all the mobilehome owners in the city of Napa, requests your prompt attention to our following appeal, regarding the manner in which mobilehome State Inspections are taking place.

We understand that these state-wide inspections were initiated in response to legislation designed to improve mobilehome park maintenance, and real health and safety matters.

Unfortunately, this extraordinarily expensive procedure is doing more to destroy the financial and emotional well being of our mobilehome owners, than creating a better and safer place to live.

We strenuously oppose the methods used by the HCD inspectors, which has caused them to be referred to as the "gestapo". Their nit-picking attitude, demonstrated by the citations written, or threatened to write, have intimidated and frightened long-time mobilehome owners, actually causing physical illness.

This is no joke! Clear "Health & Safety" corrections, in either the mobilehome park or individual mobilehomes would be appropriate. Beyond this, it is a clear case of harassment, which should not occur in our democratic society.

Further, we are not given copies of the citations that the park owners receive.....why should they be given copies of citations received by homeowners? Some park managers or park owners seem to delight in continuing to hassle homeowners re these citations, long after the inspectors are gone. It was our understanding that citations would be clearly between either the park owner and the HCD inspector--or between the homeowner and the HCD inspector. They should be.

We believe this law should be revoked, or amended to its original purpose, which was to inspect park facilities, to see that they are in proper order.

Very truly yours,

Jean M. Phillips

Jean M. Phillips, President
City of Napa Mobilehome Owners Assoc.

cc: GSMOL Pres, Dave Hennessy/ NCRIMS, Ellie Hubbard
GSMOL Reg.2 Regional Mgr., Coleman Persily
GSMOL Legislative Advocate, Maurice P. [unclear]

Maxine Pfeiffer
GSMOL Region 10 Manager
2355 Brommer #46
Santa Cruz, CA 95062
(408) 465-0241

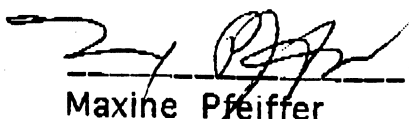
JIM SAMS
GSMOL Legislative Committee Chair
7515 Goldenrod Lane
Sacramento, CA 95828
(915) 689 9660

Dear Jim::

RE Senate Select Committee on
HCD Inspection Program of
Mobile & Manufactured Homes

1. Need more inspectors.
2. HCD should be given the power to enforce the rules; presently there is no follow up after the inspections.
3. Each and every space should be inspected.
4. Be consistent with the violations from one space to the next.
5. Homes and parks need to be inspected more often.
6. Not necessary to have park manager with inspector at time of inspection of homes.
7. Some letters of violations intimidate older residents and give park managers reason to harass senior citizens.

Yours truly,



Maxine Pfeiffer
GSMOL Region 10 Manager

COLEMAN C. PERSILY
 Golden State Mobilehome Owners League
 REGION MANAGER
 206 Yosemite Road
 San Rafael, Ca 94903
 Tel: (415) 479-1731
 Fax (415) 472-1913

Feb 17, 1997

TO: HCD HEARINGS
 STATE SENATOR CRAVEN

For many years I was looking forward to express my opinion on the HCD; its rules , regulations and enforcement procedures.

As a regional manager for the GSMOL , I feel qualified to testify at this hearing.

I PROPOSE THE FOLLOWING CHANGES:

- 1) That the violations served on a homeowner be a confidential violation and not one that is reported to the park owner management. I have found park owner management's using this as a tool, and use this information given to them by the HCD inspector to persecute, scare , threaten and evict residents. In one case , where a park owner wanted to change the status of his park, to threaten to evict the entire park, based on the issued violations.
 REQUESTING: PARK OWNERS NOT BE NOTIFIED OF A RESIDENTS' VIOLATION.
- 2) Many of residents in the parks are frail seniors with heart conditions; residents receive the violations with anxiety and fears. I suggest that the threat of imprisonment be eliminated from the violation form. Perhaps a gentler way to put it.
- 3) Any violation which is not the fault of the homeowner , and is the fault of the management such as lot lines; distances between homes; location being a fire hazard etc. be a violation against the park owner and not the resident.
- 4) That where there is an existing park chapter of the GSMOL or Homeowner Association that the organization be notified of any fire or Safety park violation . Thus steps can be taken by the organization to have the hazard eliminated.
- 5) In any park where there is an organization or GSMOL chapter , that instead of notifying the park owner of a resident's violation , that the organization be advised so that the organization , in a more friendly manner convince the resident to take heed of the violation.

Coleman C. Persily


February 18, 1997.

COMMENTS ON SENATOR CRAVENS HEARING ON CONTINUING AB-925
By Paul V. Henning

I HAVE BEEN OUT OF THE "LOOP" FOR SEVERAL YEARS AND I'M GLAD TO BE BACK. AS YOU KNOW THERE ARE TWO SIDES TO EVERY DISPUTE AND IT IS BEST TO INVESTIGATE ALL ASPECTS OF A SITUATION.. MR. WHERMAN, MR. SAMS, AND MYSELF DID VISIT WITH MR. DAN RIVERS AND MR. PITTS FOR INFORMATION. TRUTHFULLY BEFORE THIS MEETING, I WAS LEANING TO LET AB-925 SUNSET. IF ANYONE IN THIS ROOM HAS THIS IN MIND, THEN I SUGGEST THAT THEY VISIT WITH MR. RIVERS. HIS OFFICE IS WALL TO WALL WITH MOBILEHOME INSPECTION FILES SOME ARE TWO AND THREE INCHES THICK CONTAINING SEVERAL HUNDRED VIOLATIONS IN EACH PARK. IN MY OPINION THESE INSPECTIONS HAVE BEEN MORE BENEFICIAL THEN DETRIMENTAL. TO THE HOMEOWNER THEY MAY HAVE SAVED THEIR HOME AND YES MAYBE THEIR LIFE WITH FAULTY GAS OR ELECTRIC LINES. THE PARK OWNER SHOULD WELCOME THIS "FREE" INSPECTION TO WARD OFF ANY CIVIL SUIT THAT COULD COST THOUSAND AND YES MILLIONS OF DOLLARS. NO SYSTEM IS "FOOL PROOF", BUT IF WE WORK TOGETHER WE CAN MAKE IT PROFITABLE FOR BOTH THE HOMEOWNER AND PARKOWNER. ON QUESTION 3 OF THE SENATORS BACKGROUND PAPER WE CAN FIND THE ANSWER IN INFORMATION BULLETIN MP 91-03, DATED AUGUST 12, 1991 AND SIGNED BY JOHN ELLIS, WHICH READS IN PART (read). SOME OF THE PROBLEMS BETWEEN MANAGERS AND HOMEOWNER IS THAT THE MANAGER IS DEMANDING THAT HOMEOWNERS COMPLY WITH VIOLATIONS THAT THE INSPECTORS HAVE WRITTEN UP, BUT THEY DO NOT REQUIRE THE HOMEOWNER TO COMPLY AS THEY ARE NOT LIFE THREATENING OR

A HEALTH AND SAFETY VIOLATION. TO ABATE THIS SITUATION, I RECOMMEND THAT ONLY THE VIOLATIONS THAT ARE LIFE THREATENING OR A HEALTH AND SAFETY VIOLATION BE GIVEN TO THE MANAGER. THE \$4.00 FEE PER YEAR IS NOT SUFFICIENT FOR THIS PROGRAM. I PROPOSE THAT A \$4.00 FEE BE ASSESSED TWICE A YEAR. \$4.00 JANUARY 1 AND \$4.00 JULY 1. I ALSO PROPOSE THAT THIS SHOULD BE MADE INTO LAW WITH OUT A SUNSET CLAUSE AND TO EXPLORE THE SENATORS SUGGESTION OF INSPECTING PROBLEM PARKS MORE FREQUENT AND THOSE WITH A GOOD RECORD LESS FREQUENTLY. I APPRECIATE THE OPPORTUNITY TO PARTICIPATE IN THIS HEARING AND THE VIEWS THAT I HAVE EXPRESSED ARE PURELY MINE AND HAVE NO ASSOCIATION WITH ANY ORGANIZATION.

Respectivly Submitted


Paul Henning
8665 Florin Rd., #56
Sacramento, Ca. 95828

**DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT
DIVISION OF CODES AND STANDARDS**

Administrative Office

1000 THIRD STREET, Suite 260
P.O. BOX 1407
SACRAMENTO, CA 95812-1407
(916) 445-9471 FAX (916) 327-4712



August 12, 1991

INFORMATION BULLETIN MP 91-03

**TO: MOBILEHOME PARK - LOCAL ENFORCEMENT
MOBILEHOME PARK - OPERATORS
MOBILEHOME PARK - INTERESTED PARTIES
DIVISION STAFF**

**SUBJECT: RESPONSIBILITY FOR ABATING AND/OR CORRECTING MOBILEHOME
PARK TENANT VIOLATIONS**

Following the issuance of Information Bulletin MP 91-02, same subject as above, the Department received numerous inquiries related to the park owner/operator's responsibility for violations attributed to park residents and identified through an inspection by the enforcement agency.

In Information Bulletin MP 91-02 we responded to the questions of enforcement agencies requesting clarification of the ultimate responsibility for correcting violations of the Mobilehome Parks Act (Act) and the regulations implementing the Act. Information Bulletin MP 91-02 correctly states that the ultimate responsibility for correction lies with the mobilehome park owner/operator. However, by not clarifying the due process procedure required of the enforcement agency prior to holding the mobilehome park owner/operator responsible, some enforcement agencies have concluded that they are not required to handle park resident violations.

Violations of either mobilehome park owner/operators or residents are required by the Act to be addressed separately. The enforcement agency is required to issue citations to park residents identifying violations which the residents are responsible to correct. Likewise, the enforcement agency is required to provide the mobilehome park owner/operator with a citation for violations that they, as owner/operator, are responsible for correcting, along with a copy of any citations issued to a park resident (registered owner of mobilehome and occupant, if not the registered owner).

At the time a copy of a resident citation is provided to a mobilehome park owner/operator, no responsibility or authority to correct resident violations is conveyed to the mobilehome park owner/operator. It is the responsibility of the enforcement agency

INFORMATION BULLETIN MP 91-03
Page Two
August 12, 1991

to exhaust all administrative and legal recourse against a resident who fails to correct violations before looking to the mobilehome park owner/operator for corrective action; only then is the enforcement agency to request action by the park owner/operator to abate the cited violations.

In most instances the only course of action available to a park owner/operator to abate resident violations is through eviction of the resident. Under no circumstances is the enforcement agency to put a park owner/operator in the position of evicting a resident who fails to correct cited violations, unless the enforcement agency has exhausted all available administrative and legal recourse against the park resident.

Any questions concerning this Information Bulletin should be directed to Chris Anderson, Mobilehome Parks Program Manager, (916) 445-9471.


John Ellis
Chief

SENATE SELECT COMMITTEE
MOBILE HOMES & MANUFACTURED HOMES
State Office Bldg
RM 3070
Sacramento, Ca. 95814

REF: The Mobile Home Park Inspection Program.

Att: Committee Chairman

Senator Craven

I understand there is to be a meeting regarding "THE MOBILEHOME PARK INSPECTION PROGRAM" Tuesday February 18th in Sacramento, to discuss the continuation or the demise of this program.

Please sir, consider these points:

The cause of our trouble, a bad law.

The effect:

The law as written discriminates against Mobile homes and Mobile Home Parks in the favor of all other forms of habitat or businesses in that they are not inspected. My home was invaded by government agents as no other home in these United States has been invaded. My life-style, such as I can afford, has been put up to public ridicule. I am being forced to divest myself of items I hold dearly because I cannot afford to store them elsewhere. I am threatened with eviction because I cannot afford to make the required revisions to my home in a timely manner, a home which was installed in 1974 by the Park owner in violation of these very requirements.

The why:

All this, because G.S.M.O.L., desired to protect me from the rampages of a despotic Park Owner, and in collaboration with the Western Mobile Home Owners Assoc., passed a law without consulting the people who were involved. Never once were we asked to vote on this program. Never once were we asked to approve the assessment fee (or tax) which would serve to implement this program. Never once were the people, of a different life-style, asked to submit to this type of home invasion or asked to pay this fee.

This is at best an exhibit of a political action run amok.

The inspection process:

The implementation of this program has been farcical at best. An inspector drove by and without exiting his vehicle, not once but on three different occasions, inspected my home space.

The reporting of :

Speaking of favoritism, he found that the residents had 271 violations and the park only 34.

The 34 Park violations consisted of a typical violation for each space or in reality 84 violations for each of the 34 recorded violations and then his reinspection was a drive thru.

Perhaps there is a certain number of violations a park cannot exceed?

Then all of our inspection reports were delivered to the park management for perusal but none of the residents received a copy of the park inspection report only that our park has knowledge of our deficiencies and MAY TAKE ACTION AGAINST US. The copy I received cost me \$8.00. The park did not pay for theirs.

Deficiencies:

The inspection as it was performed did not inspect for health safety and welfare problems for there is no mention of our sewer problems, due to our high fire hazard area, the lack of weed abatement, the lack of repair to our failed flood control system or the lack of security for our storage area which has reverted to a thieves marketplace and which we are forced to use because of our remoteness from other sources of storage.


Actions I have taken:

In summary I have lodged a protest with all my State representatives, whom I have voted for, with "The Department of Housing and Urban Development" and with the "GOLDEN STATE MOBILE HOME OWNERS LEAGUE".

Results:

Sadly without response.

So hopefully, you, whom I do not vote for, may respond.?, And take an action?



ROBERT R. SMITH
Residents Association President
36200 Paradise Ranch Rd. #33
Castaic, Ca. 91384
805-257-4099

Senate Select Committee on Mobile and Manufactured Homes (Craven)
Mobile Home Park Inspection Programs
February 18, 1997
City of Oceanside Councilmember Terry Johnson Comments

BACKGROUND

In my remarks today, I will cover three topics: the discrepancy between fee revenue and costs, difficulties with the regulations in Title 25, and briefly on the need for funding to subsidize mobilehome rehabilitation, which has a direct bearing on inspection costs.

Before I get into these, I would like to give you a little background to the world of mobilehome parks in Oceanside.

The City of Oceanside has 19 mobilehome parks comprising 2513 mobilehome spaces, and 2 RV parks with 242 spaces. This is a major portion of our affordable housing stock.

The City of Oceanside assumed enforcement responsibility under the Mobilehome Parks Act in July 1994. Prior to that, the Department of Housing and Community Development (HCD) was the enforcement agency.

The reason that Oceanside petitioned for enforcement responsibility was that the level of service received from HCD was wholly unacceptable. The City Council at that time received dozens of complaints from mobilehome park residents about substandard living conditions, slow response by HCD to complaints, and inadequate enforcement by HCD. The City Council, after extensive deliberations, decided that the citizens of Oceanside deserved a much better level of service. The one issue that complicated this decision was cost, which leads me into my first topic for discussion.

Senate Select Committee on Mobilehomes
 Councilmember Terry Johnson Testimony
 February 18, 1997
 Page 2

COST vs. REVENUE

Local enforcement agencies are severely limited as to the fees we can charge for inspection services. The three sources of this fee revenue are Permit to Operate fees, AB 925 inspection fees, and the permit fees for construction. As I am sure you are aware, these fees are strictly regulated by the Health and Safety Code. The total of all fee revenue from these sources for mobilehome park enforcement in Oceanside is approximately \$18,000 annually:

Permit to Operate (\$25 per park + \$2 per space)	\$6,300
AB 925 Inspection Fees (\$4 per space)	\$10,100
Miscellaneous Permit Fees	<u>\$1,500</u>
Total Fee Revenue	\$17,900 (annual)

Our annual hard costs for inspector time, clerical support, and incidental expenses such as transportation, supplies, training, etc.) are about \$75,000 annually. "Soft costs" such as supervision, management, attorney services, etc. are a minimum of \$40,000, based on the average amount of time devoted to mobilehome park issues.

So, as you can see, the City of Oceanside subsidizes mobilehome park inspections from general tax revenues by nearly \$100,000 per year. We knew that the fee revenue would not be sufficient to support the cost of inspection going in. But, the level of public complaints about valid health and safety concerns left us little choice but to assume enforcement responsibility. HCD had, quite simply, dropped the ball. **The**

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law should be changed to allow cities to recover the full cost of inspections from park owners. The City's taxpayers should not have to subsidize this program at the expense of police, library and other important local services.

The regulations for mobilehome park enforcement, as expressed in Title 25 and the Health and Safety Code also need improvement. Our enforcement staff informs me that Title 25 is unique among all of the codes they enforce. It is not written in standard code language, it is inconsistent and sometimes contradictory, it is difficult to understand, and certainly difficult to enforce. All other building standards are subject to the AB 49 code development process under the purview of the Building Standards Commission. Building officials lobbied long and hard to achieve that relationship, because it is important that codes be consistent and enforceable. If Title 25 cannot be placed under the Building Standards Commission umbrella, a similar process should be developed within HCD to take advantage of the valuable input of local enforcement agencies.

FUNDS REHABILITATION

Finally, let me comment briefly about the pressing need for mobilehome rehabilitation. Almost by definition, and with few exceptions, mobilehome parks are low and moderate income housing. One of the primary barriers to more effective results from the AB 925 inspections is the inability of mobilehome residents to pay for necessary health and safety improvements. If greater investment is made in improving the health and safety of individual units, inspection costs will decline.

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The City of Oceanside has provided \$62,000 of housing rehabilitation funding for mobilehome residents annually. It is not nearly enough to meet the need. Higher levels of State or Federal subsidies aimed at facilitating health and safety improvements to mobilehomes are sorely needed.

CONCLUSION

Thank you for allowing me the opportunity to testify before you today. I would be happy to respond to any questions you might have.

State of California
Business, Transportation and Housing Agency
Department of Housing and Community Development
Division of Codes and Standards



MOBILEHOME PARK INSPECTION - RESIDENT INFORMATION BOOKLET

- * *Contains important information for residents of mobilehome parks regarding inspections, violations and code requirements.*

- * *Please read about the planned inspection of your mobilehome park and lot.*

- * *Save this booklet until after the inspection of your mobilehome park is completed.*

Important Information for Residents of Mobilehome Parks About Inspections, Violations and Code Requirements

Notice of Planned Inspection

California Health and Safety Code Section 18400.1 requires that all mobilehome parks in this State be inspected once every five (5) years for compliance with State laws and regulations. The California Department of Housing and Community Development, Division of Codes and Standards will be conducting an inspection of the general areas, buildings, equipment, and utility systems of your mobilehome park, and each individual lot. A NOTICE OF PLANNED INSPECTION has been posted in a conspicuous location within the mobilehome park. The inspection will be conducted within 30 to 60 days of the "Date Posted" shown on the NOTICE OF PLANNED INSPECTION.

Using this Booklet

This booklet is issued prior to the Department's inspection and contains important information about the inspection, violations, and related issues. The Department encourages residents of mobilehome parks to review the information on how to inspect your own lot for possible violations, many of which can be easily corrected by the resident before the Department's inspection.

Scope of Inspection

The inspection will include the park's general areas, buildings, equipment and utility systems for proper maintenance and code compliance. Inspection of your lot will include utility connections, accessory structure maintenance, separation requirements, use of extension cords, fire hazards, rubbish and other health and safety issues. The inspection will also include a check for current registration of your mobilehome or manufactured home.

Interior Inspections

Under normal circumstances, the Department will not be entering your home while conducting the inspection. The inspector may request entry only when conditions observed from the exterior of your home suggest that a potential hazard and or substandard condition exists within the home. However, the right to grant or refuse entry into your home is up to you.

If the inspector requests entry and you permit the inspector to enter, you will be asked to sign a statement acknowledging your permission. The permission will authorize only the inspector to enter your home on the date you specify. If you refuse entry, the inspector may seek a search warrant in order to gain entry based on the possible existence of a hazard or substandard condition.

Preparing for Inspection

In preparation for the inspection you should take the following steps:

1. Display evidence on the exterior of your mobilehome/manufactured home, of current registration or Local Property Taxation status. If exterior decals or plates are unavailable please provide current registration documents to the inspector for review or temporarily display current registration documents inside a window until the inspection of your lot or park is complete.
2. Fix all leaking plumbing.
3. Fix damaged awning structures.
4. Remove unapproved electrical wiring.
5. Remove all debris, rubbish, and combustible material stored around or under the home.
6. When repairing stairs or steps, do so in compliance with the illustrations in the back of this booklet.
7. Read about commonly found violations beginning on page 4.

Notice of Violation

If the Department's inspection discovers a violation on your lot or home, you will receive a Notice of Violation by U.S. mail listing the violations to be corrected.

The Notice of Violation will also list violations which are technical in nature but do not present a hazard. Such identified violations will not be required to be corrected.

Time Allowed for Correction

The Notice of Violation will allow 30 calendar days to correct most violations. Violations which present an imminent health and safety hazard will be required to be corrected immediately.

Reinspections

After the expiration of the time allowed for correction, the Department will conduct reinspections to verify compliance with any issued Notice of Violation.

Inspector Identification

The Department of Housing and Community Development Inspector will be wearing a blue vest bearing the Department logo which incorporates the State Seal as shown on the cover of this booklet. The Department's inspectors also carry identification cards with their facial photograph. To ensure your privacy and safety, you may ask the inspector entering your lot for identification.

Legal Actions

Legal action to obtain a misdemeanor conviction for failure to comply with an issued Notice of Violation is rare and avoidable. Such action is taken only when a resident refuses to make corrections of conditions presenting hazards to occupants of the home, adjacent homes, or the general public.

Items For the Park Resident to Inspect

Prior to the Department's inspection, the Park Resident may eliminate many violations by inspecting your lot and facilities. Use the following information as a guide for your inspection.

1) Power Cords

A manufactured home/mobilehome or recreational vehicle that is powered through a large rubber-coated type electrical cord, should be inspected to insure that:

- a. The covering on the cord is not cracked or deteriorated.
- b. The area of the plug is not damaged or pulling away from the cord.
- c. The cord has not been cut and spliced.
- d. The power cord plug has not been removed and the cord is not directly wired to the park.
- e. The power cord is listed/approved for manufactured home/mobilehome or recreational vehicle use.
- f. The cord is not buried in the earth or encased in concrete.
- g. The manufactured home/mobilehome does not have more than one power supply cord.
- h. An adapter, if used, is an approved type and is not more than 12 inches in length.
- i. The power cord is not rated less than the electrical load of the manufactured home/mobilehome or recreational vehicle. Example: The manufactured home/mobilehome cord is rated at 30 amperes and the manufactured home/mobilehome load is 50 amperes.

2) Feeder Assemblies

A manufactured home/mobilehome or recreational vehicle that is electrically connected to the lot electrical service by a flexible metal conduit (feeder assembly), should be inspected to insure that:

- a. The conduit is not buried or in contact with the earth.

b. The conduit provides continuous, complete protection of the electrical conductors inside.

c. No more than one "feeder assembly" is utilized to provide a power supply to your manufactured home/mobilehome.

3) Wiring Methods

The general electrical conditions affecting the manufactured home/mobilehome or recreational vehicle should be inspected to insure that:

a. Extension cords are not used in lieu of permanent wiring. If there are appliances or other equipment installed outside a manufactured home/mobilehome which require continuous electrical power, an approved wiring means must be provided.

b. The cables and conductors for electrical wiring installed outside a manufactured home/mobilehome are protected against physical damage by installing materials such as conduit.

c. The electrical equipment installed outdoors is approved for wet or damp locations.

d. All the parts or components of the electrical equipment of the manufactured home/mobilehome or recreational vehicle, or for accessory uses, are installed so that no energized parts are exposed.

e. The lot electrical service equipment is accessible. Remove any storage or permanent construction which obstructs access. Unobstructed access of 24 inches wide and 78 inches high is required in front of equipment.

f. The manufactured home/mobilehome or recreational vehicle is electrically grounded to prevent electrical shock.

Note: If you believe that one or more of the above conditions affect the electrical system of your manufactured home/mobilehome or recreational vehicle, it is recommended that you consult a professional for assistance and correction of the condition. Permits are required prior to the installation of any electrical wiring.

4) Debris and Combustible Storage

The area under and around the manufactured home/mobilehome or recreational vehicle is to be inspected and any accumulation of combustible debris or stored material such as paper, leaves, dry grass, scrap wood material, etc., is to be removed.

5) Appliances

Appliances installed outside of the mobilehome, manufactured home or recreational vehicle are to be located out of direct weather, such as placed under an awning. Electrical power to an outdoor appliance is to be provided only through a permanent wiring means; extension cords are not permitted.

6) Emergency Exiting

To assure safe exiting during an emergency, remove any obstruction which would prevent the exterior doors from opening. Hasps and padlocks that are installed on the exterior of your home are to be removed; exit doors which are locked from the outside cannot be opened if you are trapped inside.

7) Multiple Units on a Lot

Only one manufactured home/mobilehome or recreational vehicle may be installed on an individual lot. Exception: A self-propelled recreational vehicle or truck-mounted camper may be parked on the lot when it is used as a means of transportation. The self-propelled unit may not be connected to any utilities or interconnected to the other unit on the lot. A camper, intended for truck mounting, may not be removed from the truck and placed on the lot. A truck camper shell is not considered a camper.

8) Mobilehome or Recreational Vehicle-3 Feet From Lot Line

A manufactured home/mobilehome or recreational vehicle must have the required 3-foot clearance from a lot line. Exception: A manufactured home/mobilehome or recreational vehicle may border on a roadway within the park. If the unit is placed within 3 feet of a lot line, except at a roadway, relocation may be required.

9) Registration

A manufactured home/mobilehome or recreational vehicle is to be currently registered and is to display the appropriate registration, license plates, or local property taxation decal. Display evidence of the current registration or local property taxation status or provide evidence to the park management or to the Department of Housing and Community Development inspector.

10) Approval Insignia Required on Rented Homes

A manufactured home/mobilehome or recreational vehicle which is rented or leased must have the Department's Insignia of Approval or Federal Label of Approval. The insignia represents that the unit met minimum construction requirements in effect at

the time of manufacture. The insignia may be found at the rear of the unit or in the area near the front door. If the unit does not bear this Insignia or Label of Approval, contact the owner of the manufactured home/mobilehome or recreational vehicle. The owner must apply to the Department for an inspection of the manufactured home/mobilehome or recreational vehicle to obtain an insignia.

11) Substandard Manufactured Home/Mobilehome or Recreational Vehicle

A manufactured home/mobilehome or recreational vehicle in substandard condition may be ordered removed from a park unless the substandard conditions are repaired. Substandard conditions include:

- a. Structural hazards such as deteriorated floors, buckled walls, deteriorated roof members, etc.
- b. Electrical hazards such as bare wires, unprotected cables/conductors, open splices, etc.
- c. Improper plumbing such as leaking fixtures.
- d. Mechanical hazards such as unvented or improperly vented gas appliances.
- e. Faulty weather protection including leaks in the roof, broken windows, damaged siding, etc.

12) Animals

Domestic animals shall be kept fenced, leashed, tied, or within the manufactured home/mobilehome and the lot maintained reasonably clean of domestic animal waste.

13) Gas Meter

The gas meter provided on the lot must be accessible and in a well-ventilated location.

14) Gas Connectors

The condition of the gas system connector should be inspected. It should be a single flexible gas connector not over 6 feet in length, approved for exterior use, and must not be buried or otherwise in contact with the earth.

15) Propane Gas Tanks

When a manufactured home/mobilehome or recreational vehicle is supplied gas by external propane tank(s), the tank(s) should be inspected to insure that:

- a. There are not excessive containers and vessels on the lot. Hitch-mounted containers and two gas containers of more than 12, but less than 60 gallons gross capacity may be installed within 10 feet of the manufactured home/mobilehome or recreational vehicle.
- b. The containers are secured in place to prevent accidental overturning.
- c. The containers are at least 10 feet away from the manufactured home/mobilehome or recreational vehicle, if the tank capacity exceeds 60 gallons.
- d. The containers are not stored under or inside any manufactured home/mobilehome or accessory structure, such as a storage shed.

16) Gas Lines

If the gas piping system has been extended to reach the park's gas inlet, the extension pipes must be supported. Support the pipe with metal hangers at maximum intervals of 4 feet or on piers at least 6 inches above ground with supports at maximum intervals of 6 feet. A manufactured home/mobilehome or recreational vehicle that has copper tubing for a gas line may only be connected to propane gas. If natural gas is being supplied, the piping must be changed to steel (permit required) or the unit must be disconnected from the natural gas and be connected to a propane supply. Natural gas can damage copper gas lines.

17) Water Heaters

The water heater of the manufactured home/mobilehome or recreational vehicle should be inspected for minimum safety requirements to insure that:

- a. The gas water heater is properly vented to the exterior of your home.
- b. Access to the water heater is unobstructed.
- c. The water heater compartment is weather tight.

- d. The water heater has a functional pressure temperature relief valve. Valve piping shall be extended to the underside of the manufactured home/mobilehome with galvanized or copper pipe the same size as the valve opening.
- e. There are adequate openings into the compartment for combustion air.
- f. The water heater has the required clearances from its vent and water heater sides to any combustible walls.

Note: If you believe there is a problem with your water heater or its installation, it is recommended that you refer to the water heater manufacturer recommendations or consult a professional.

18) Permits

If any of the following changes have been performed without a valid permit, you are encouraged to obtain a permit prior to the Department's park inspection in order to avoid possible penalties:

- a. Installation, construction, or alteration of: (1) any building, structure, or accessory building; (2) any electrical, mechanical, or plumbing equipment; (3) any fuel gas equipment; (4) any fire protection equipment within a manufactured home/mobilehome or recreational vehicle park.
- b. Alteration of a manufactured home/mobilehome or recreational vehicle requires a permit from the Department of Housing & Community Development.
- c. Installation of a manufactured home/mobilehome within the park requires a permit from the enforcement agency.

19) Sewer Drains

The sewer drain connector on the manufactured home/mobilehome or recreational vehicle should be inspected to insure that the system is:

- a. gas tight and leak free;
- b. sloped to drain 1/8 inch per foot;
- c. supported at 4-foot intervals;
- d. constructed of ABS plastic, schedule 40, for manufactured home/mobilehomes and recreational vehicles which are occupied as a residence and/or located year around in a mobilehome park. Flexible hose type drains for recreational vehicles are acceptable for temporary connections only.

20) Water Supply Connector

The fresh water supply connector on the manufactured home/mobilehome or recreational vehicle should be inspected to insure that it is leak free and made of an approved flexible material such as copper tubing not less than 1/2 inch interior diameter.

21) Guardrail for Porches/Decks

The guardrails for a porch or deck that is at least 30 inches or more above grade, should be inspected to insure that:

- a. The rail is installed at least 36 inches in height above the floor.
- b. The openings between intermediate rails are not more than nine inches.
- c. The railings must be structurally sound.

Refer to the drawings on the back of this booklet.

22) Handrails for Stairs

Any stairway to a manufactured home/mobilehome or accessory structure (deck, porch, room addition, etc.) with two or more risers (steps), should be inspected to insure that the handrails comply with the following:

- a. Stairs serving porches having the floor 30 inches or more above grade shall be equipped with intermediate rails spaced not more than 9 inches.
- b. Handrails shall be not less than 30 inches nor more than 34 inches in height, as measured vertically from the nosing of stair treads.
- c. Handrails and intermediate rails shall be structurally sound. Secure any loose rails.

Refer to the drawings on the back of this booklet.

23) Skirting

The skirting of a manufactured home/mobilehome should be inspected to insure that the ventilation and access under the manufactured home/mobilehome complies with:

- a. A minimum 1 1/2 square feet of ventilation is required for each 25 linear feet of skirting. The openings for ventilation shall be provided on at least two opposite sides as close to the corners as possible.

- b. Where wooden materials are used for skirting, any wood in contact or within 6 inches of the earth must be decay resistant wood, such as redwood.
- c. When skirting is installed, an underfloor access panel is required. The panel must be located within 20 feet of the utility connections and must be at least 4 square feet in size with no dimension less than 18 inches.

24) Stairways

The stairways at each required exit door are required to be safe and stable and should be inspected to insure that:

- a. The stairway risers do not exceed 8 inches and all risers must be equal, $\pm 1/4$ inch.
- b. The stairway treads are not less than 9 inches in length and all treads must be equal, $\pm 1/4$ inch.
- c. The stairway width equals or exceeds the door opening width.

Refer to the drawings on the back of this booklet.

25) Stairway Landings

A stairway landing is required when an exterior door of a manufactured home/mobilehome swings outward and should be inspected to insure that:

- a. The landing, when required, is no lower than 1 inch below the bottom of the home's door.
- b. The landing width and length size is not less than the door width.

Refer to the drawings on the back of this booklet.

26) Awning or Carport Enclosure

Awning enclosures are permitted for recreational use only, and any combustible components must be a minimum of 3 feet from a lot line, except a lot line bordering on a roadway.

27) Awnings/Carports

The awnings and carports of a manufactured home/mobilehome should be inspected to insure that:

- a. Missing, damaged, or unanchored supports are repaired and are installed within 12 inches of vertical.
- b. Combustible components of awnings and carports are a minimum of 3 feet from a lot line. Awnings and carports may extend to the lot line which borders a roadway.
- c. Wooden awnings and carports are free standing.
- d. Metal awnings and carports do not project over the lot line and must be a minimum of 3 feet from any manufactured home/mobilehome or accessory structure on an adjoining lot.

28) Cabana (Room Additions)

Room additions to manufactured home/mobilehomes should be inspected to insure that minimum standards for weather protection, electrical wiring, plumbing, and structural integrity are met. Also assure that there is at least 3 feet separation to the lot line.

29) Storage Cabinets

Guidelines for storage cabinets:

- a. A permit is not required if a storage cabinet is not in excess of 100 sq. feet.
- b. No more than two storage cabinets with a combined square footage of 100 square feet may be installed on one manufactured home/mobilehome lot.
- c. A combustible storage cabinet may not be installed within 3 feet of a lot line, except a lot line which borders a roadway.
- d. A noncombustible storage cabinet may be installed to the lot line provided it is at least 3 feet from a manufactured home/mobilehome or accessory structure on an adjoining lot.

30) Miscellaneous Structures

Garages, greenhouses, or storage buildings should be inspected to insure that:

- a. The setback to the manufactured home/mobilehome is a minimum of 6 feet (garages with one hour fire wall construction may be adjacent to the manufactured home/mobilehome).

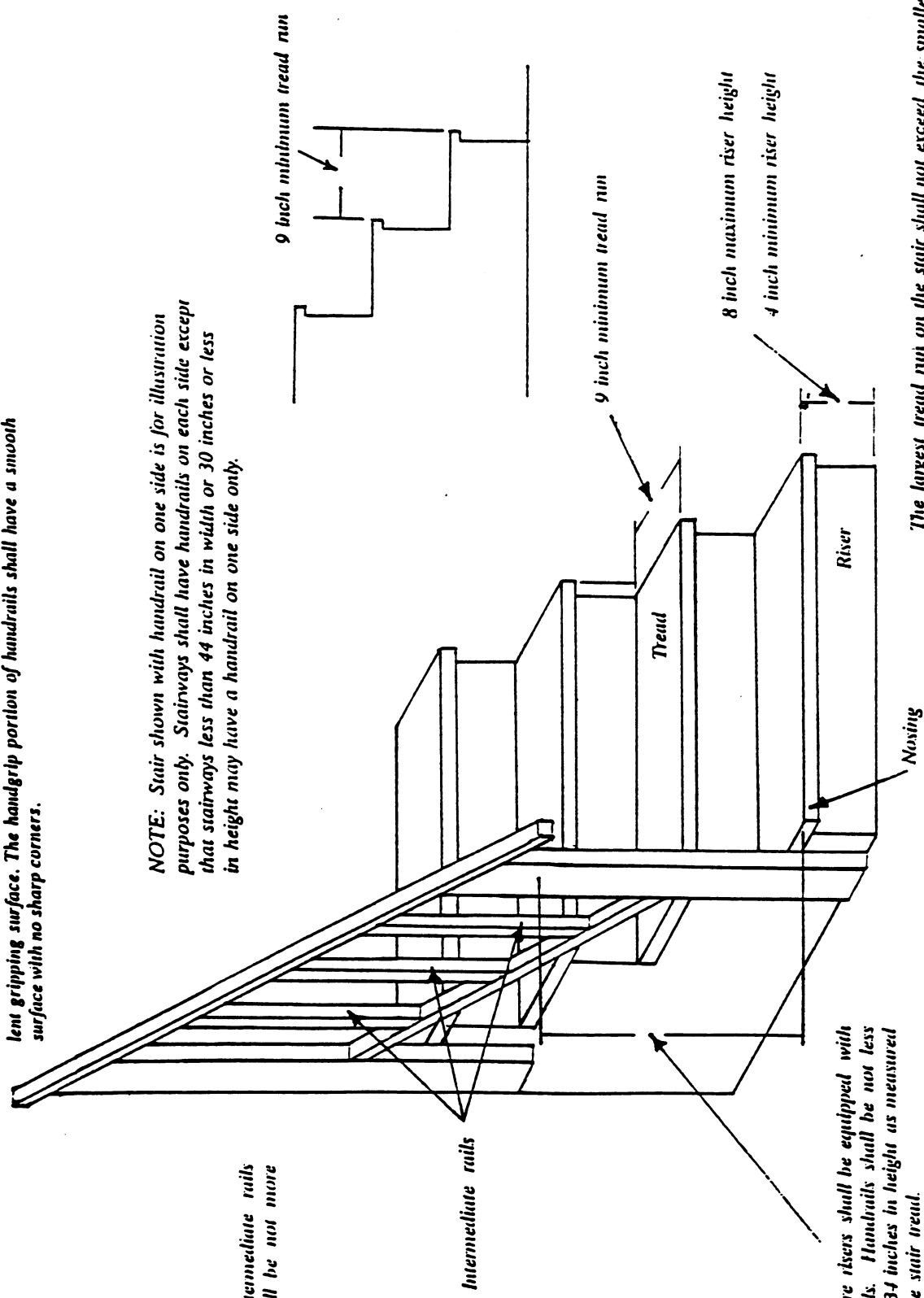
- b. Combustible construction of the garage, greenhouse or storage building is a minimum of 3 feet to the lot line, except where the garage, greenhouse, or storage building borders a roadway within the park.
- c. The structural system is adequate and in good condition.

The handgrip portion of handrails shall be not less than 1 1/4 inches nor more than 2 inches in cross-sectional dimension or the shape shall provide an equivalent gripping surface. The handgrip portion of handrails shall have a smooth surface with no sharp corners.

NOTE: Stair shown with handrail on one side is for illustration purposes only. Stairways shall have handrails on each side except that stairways less than 44 inches in width or 30 inches or less in height may have a handrail on one side only.

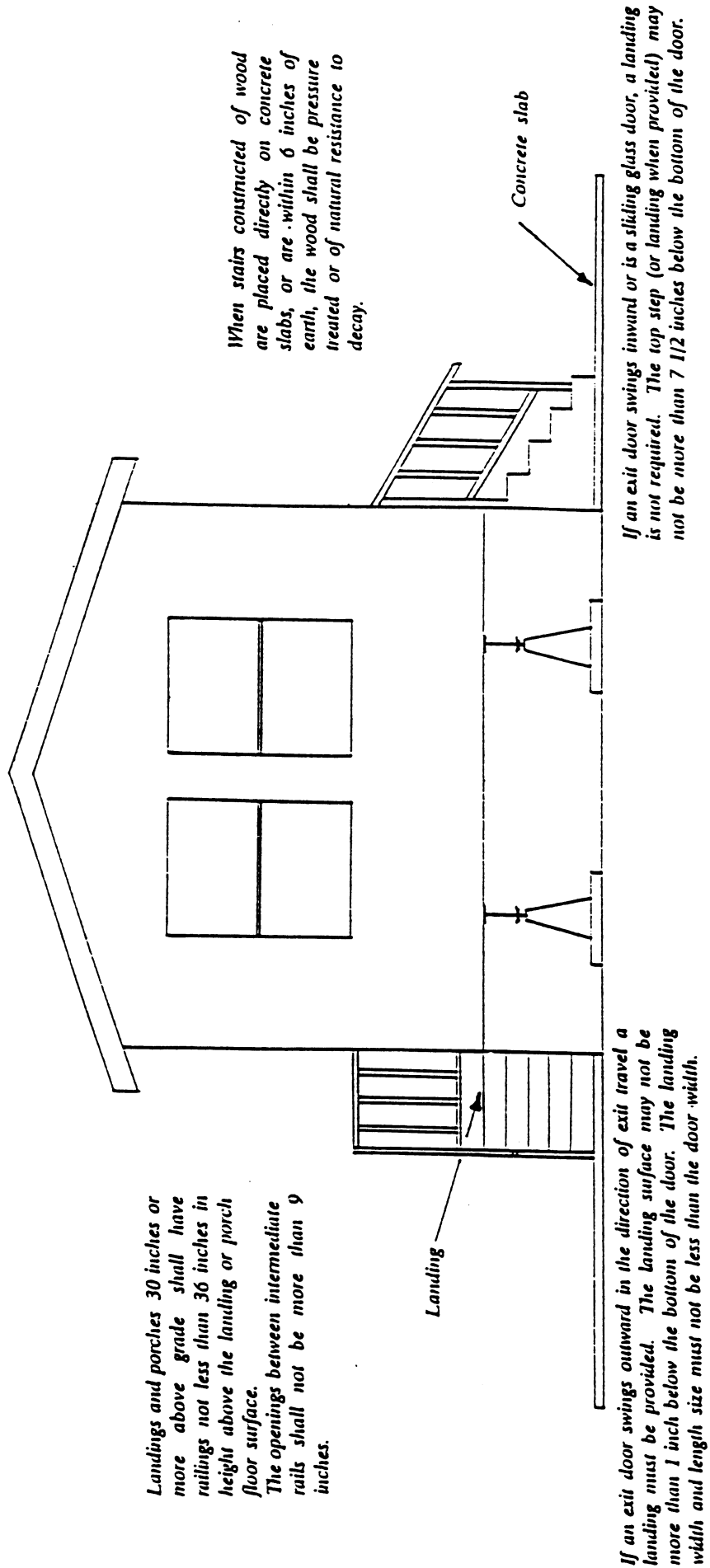
The openings between intermediate rails in open-type railings shall be not more than 9 inches.

Every stairway with two or more risers shall be equipped with handrails and intermediate rails. Handrails shall be not less than 30 inches nor more than 34 inches in height as measured vertically from the nosing of the stair tread.



The largest tread run on the stair shall not exceed the smallest tread run by more than 1/4 inch. The greatest riser height on the stair shall not exceed the smallest riser height by more than 1/4 inch.

Example: If the height of the first riser is 7 inches the remaining risers shall not be less than 6 3/4 inches nor more than 7 1/4 inches.



Landings and porches 30 inches or more above grade shall have railings not less than 36 inches in height above the landing or porch floor surface. The openings between intermediate rails shall not be more than 9 inches.

When stairs constructed of wood are placed directly on concrete slabs, or are within 6 inches of earth, the wood shall be pressure treated or of natural resistance to decay.

If an exit door swings outward in the direction of exit travel a landing must be provided. The landing surface may not be more than 1 inch below the bottom of the door. The landing width and length size must not be less than the door width.

If an exit door swings inward or is a sliding glass door, a landing is not required. The top step (or landing when provided) may not be more than 7 1/2 inches below the bottom of the door.

NOTE: *The illustrations and descriptions herein are simplified for clarity. Refer to the California Code of Regulations, Title 25, Chapter 2, for the specific codes governing mobilehome/manufactured home stair construction.*

AMENDED IN SENATE MARCH 31, 1997

SENATE BILL

No. 485

Introduced by Senator Craven

February 20, 1997

An act to amend Sections 18400.1, 18424, and 18502 of the Health and Safety Code, relating to mobilehome parks, and making an appropriation therefor.

LEGISLATIVE COUNSEL'S DIGEST

SB 485, as amended, Craven. Mobilehome parks: inspections.

(1) Existing law, known as the Mobilehome Parks Act, contains various provisions with respect to the inspection of mobilehomes, including provisions requiring certain local enforcement agencies to enter and inspect all mobilehome parks once every 7 years, as specified, and to submit a report to the Department of Housing and Community Development on the status of the mobilehome park inspection program prior to January 1, 1994. Existing law requires that report to include specified information, including the number of parks and spaces that are scheduled for inspection. Existing law further requires the department to submit a similar report on the inspection program containing the same categories of information, to the Senate Committee on Local Government, the Senate Select Committee on Mobilehomes, and the Assembly Committee on Housing and Community Development, by January 1, 1995. Existing law provides that these provisions shall remain in effect only until January 1,

1999, unless a later enacted statute, enacted before January 1, 1999, deletes or extends that date.

This bill instead would require the local enforcement agencies to submit the required report to the Department of Housing and Community Development after completion of the program's first 7-year cycle and prior to January 1, 1999, and would delete the requirement that the report include information about the number of parks and spaces that are scheduled for inspection. The bill would require the department to submit its status report to the Senate Committee on Housing and Land Use, the Senate Select Committee on Mobile and Manufactured Homes, as well as the Assembly Committee on Housing and Community Development, by March 1, 1999, and, correspondingly, would delete the requirement that the department include information about the number of parks and spaces that are scheduled for inspection in its report. The bill also would extend the last date these provisions are effective to January 1, 2006, unless a later enacted statute, enacted before January 1, 2006, deletes or extends that date.

(2) The Mobilehome Parks Act sets specified fees relating to annual operating permits with regard to incidental camping areas of mobilehome parks. These fees are paid to the Department of Housing and Community Development and deposited in the continuously appropriated Mobilehome Parks Revolving Fund. A provision of the Mobilehome Parks Act, operative until January 1, 1999, sets an annual fee of \$4 per lot and requires the revenues derived from this fee to be used exclusively for the inspection of mobilehome parks and mobilehomes to determine compliance with the act.

This bill would provide that the provision requiring payment of the annual fee of \$4 per lot would remain operative until January 1, 2006. Because the bill would, by extending the period during which payment of this fee would be required, cause additional fees to be paid into the continuously appropriated Mobilehome Parks Revolving Fund, the bill would make an appropriation.

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

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

1 SECTION 1. Section 18400.1 of the Health and Safety
2 Code is amended to read:

3 18400.1. (a) The enforcement agency shall enter and
4 inspect all mobilehome parks, as required under this part,
5 at least once every seven years, to ensure enforcement of
6 this part and the regulations adopted pursuant to this
7 part. Any notices of violation of this part shall be issued
8 pursuant to Chapter 3.5 (commencing with Section
9 18420).

10 (b) In developing its program for inspections, the
11 enforcement agency shall give first priority to inspections
12 of those mobilehome parks which it believes may have
13 the most serious violations of this part.

14 (c) Nothing in this part shall be construed to allow the
15 enforcement agency to issue a notice for a violation of
16 existing laws or regulations which were not violations of
17 the laws or regulations at the time the mobilehome park
18 received its original permit to operate or at the time the
19 manufactured home or mobilehome received its original
20 installation permit, unless the enforcement agency
21 determines that a condition of the park, manufactured
22 home, or mobilehome endangers the life, limb, health, or
23 safety of the public or occupants thereof.

24 (d) This section shall remain in effect only until
25 January 1, 2006, and as of that date is repealed, unless a
26 later enacted statute, which is enacted before January 1,
27 ~~1999~~ 2006, deletes or extends that date.

28 (e) Any local enforcement agency that relinquishes
29 enforcement authority over to the department shall
30 remit to the department fees collected pursuant to
31 paragraph (2) of subdivision (c) of Section 18502 that
32 have not been expended for purposes of that paragraph.

33 (f) Each local enforcement agency that has assumed
34 enforcement authority and has collected fees pursuant to
35 paragraph (2) of subdivision (b) of Section 18502, shall
36 provide the department, prior to January 1, 1999, with a
37 status report on its specific inspection program after
38 completion of the program's first seven-year cycle. The

1 report shall include information on the number of parks
 2 and spaces in its jurisdiction, the number of parks and
 3 spaces that have been inspected, the number and types
 4 of notices of violations issued against the parks, the
 5 number and types of notices of violations issued against
 6 the residents, the number of notices of violations
 7 appealed, the amount of fees collected and expended for
 8 the purpose of the inspection program, and any program
 9 deviations that exist between the local enforcement
 10 agency and the department.

11 (g) The department shall, prior to March 1, 1999,
 12 submit a report to the Senate Committee on Housing and
 13 Land Use, the Senate Select Committee on Mobile and
 14 Manufactured Homes, and the Assembly Committee on
 15 Housing and Community Development on the status of
 16 the mobilehome park inspection program after
 17 completion of the program's first seven-year cycle. The
 18 report shall include information on the total number of
 19 parks and spaces in the state, the number of parks and
 20 spaces that have been inspected, the number of notices
 21 of violations issued against the parks, the number of
 22 notices of violations issued against the residents and the
 23 number of notices of violations appealed, and the amount
 24 of fees collected and expended for the purpose of the
 25 inspection program. The report shall separate the
 26 information according to parks inspected by local
 27 enforcement agencies, parks inspected by the
 28 department, and total program activity. The report shall
 29 also include a discussion of any program deviations that
 30 exist between the local enforcement agency and the
 31 department, obstacles encountered while implementing
 32 the program and any recommendations for change to
 33 make it operate more efficiently and effectively after
 34 January 1, 1999.

35 SEC. 2. Section 18424 of the Health and Safety Code
 36 is amended to read:

37 18424. This chapter shall remain in effect only until
 38 January 1, 2006, and as of that date is repealed, unless a
 39 later enacted statute, which is enacted before January 1,
 40 2006, deletes or extends that date.

1 SEC. 3.
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1 SEC. 3. Section 18502 of the Health and Safety Code,
 2 as amended by Section 2 of Chapter 674 of the Statutes of
 3 1994, is amended to read:

4 18502. Fees as applicable shall be submitted for
 5 permits:

6 (a) Fees for a permit to conduct any construction
 7 subject to this part as determined by the schedule of fees
 8 adopted by the department.

9 (b) Plan checking fees equal to one-half of the
 10 construction, plumbing, mechanical, and electrical
 11 permit fees, except that the minimum fee shall be ten
 12 dollars (\$10).

13 (c) (1) Except for a temporary recreational vehicle
 14 park, an annual operating permit fee of twenty-five
 15 dollars (\$25) and an additional two dollars (\$2) per lot or
 16 two dollars (\$2) per camping party for the maximum
 17 number of camping parties to be accommodated at any
 18 one time in an incidental camping area.

19 (2) Except for a special occupancy park, an additional
 20 annual fee of four dollars (\$4) per lot shall be paid to the
 21 department or the local enforcement agency, as
 22 appropriate, at the time of payment of the annual
 23 operating fee. All revenues derived from this fee shall be
 24 used exclusively for the inspection of mobilehome parks
 25 and mobilehomes to determine compliance with the
 26 Mobilehome Parks Act (Part 2.1 (commencing with
 27 Section 18200)) and any regulations adopted pursuant to
 28 the act.

29 (3) The Legislature hereby finds and declares that the
 30 health and safety of mobilehome park occupants is a
 31 matter of public interest and concern and that the fee
 32 paid pursuant to paragraph (2) shall be used exclusively
 33 for the inspection of mobilehome parks and mobilehomes
 34 to ensure that the living conditions of mobilehome park
 35 occupants meet the health and safety standards of this
 36 part and the regulations adopted pursuant thereto.
 37 Therefore, notwithstanding any other provisions of law or
 38 local ordinance, rule, regulation, or initiative measure to
 39 the contrary, the holder of the permit to operate the
 40 mobilehome park shall be entitled to directly charge

1 one-half of the per lot additional annual fee specified
 2 herein to each homeowner, as defined in Section 798.9 of
 3 the Civil Code. In that event, the holder of the permit to
 4 operate the mobilehome park shall be entitled to directly
 5 charge each homeowner for one-half of the per lot
 6 additional annual fee at the next billing for the rent and
 7 other charges immediately following the payment of the
 8 additional fee to the department or local enforcement
 9 agency.

10 (d) Temporary recreational vehicle park operating
 11 permit fee of twenty-five dollars (\$25), with no additional
 12 fee for the lots.

13 (e) Change in name fee or transfer of ownership or
 14 possession fee of ten dollars (\$10).

15 (f) Duplicate permit fee or amended permit fee of ten
 16 dollars (\$10).

17 (g) This section shall remain in effect only until
 18 January 1, 2006, and as of that date is repealed, unless a
 19 later enacted statute, which is enacted before January 1,
 20 2006, deletes or extends that date.

21 SEC. 4. Section 18502 of the Health and Safety Code,
 22 as amended by Section 3 of Chapter 674 of the Statutes of
 23 1994, is amended to read:

24 18502. Fees as applicable shall be submitted for
 25 permits:

26 (a) Fees for a permit to conduct any construction
 27 subject to this part as determined by the schedule of fees
 28 adopted by the department.

29 (b) Plan checking fees equal to one-half of the
 30 construction, plumbing, mechanical, and electrical
 31 permit fees, except that the minimum fee shall be ten
 32 dollars (\$10).

33 (c) Except for a temporary recreational vehicle park,
 34 an annual operating permit fee of twenty-five dollars
 35 (\$25) and an additional two dollars (\$2) per lot or two
 36 dollars (\$2) per camping party for the maximum number
 37 of camping parties to be accommodated at any one time
 38 in an incidental camping area.

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1 (d) Temporary recreational vehicle park operating
2 permit fee of twenty-five dollars (\$25), with no additional
3 fee for the lots.

4 (e) Change in name fee or transfer of ownership or
5 possession fee of ten dollars (\$10).

6 (f) Duplicate permit fee or amended permit fee of ten
7 dollars (\$10).

8 (g) This section shall become operative on January 1,
9 2006.

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