

California Senate Select Committee on
Manufactured Home Communities

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**“Improving Mobilehome Parks
through Education and Licensure
of Onsite Property Managers”**

August 2016
Sacramento, California

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OVERVIEW

In the 1980's the California State Senate, responding to concerns from mobile and manufactured home park residents regarding unprofessional or untrained property managers, established a research committee that would study the problem. For nearly 30 years, committee staff has gathered facts, held informational hearings, staffed legislation, coordinated free public forums, and published a comprehensive guide to the Mobilehome Residency Law (MRL).

Three decades of legislative response and educational outreach, however, has not significantly improved the professional behavior of many park managers. Committee staff continues to receive phone calls, letters, emails and walk-ins from park residents who complain that park managers threaten eviction without cause, violate park rules, discriminate against select residents, bully defenseless tenants, or allow residents to be harassed by other park residents. Residents have also reported that some managers refuse to explain unusual charges on rent statements, refuse to publish the park rules, declare that park rules prevail over state law, and change park rules without proper legal notification.

Of the nearly 4,600 mobile and manufactured home parks in California, some of those parks' owners are members of the Western Manufactured Housing Communities Association (WMA). Part of WMA's successful membership program is its effective park manager education and certification program. However, there remains a significant number of park owners who are not members, and whose managers are not offered the benefit of such a program.

Committee staff regularly disappoints – and even angers – constituents who call the committee demanding enforcement of the law and investigations of landlord-tenant conditions. Staff has even been asked to recommend mobilehome parks that employ “good” managers.

While the Senate committee's educational handbooks, hearings and conferences have uplifted the awareness of many residents, there is continued pressure on the committee to enforce the law and regulations. Over and over again, the public is dismayed to learn that the Senate does not have enforcement authority.

BACKGROUND

The history of problems caused by untrained park managers has been documented by the Committee. Select Committee hearings in 1992 and 2004 aired the issue for public testimony and debate. In 2005 and 2009 legislation was introduced but neither was enacted.

In recognition of the need for professionally trained park managers, WMA provides certification classes for managers – an endorsement of the importance of education as a component of a successful business model.

The state Department of Housing and Community Development's (HCD) Mobilehome Ombudsman's Office regularly receives complaints from residents about unprofessional behavior of park managers. In its mission statement however, the Ombudsman's Office declares frankly "We cannot assist you with unfair or illegal management practices by mobilehome park management."

It is interesting to note that Oregon and Nevada have statutorily mandated mobilehome park management training and licensing programs. The State of Nevada requires managers and assistant managers to complete six hours of training every year, and the State of Oregon requires at least one manager of each park to complete four hours of training every two years.

The lack of professional training requirements in California code, in comparison to its neighboring states, is perplexing, given the fact that California has been on the leading edge of consumer advocacy, not to mention the fact that California has significantly more mobile and manufactured home parks and trailer parks than its neighboring states. The committee has found that the absence of state mandated training has caused a culture of at-will abuse.

EVIDENCE OF NEED FOR REGULATION

A significant portion of the committee's daily staff work has been assisting residents, from all over California, with problems or questions regarding their rights and protections under the Mobilehome Residency Law and the Mobilehome Parks Act. A partial list of constituents' problems and complaints are as follows:

- Unexplained charges on rent bills
- Home businesses that receive customers even though park rules clearly prohibit it
- Discriminatory rules, in an all-age park, that require children to stay inside mobilehomes unless they are going to/from the car
- Managers who regularly sell homes in the park without a realtor's license
- Managers who sell homes in the park and fail to transfer title
- Manager disallows resident to remove home from park, even though resident has secured proper permits and legal clearance
- Manager allows tow truck to remove coach while tenant is still in the coach
- Manager enforces park rules on non-English speaking tenants, but not on others
- Poorly maintained park utility systems causing unsafe conditions
- Residents not allowed to contact park owner directly
- Park emergency evacuation plans not posted
- Street crime invading park through broken perimeter fences
- Drugs deals and other crimes by other residents

- Feral animals roaming the park
- Park rules changed without proper 6-month notice
- Rents raised without proper 90-day notice
- Illegal and retaliatory evictions
- Managers, hired from out-of-state, who don't know California law
- Managers moving lot lines without State permit
- Manager's family and friends violate park rules without consequences
- Manager will not let residents see list of park rules
- Manager is hostile and belligerent to meek or non-confrontational residents
- Elder residents being forced by manager to put manager's name on the home title
- Manager towing residents' vehicles without proper 7-day notice
- Manager blocking sales of residents' homes
- Resident evicted over violation of park rules that are not in writing
- Suspiciously high utility meter readings
- Rent demanded in cash with no receipt given
- Unexplained fees demanded in cash
- Manager allowing residents to run home businesses and receive customers
- Manager coerces residents to sign petition that would ban HOAs in park
- Manager unresponsive to residents; will not answer door, phone, email, etc.
- Manager demands rent even though park has lost its state permit to operate
- Manager allows some residents to keep aggressive and attack dogs
- Manager's inability to keep residents safe from other threatening tenants
- Manager closes clubhouse so that their family can live there

Committee staff has also received calls from mobilehome park owners and managers who are seeking information on their obligations under state laws and regulations. A partial list includes:

- Request for committee's Mobilehome Residency Law handbooks
- Request for information on how to conduct a legal eviction
- Seeking information on how to enforce park rules
- Inquiring if it is legal to shut off utilities to coach where tenants have not paid rent
- Request info on procedures for warehouse liens and abandonment declarations
- Inquiring about the requirement for issuing the MRL annually
- Inquiring how to manage a tenant who is a sublessee of a resident
- Inquiring about legal responsibilities to assist very needy, frail or dying residents

This report is careful to point out that managers, who have called the committee office for information, express their deep appreciation for the time that staff spends on the phone with them and for the generous distribution of the Senate's MRL handbooks.

Two other states have codified programs to deal with the problems caused by untrained park managers. Nevada's Department of Business and Industry's Manufactured Housing Division, and Oregon's Housing and Community Services program both

regulate park manager training by mandating professional training and issuing certificates.

PRIOR LEGISLATION AND COMMITTEE HEARINGS

Assembly Bill 869 (Mendoza; 2009) would have established a voluntary program of certification for mobilehome park managers specifying the subject matter and hours of instruction, and requiring a competency examination and a certificate of completion. The bill would have also required that notice be provided to homeowners and prospective homeowners regarding whether the park is managed by a Certified Mobilehome Park Manager. Arguments in support of the bill included the point that such a program would ensure more consistent application of the MRL. Arguments in opposition challenged the notion that park managers be singled out for training and certification whereas there is no requirement for apartment managers. AB 869 failed passage out of the first policy committee.

Four years prior, Assembly Bill 1469 (Negrete-McLeod; 2005) would have required an onsite mobilehome park manager to complete a specified number of hours of educational programs to be approved by the Department of Housing and Community Development; would have required the park manager to post proof of completion and compliance with the educational program requirements in a conspicuous place within the mobilehome park; and would have authorized the department to assess a civil penalty against an owner if the department finds that the owner or operator has not made a good faith effort to comply with the requirements. AB 1469 was vetoed by the Governor.

The Committee conducted two informational hearings on this subject, in 1992 and 2004, in response to residents' requests to the Legislature for a solution. At both hearings, testimony confirmed that most of the problems between managers and residents is a result of untrained managers.

THE ROLE OF REGULATORY BODIES

The landlord-tenant relationship in a mobilehome park is more complex than in a standard rental situation. A mobilehome park resident typically owns their home, which in itself expresses a commitment to a stable and settled lifestyle. As a consumer, the resident's investment is situated in a mobilehome park. When viewed in this perspective, the rights of the resident-consumer should be protected under California law.

The California Consumer Affairs Act states

It is the intent of the Legislature and the purpose of this chapter to promote and protect the interests of the people as consumers. The

Legislature finds that vigorous representation and protection of consumer interests are essential to the fair and efficient functioning of a free enterprise market economy. The Legislature declares that government advances the interests of consumers by facilitating the proper functioning of the free enterprise market economy through (a) educating and informing the consumer to insure rational consumer choice in the marketplace; (b) protecting the consumer from the sale of goods and services through the use of deceptive methods, acts, or practices which are inimical to the general welfare of consumers; (c) fostering competition; and (d) promoting effective representation of consumers' interests in all branches and levels of government. (Business and Professions Code Sec. 301)

The Department of Consumer Affairs (DCA) website declares, in its mission statement, "DCA helps consumers learn how to protect themselves from unscrupulous and unqualified individuals"; and further, "We are committed to honesty, ethical conduct, and responsibility."

DCA's functions are listed (in part) as "licensing, education [and] enforcement..." It also proclaims that it "...issues licenses in more than 100 business and 200 professional categories..." Within these parameters, the inclusion of a mobilehome park manager licensing program would be logical.

The landlord-tenant relationship in a mobilehome park is a consumer-to-business arrangement in which the mobilehome owner cannot immediately relocate his/her investment elsewhere when the park employee consistently acts in an unprofessional manner.

A regulatory board that would oversee the education and licensing of mobilehome park managers would protect the investment values of both park residents' and park owners'.

A PROPOSED MOBILEHOME PARK MANAGER LICENSURE AND ENFORCEMENT PROGRAM

The committee recognizes the obvious need for mobilehome park managers to be trained and licensed. The body of knowledge that a manager must be aware of to effectively manage a park is tremendous. The Mobilehome Residency Law, the Mobilehome Parks Act, and Title 25 make up the foundation that governs mobilehome park tenancy and health and safety on a daily basis. Add to this, the Americans with Disabilities Act and the federal Housing and Urban Development Department's fair housing standards. Currently there is no provision that requires park managers to know any of this.

An education and licensing program would ensure law-abiding park employees, which would result in reduced crime and enhanced safety in mobile and manufactured home parks.

CONCLUSION

Years of research, fact-finding, legislation, hearings, and constituent casework by the Senate Select Committee on Manufactured Home Communities has unequivocally proven the need for professional park manager training and an obvious need for consumer protection. A public hearing on this issue will determine if the people of California concur with the findings of the committee.

The importance of employee training, as part of a sound business model, is already acknowledged by Western Manufactured Housing Communities Association which has, for years, provided an annual education program for their members' park managers.

California should consider joining Nevada and Oregon by instituting a similar professional training program.
