

California Mobile Home Newsletter

Recent 2023 Issues

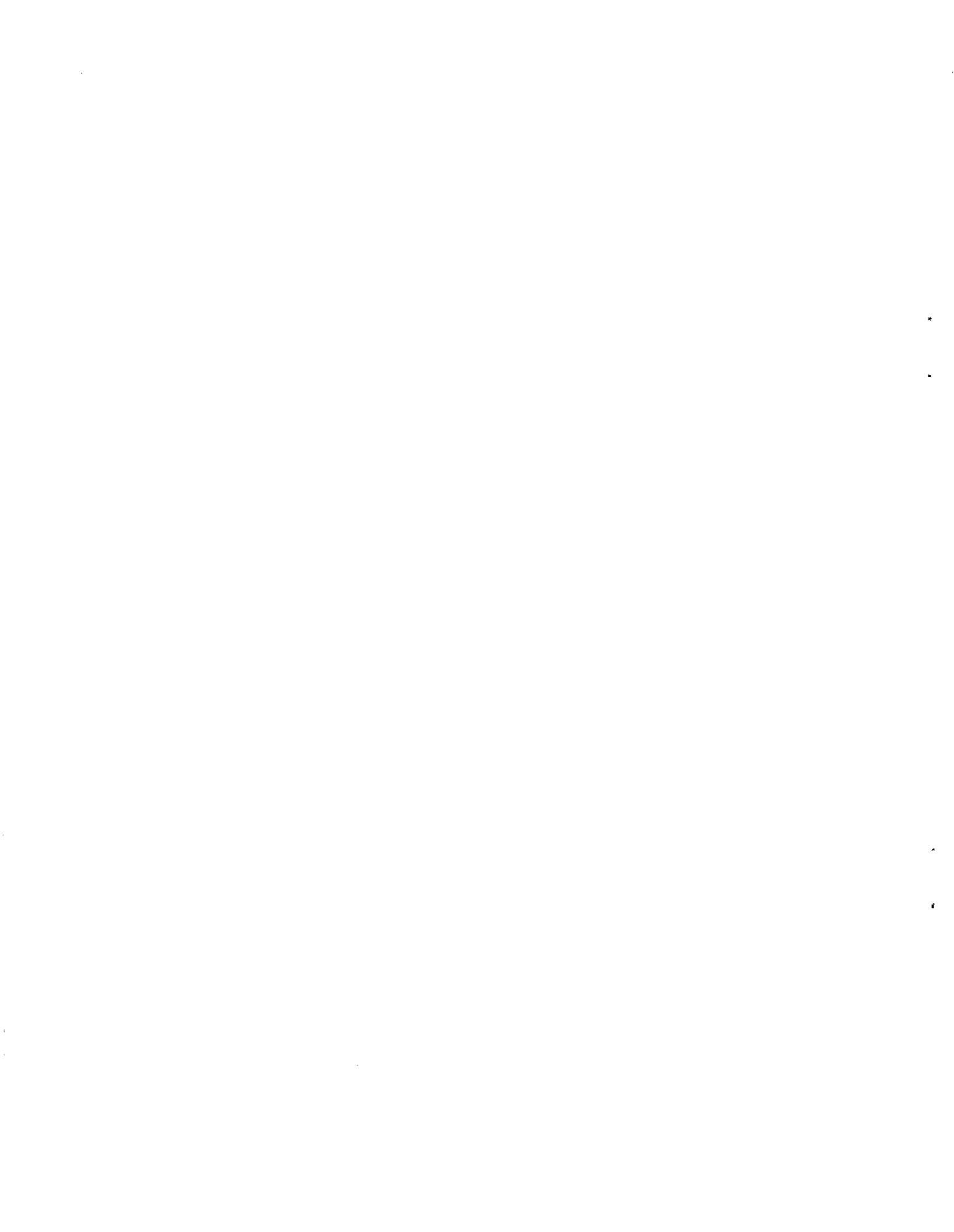
August

September

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California Mobile Home News

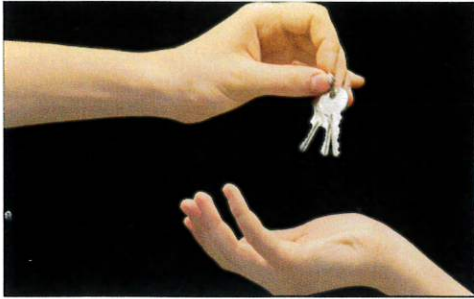
Information of Interest about Mobile Home Park Living

AUGUST 2023

www.californiamobilehome.news

VOL. 11 NO. 8

HOME SHARING: Share Your Space, Split The Rent!



Sharing your home can be an option for homeowners of any age, but for seniors it can be helpful. Consider the following benefits: Companionship, rental income, household help, transportation, peace of mind for family and friends who are worried about seniors living alone. Those looking for rooms to rent participate in

home share programs for a variety of reasons. As an example, students have free time to help but not a lot of money, or seniors have recently retired and have limited income.

There are some on-line websites that provide information on home sharing and others that actually work to match people up. Nolo is a do-it-yourself legal site with a good section on Senior Home Sharing: <https://www.nolo.com>.

Another interesting and helpful site that matches homeowners and potential roommates for seniors is Senior Home Shares. Visit their website at <https://www.seniorhomeshares.com/>. And remember, as a mobile home park

community resident you will need to check with the community manager to confirm which rules apply to roommates. Typically, you will need to register your roommate with the manager and, of course, you cannot exceed the occupancy limits for the size of your home in accordance with your park's policies and rules.



Ways To Celebrate Our Beloved Senior Citizens On August Twenty-First!

On August 19, 1988, President Ronald Reagan proclaimed that August 21st would be dedicated to celebrating the senior citizens of our nation. These individuals have accumulated the most wisdom, life experience, and accomplishments compared to the younger generations. As time goes on and aspects of life advance and progress, we can acknowledge that our senior citizens have seen the most drastic changes and adapted with grace.

Please join us in appreciating the senior citizens in our lives! They have served our country, communities, and economy and have helped make our nation into what it is today.

Some ways to celebrate National Se-



nior Citizens Day are to call or visit the seniors in your life and spend some quality time with them. Ask them about their lives; they have unique and priceless stories to share. Take them out for a meal! Some restaurants may even offer a special senior citizen discount on August 21st. You can also

volunteer at a retirement home or a convalescent center. Bring your joy and kindness into these spaces and brighten up their day.

Source: National Day Calendar

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APPRECIATING YOUR MANUFACTURED HOME COMMUNITY LIFESTYLE

There are lots of reasons to appreciate where you call home. In a recent poll, the top two reasons mobile home community residents stated for their enjoyment of manufactured home community living were the affordability and the location. Let's take a minute to look at Orange County. The median home prices in

Orange County were recently announced in the Orange County Register as a million dollars! And, in the same paper, a Realtor is advertising million-dollar lots in downtown Huntington Beach that are smaller than most mobile home park spaces/lots! It is indeed a time to enjoy and appreciate your housing choice! ■

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HOW TO BE MORE AWARE OF SCAMMER SPAM ON & OFFLINE

Unfortunately, scammers are out there taking advantage of innocent people, and their petty crimes are not exactly something you can call the police about. But it still impacts you; therefore, we hope that these recommendations will help you defend your assets and identity from these cruel criminals.

Take your time. Scammers like to create urgency in their messages, letters, and phone calls in order to force people into hasty decisions. Are their messages written in all capital letters or include exclamation points? Do they use words like "urgent" or "expiring soon"? Do not panic and take a moment to read the message or letter fully, or ask questions if you are on the phone with a potential scammer. Don't click on any links, and even be wary of files and images!

Personal details are key. Many scammers will send invoices or balance statements that look real—they may have even found a way to put company logos on these documents. But did they include important, personal details such as your first and last name, account numbers, policy numbers, loan numbers, vehicle identification numbers, the last four digits of your social security number, etc.? If this invoice or bill is real, it will include some details that you can verify are truly associated with your identity and assets.

Mobile Home Residency Law Frequently Asked Questions

Q: Can the park charge first months' rent plus a 2-month security deposit?

Normally, when a mobilehome owner is accepted for residency in a mobilehome park and signs a rental agreement, charging first month's rent and a 2-month security deposit are permitted. (Civil Code §798.39) After one full year of satisfactory residency (meaning all rent and fees have been paid during that time), the resident is entitled to request a refund of the 2-month security deposit, or may request a refund at the time he or

If you are still uncertain, call. Some scammers are better at their "jobs", and have gathered some information about you ahead of time. If the payment request looks real and contains some information that looks correct, and you are still not sure it is legitimate, do your due diligence and call the company that is requesting payment. If there is a phone number



listed on the document, do not use it; instead, locate their contact information on a reliable document you have saved from that company, or search for their verified customer service phone number online.

Dealing with the aftermath. If you have dodged a scammer, report them

she vacates the park and sells the home. (Civil Code §798.39(b))

Recap:

A 2-month security deposit may be charged.

A security deposit refund is allowed after one year if all rent and fees have been paid. ■

Source:
California Department of Housing & Community Development.

to the Federal Trade Commission at <https://reportfraud.ftc.gov/#/>. Once you have done this, delete their message and block them, or throw away their spam mail so you do not accidentally follow up with them later. ■

Source: UPS

Resources & Information

Section 8 Rent Assistance

Section 8, also known as Housing Choice Voucher program, is a program that provides rental assistance to qualified renters. You can apply for Section 8 vouchers at any Public Housing Authority office in any county or city of residence.



MHET members support rent subsidies for qualified low-income mobile home owners in non-rent controlled jurisdictions. For more information call **(949) 380-3311**.

Mobilehome Assistance Center

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Call TOLL FREE: (800) 952-8356 or visit www.hcd.ca.gov/mobilehomeassistance-center

Southern California Mobilehome Hotline

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Back to School: Tips For Success Going Into A New School Year

It's back-to-school season! If you are a student, you may be feeling ready to leave summer break behind and get back into a routine. You may even be ready to see if you can improve your academic skills. Here are some practical tips to guide you to a successful school year.

Brain food. Having a diet rich in antioxidants, healthy fats, vitamins, and minerals really does give your brain energy and protect brain cells. Brain foods include avocados, blueberries, broccoli, eggs, salmon, walnuts, and even dark chocolate.

Natural energizers. Those morning

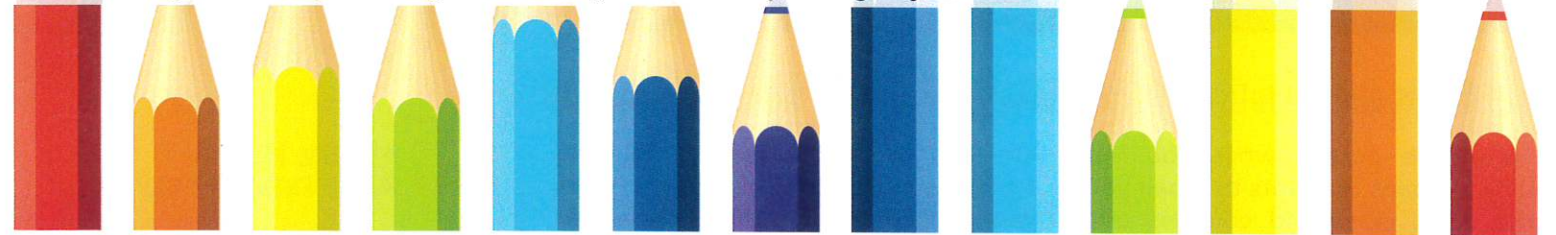
classes can feel too early, especially right after a summer of sleeping in. Maintain a healthy sleep schedule, take power naps as needed, and drink lots of water. Include some exercise in your daily routine and eat plenty of protein in order to build a more natural and steady energy bank.

Proactivity. Have you ever completed a task or project long before its due date? It feels incredible to take something so time-consuming off your list of to-dos. If you want to minimize stress and pressure throughout your school year, aim to be more proactive about your homework and projects. This good habit may even give you

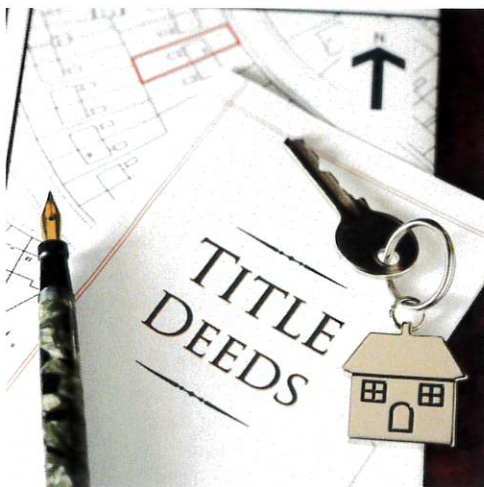
time to tweak your work until the finished product is a sure A+.

Study groups. Studies show that learning in a fun, relaxed environment helps you retain the material more easily. To achieve this environment, we recommend putting together a study group. Try to think of fellow students you get along with but who will not cause distractions, and who will be committed to and contribute to the study group. Make it fun with snacks and drinks, and take short breaks. ■

Sources: Thrive, Growth Engineering, Dr. Axe



How To Gain Possession of the Title and Registration of Your Mobile Home



There are so many ways in which you can benefit from possessing the title and registration of your mobile home. These documents allow you to transfer the title to another individual should you wish to leave your home in the possession of a loved one, or if you simply wish to sell your home. It can also prove your registration to a landlord or park manager.

More practical reasons to possess these documents include applying for fire and/or flood insurance, the ability to apply for energy-efficiency and the ability to obtain permits to improve your home. You need permits from HCD to upgrade your roof, water heater, and other areas of your home that could use improvement or repairs.

You may not be able to receive your title if you have back fees and taxes due on your home. Thankfully, there is a state program that is set up to waive all or part of the costs that are causing the lien that is on your property. Contact Register Your Mobilehome California at (916) 838-8613 or at www.RegisterYourMobilehomeCA.org. They have Spanish-speaking staff and interpreters for other languages available. ■

Source:
California Department of Housing & Community Development (HCD)

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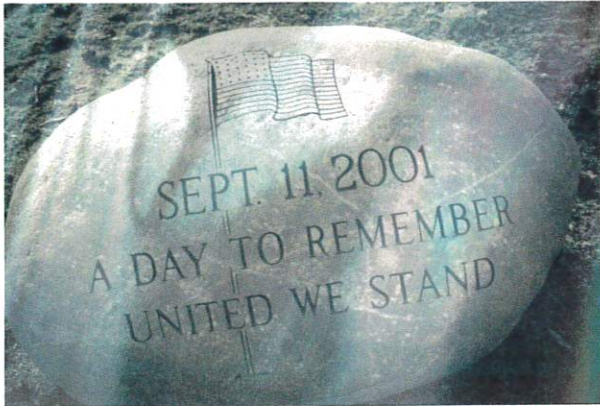
NEVER FORGET: "WE HAVE EMERGED STRONGER AND MORE UNIFIED"

For many of us, September can be a difficult month to face, as its 11th day marks the last time our great nation experienced a traumatic terrorist attack. We may often think of where we were that day, turning on the news,

calling our loved ones, and the rest is a blur of shock and bewilderment. But let us remember that day in a more healing way; let us observe it by honoring the 2,977 individuals whose lives were lost, comforting their friends and families, and reflecting on how resilient our nation became thereafter.

gious freedom, the rule of law, and respect for human life. We are more determined than ever to live our lives in freedom." Let this statement ring true in our lives and show in our actions toward our fellow citizens so that we as a nation can never forget. ■

Source: Holiday Insights



Former NYC Mayor Rudy Giuliani said, about the infamous event, "The attacks of September 11th were intended to break our spirit. Instead, we have emerged stronger and more unified. We feel renewed devotion to the principles of political, economic, and reli-

Resources & Information

Section 8 Rent Assistance

Section 8, also known as Housing Choice Voucher program, is a program that provides rental assistance to qualified renters. You can apply for Section 8 vouchers at any Public Housing Authority office in any county or city of residence.

Local Cities and Counties Provide Loans and Grants For Home Repairs

As a mobile home owner, you may qualify for loans or grants to repair your home. Most cities and counties offer home repair funds to qualified low-income homeowners. Typically, these jurisdictions offer 5-year grants for low-income families for up to a maximum amount. The grant must be paid back if the owner sells the home within 5 years. Programs vary from jurisdiction to jurisdiction, and some provide low-interest loans as well. It is worth checking out what is available from the

city you live in. Search for Housing Rehabilitation Programs on your city's website for more detailed information. ■



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Mobile Home Residency Law Frequently Asked Questions

Q: Can the park charge the resident a late fee if they missed paying the rent and utility bill by one day?

Late fees on rents, utility charges or other pass-through fees are not regulated by the MRL, however, California court cases regarding late fees generally have upheld residential leases with preset late penalties if they bear a reasonable relationship to the actual damages that could be anticipated or sustained by the landlord for late payment, such as administrative costs relating to accounting for and collecting the late

payments. For example, a 3% charge for late payment of rent (\$15 on a \$500 rent bill) is probably going to be construed as reasonable. Whether \$50 is reasonable depends on the outstanding amount of the late rent and utilities owed. ■

Recap:

If the signed lease or rental agreement stipulates a late fee, then the resident must pay.

Source: California Department of Housing & Community Development (HCD)



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Happy Halloween! The Origins and History of All Hallows Eve

Where did Halloween come from? You might have been told that it holds its origins in the Mexican holiday, the Day of the Dead. But that is actually a completely separate holiday altogether, from the days it is celebrated to the traditions performed to its ancient origins in Aztec and other cultures.

Halloween originated in ancient Celtic culture. The Celts celebrated a festival called Samhain (pronounced SAH-win), during which people believed spirits appeared and walked about deciding who among the living would die the following year. The Celts would dress in scary costumes to ward them off and left treats on their doorsteps for the spirits.

Samhain took place during the Celtic month, Samon, for which it is named. This time on the Celtic calendar can also be referred to as "Samonios",

What Is the CPI and How Does It Impact Households?

There is a lot of talk these days about the increase in the CPI, or the "Consumer Price Index". The CPI is the measure of the average change over time in the prices paid by urban consumers for a market basket of consumer goods and services. In other words, it measures the increase in the cost of everything we pay for – food, rent, automobiles, gas, loans, etc. There is a wealth of information available on the U.S. Bureau of Labor Statistics (BLS) website: www.bls.gov/cpi/

When the CPI increases, it impacts everyone because it means it takes more dollars to buy the same goods and services, and it impacts rent and mortgage rates. Many mobile home parks have rental agreements ranging from month to month, one year or longer terms. In the long-term agreements, annual rent increases are frequently tied to the change in the CPI.

marked by the late-October/early-November lunation.

Pope Gregory III marked November 1st as a day for honoring the saints in the eighth century, which contributed to the idea that the living could meet the dead during the harvest season. He called this day All Saints Day and the night before was called All Hallows Eve, now known as Halloween. ■

Sources: Library of Congress, Padre Azul, New World Encyclopedia



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Source: State of California Department of Industrial Relations

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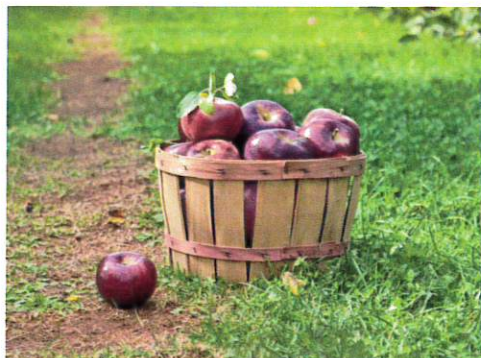
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WHERE TO GO TO SEE FALL COLORS IN SOUTHERN CALIFORNIA

It's the Autumn season again, and while we do see some leaves changing colors around us, we may find ourselves wishing we could see trees covered in red, orange, and gold leaves for miles in every direction. It would be the ultimate Fall experience! Here are some places with truly autumnal views that are reasonably close to Southern California and easy to visit for the day.

Stoddard Peak: This spot is right near Mount Baldy. It includes a 6-mile, 1,000 ft-elevation hike, if you're up for the exercise.

Big Bear Lake: This area provides a gorgeous view of the lake surrounded by deciduous trees that are at their



peak from mid-October through November. The Woodland Trail at this location is a nice family-friendly hike that will offer the best views of the Fall landscape.

Grass Valley Lake: Located near Lake Arrowhead, this reservoir offers a picturesque Fall landscape of the lake and various types of trees.

Oak Glen: Known for its apple orchards, this spot has the most incredible collection of walnut (yellow-leaf) and oak (red leaf) trees. This is a great way to make a whole day of leaf-hunting—by including apple-picking and orchard-exploring on the itinerary!

Julian: Historically, Julian was a mining town, but it is now known for being one of the southernmost spots where you

can see Fall colors. The best time to see the leaves change colors in Julian is from late October through early November. They also have apple orchards and are known for their delicious pies! ■

Source: SoCal Field Trips

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Mobile Home Residency Law Frequently Asked Questions

Q: Does the law require a manager to be on the premises at all times in case of emergencies?

Not exactly. State law requires a manager or his/her designee to reside in parks with 50 or more spaces, but does not require them to be on the premises 24 hours a day. (Health and Safety Code §18603) It also requires a person to be available by phone, pager, answering machine or answering service, and to reasonably respond in a timely manner to emergencies concerning the operation and maintenance of the park. The agency responsible for enforcement of park

health and safety requirements is either local government or HCD.

Recap:

- The park manager does not have to be on the premises 24 hours a day.
- Parks with less than 50 spaces do not require a manager to live on the premises.
- The park manager does have to be available by phone or other communication device to respond to health and safety emergencies affecting the park. ■

Source:
California Department of Housing & Community Development (HCD)



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Happy Thanksgiving! Here are some quotes about gratitude

As we enter the Thanksgiving season, let us prepare our hearts and minds with thankful thoughts and attitudes. With so much to appreciate in our lives, it can be easy to take our blessings for granted. Take a moment to be inspired by wise words from some well-known writers and speakers, and ponder all the things that fill your life with joy.

"So it is not happiness that makes us grateful. It's gratefulness that makes us happy."

-David Steindl-Rast

"Life is strange, beautiful, and terrifying...and I am thankful for every minute of it that I have had. I am thankful for every minute yet to come."

-Benjamin W. Bass

"When you arise in the morning, think of what a precious privilege it is to be alive—to breathe, to think, to

enjoy, to love—then make that day count!"

-Steve Maraboli

"Each day brings new opportunities, allowing you to constantly live with love—be there for others—bring a little light into someone's day. Be grateful and live each day to the fullest."

-Kyo Maclear

"Always remember people who have helped you along the way, and don't forget to lift someone up."

-Roy T. Bennett

"Enjoy the little things, for one day you may look back and realize they were the big things."

-Robert Brault

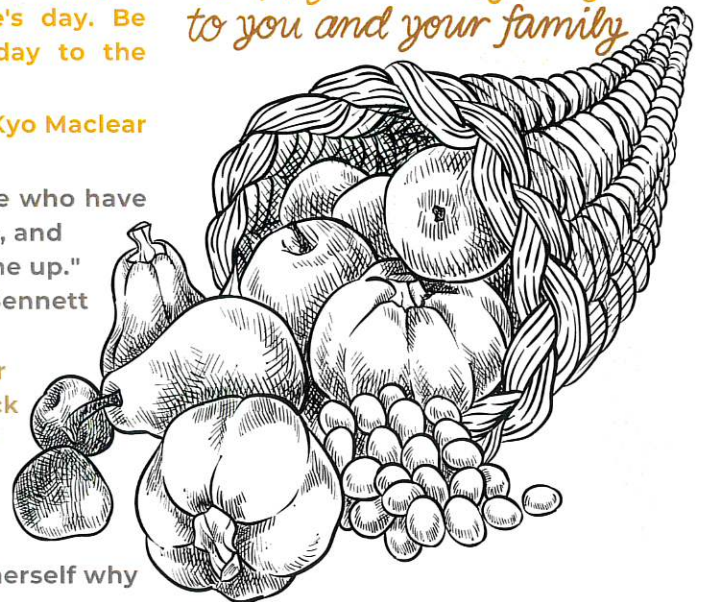
"She could go on asking herself why

roses had thorns or she could be thankful that thorns had roses."

-Ella Griffin

Source: Oprah Daily

Happy Thanksgiving
to you and your family



How are Mobile/Manufactured Homes Valued?

The old saying, "Location, location, location!", determines the value of a home or land, and it is no different for mobile homes/manufactured homes. Have you heard about the multi-million-dollar mobile homes located in Paradise Cove in Malibu? Back in 2019, an old double-wide sold for \$1.95 million. It was on the market for less than two months. The same 1960's mobile home model located in any other Southern California park would sell for a fraction of this amount. As an example, a 1968 double-wide mobile home located in a nice mobile home park in Corona sold for \$70,000 in 2022.

Why such a difference in the sales price of these homes? The buyers of these two mobile homes purchased the same thing – a double-wide mobile home sitting on a lot in a mobile home park. The only thing they

purchased was the mobile home. They rent the land the home sits on. The value is in the land and the location, not in the home or structure sitting on the land that they purchased. In both cases, the buyer paid more than the mobile home is worth because of the location in a mobile home community. Why? Because they were willing to pay more for the location of the home in a park. They paid for the value of the leasehold interest to be able to remain in the park, or, in other terms they paid the "in place" value of the home.

The location of a mobile home or manufactured homes adds to the resale value. It adds more if the home is located in a very desirable location or, on the other hand, less if in a not-so-desirable location. ■

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The Social Security Administration's 2024 Cost-of-Living Adjustment Announcement

The Social Security Administration (SSA) has just released an announcement that there will be a 2024 cost-of-living adjustment (COLA) that will affect more than 71 million Americans' Social Security benefit amount in the new year. They will receive a 3.2% increase in their SSA benefits, as well as their Supplement Security Income (SSI) payments in 2024.

The SSA office will be mailing COLA notices to recipients affected by it during the month of December 2023. If you would like to know your new benefit amount before you receive your notice in the mail, you can find an electronic version of your COLA notice on the Message Center in your private portal, my Social Security. The updated benefit amounts will not be available before the month of December 2023.

If you do not currently have a my Social Security account, you can create one by visiting www.ssa.gov/myaccount/. You will be directed to an action page where you must click "Create an account with Login.gov" and follow the directions in order to successfully make a my Social Security portal. Other benefits of having the my Social Security account are being able to view

estimates of future increases, your latest SSA statement, your earnings history, and the status of an application. The portal also makes it easier to request to replace your Social Security Card. ■

Source: Social Security Administration



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Mobile Home Residency Law Frequently Asked Questions

Q: Is the park required to provide a lease agreement in the language of the resident if the resident is non-English speaking?

Not in most cases. Civil Code Sec. 1632 provides that a person engaged in a trade or business, who negotiates a contract or lease -- including a rental agreement covering a dwelling, apartment or mobilehome -- in Spanish, Chinese, Tagalog, Vietnamese, or Korean, shall provide the other party, if he or she requests it, with a written copy of the contract or agreement in that language prior to execution of the document. However, this provision does not apply to contracts or agreements negotiated with the use of an interpreter, or to month-to-month rental agreements. Additionally, most mobilehome parks do not "negotiate" their leases with homeowners or prospective homeowners, but rather offer the lease on a "take it or leave it" basis.

tracts are not negotiated and therefore they do not have to be offered in languages other than in English.

Q: When will the CA State Senate's MRL handbook be translated? There is great demand for Spanish, Vietnamese and other languages.

For many years, the State Senate translated the Mobilehome Residency Law (MRL) into Spanish. At one time the MRL was also available in Vietnamese. The last Spanish translation was done in 2012, and the last Vietnamese translation was done in 2007. Over the years, budget cuts have made it impossible to acquire updated translations. Since the MRL is in the public domain, communities may translate the MRL for their members. ■

Source:
California Department of Housing & Community Development (HCD)

Recap: Most mobilehome lease con-



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HAPPY HOLIDAYS! FUN AND FREE HOLIDAY EXPERIENCES TO ENJOY

This holiday season is already looking merry and bright! There are quite a few free activities in Southern California that can add some festivity to your holiday experience. Check out the following events and resources we found for you and your loved ones to enjoy. A fun website to visit is Daytrippen's guide to Southern California Christmas Events: www.daytrippen.com/southern-california-holiday-events/.

Christmas Together 2023

On December 10, Families Together of Orange County will be putting together a whole Christmas experience for all to enjoy free of cost at the Anaheim Convention Center. They plan to give away 30,000 toys to children of the community, as well as provide carnival rides, games, raffles, entertainment, pictures with Santa Claus, and food. You will need to register, spots are limited, and you can only register one time per household, so visit the following website link,



www.eventleaf.com/e/ChristmasTogether2023, and register as soon as you can!

A resource for other Orange County Holiday Events is Orange County Winter Holiday Events at <https://enjoyorangecounty.com/winter-events/>.

Mission Inn Festival of Lights

The Mission Inn Hotel & Spa's Festival

of Lights is one of the nation's largest holiday light collections, voted "Best Public Lights Display" by USA Today. Every year, the Inn's festival gains new energy, grows in popularity, and ushers in an increasing number of visitors to the Riverside area. This year's Festival of Lights takes place from November 18, 2023 - January 7, 2024. The Mission

Inn is located at 3649 Mission Inn Avenue, Riverside. For more information visit: www.missioninn.com/about/festival-of-lights.

Wishing you and your family a wonderful holiday season! ■

Sources: Families Together OC, USA Today

The California Climate Credit Explained

Every spring and fall, millions of California residents receive credits on their electric and natural gas bills identified as the "California Climate Credit." The California Climate Credit is part of California's efforts to fight climate change.

Most residents receive a natural gas credit in April, and electric credits in April and October. For 2023, the Commission has accelerated the distribution of the residential spring electric and natural gas California Climate Credits. The climate credit provides ratepayers with their share of the benefits of California's Cap-and-Trade Program. Accelerating the California Climate Credit will help mitigate large and unexpected bill increases resulting from higher natural gas prices this winter season.

Credits are given by the following participating investor-owned electric and gas companies: PG&E, SDG&E, SCE, Pacific Power (PacifiCorp), Liberty Utilities (CalPeco Electric), Bear Valley Electric Service, and SoCalGas.

If you did not receive your electric and natural gas California Climate Credits in April 2023, contact your utility company. Electric customers should have received another credit in October 2023.

To learn more about the Climate Credit, please visit www.cpuc.ca.gov/climatecredit. ■

Source: The California Public Utilities Commission

Introduction

California Mobile Home News provides a forum for sharing information of interest to people who live and work in mobile home park communities in California and anyone else who is interested in knowing more about mobile home living. The California Mobile Home News is sponsored by the Manufactured Housing Educational Trust, a non-profit association that has worked to promote and preserve the mobile home park lifestyle since its incorporation in 1982. Please feel free to copy and distribute this newsletter as it is printed with all attributions and information as originally printed. You are invited to visit our site www.californiamobilehome.news and participate in the exchange of information on mobile home parks!

California Mobile Home News

Information of Interest about Mobile Home Park Living

DECEMBER 2023

www.californiamobilehome.news

VOL. 11 NO. 12

Tips For Keeping Your Mobile Home Warm This Winter

Keeping your mobile home warm in the colder season is a must, especially because some mobile homes do not have the same ability to insulate temperature as well as other types of homes. Plus, you can be saving on your heating bills if you keep certain things around your mobile home in check.

Add window treatments. Shades and draperies can let the sunshine in during the day and shut out the cool

air at night. Solar shades and thermal-lined draperies are more costly, but offer more insulation. You may also want to repair cracked or broken windows.

Install draft stoppers in the space beneath your doors. You can easily make one by rolling up a towel or blanket. Roll out rugs and make sure none of your furniture is blocking any of your heating vents.

Make sure your electrical outlets are not cracked and are insulated with caulking, and be sure to change your furnace filter regularly. Opening your oven door after baking a hot meal or dessert is a great way to take full advantage of the heat we use in the kitchen. ■

Source: AARP

HOMEOWNERS INSURANCE IS EXTREMELY IMPORTANT

We asked MHET member Barry Cole of Manufactured Housing Insurance Services about the recent difficulty in obtaining insurance on homes. Barry specializes in insuring manufactured homes. He advised us that large companies such as Allstate, State Farm, Farmers, Geico and others have stopped binding new homes in California, and many are not renewing existing policies.

We asked him why that is. It is due mainly to the magnitude of losses due to wild fires, the state's difficult bureaucracy, and enormous fraudulent claims. Manufactured Housing Insurance Services is receiving calls for new manufactured home insurance

and manufactured home insurance and are trying to respond to all requests for insurance coverage. He shared that insurance is being offered by the California Fair Plan (CFP). However, he is concerned that the policies offered under the CFP are more expensive and are not the complete coverage that homeowners need.

Remember, when insuring your home, it is important to have adequate coverage to replace the home in the event of a complete loss. ■

Source: *Manufactured Housing Insurance Services: <https://www.mhis.info/> Toll Free: 866-644-7111.*

Mobile Home Residency Law Frequently Asked Questions

Q: Can the park end a resident's tenancy by refusing to enter into a new rental agreement?

No, not if the resident is a homeowner. Under the Mobilehome Residency Law (MRL), homeowners normally rent under a month-to-month or 12-month rental agreement or long-term lease of more than one year. When the term of the rental agreement is up, the management cannot elect to end the tenancy but must offer a 12-month or month-to-month agreement if requested by the homeowner. Residents who own their mobilehomes in the park cannot be evicted because their lease has expired -- only if they have not paid the rent, or have violated

park rules or regulations. (Civil Code §798.56) However, if the resident is a tenant -- not a homeowner -- who rents a park-owned mobilehome, such a tenancy would be governed by conventional landlord-tenant law. In that case, the park can terminate the tenancy without a reason with a 30-day notice.

Recap:

The park cannot terminate a resident's tenancy when the lease or rental agreement expires -- only when the rent has not been paid or a rule has been violated. ■

Source: *California Department of Housing & Community Development (HCD)*

Resources & Information

Section 8 Rent Assistance

Section 8, also known as Housing Choice Voucher program, is a program that provides rental assistance to qualified renters. You can apply for Section 8 vouchers at any Public Housing Authority office in any county or city of residence.



MHET members support rent subsidies for qualified low-income mobile home owners in non-rent controlled jurisdictions. For more information call (949) 380-3311.

Mobilehome Assistance Center

California Department of Housing and Community Development (HCD)
Call TOLL FREE: (800) 952-8356 or visit www.hcd.ca.gov/mobilehomeassistance-center

Southern California Mobilehome Hotline

Call TOLL FREE: (855) 438-6438
For questions specifically related to Southern California mobile home parks located in Orange, Riverside, and San Bernardino Counties, you may call the Southern California Mobilehome Hotline.



Q Why are older mobile homes located in an existing park more expensive to buy than a new manufactured home from the factory?

A Older mobile home sell for more than the Blue Book value of the home because it is being sold "in place" and the new buyer is paying for the value of the location of the home as well as the value of the land and services that come with the purchase of a mobile home located in a community.



Q Are mobile home parks/manufactured housing communities low-income housing?

A No. They are generally more affordable than some other forms of housing, but it depends on the location. Affordable housing developments have income limit requirements that mandate residents meet low-income requirements to move in. That is not the case in a mobile home park. Homeowners of all income levels enjoy the manufactured housing community lifestyle.

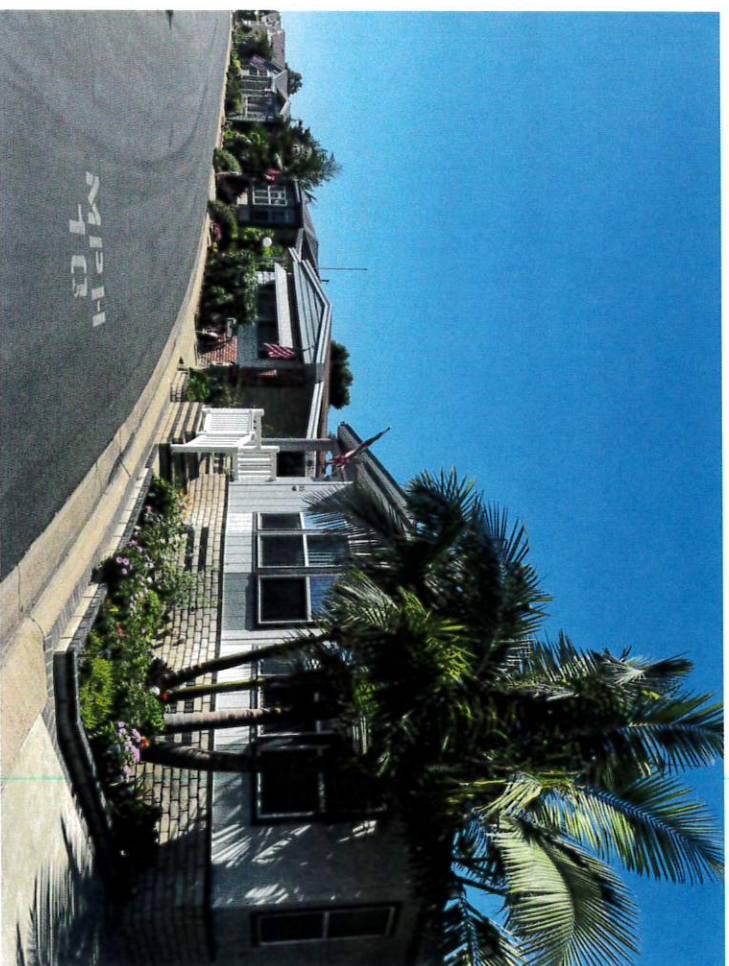
Q Why is rent often increased when mobile home parks that have been in a long term ownership sell to a new owner?

A California's Proposition 13 mandates that property taxes increase upon resale. This results in increasing the cost of operating a mobile home park and this cost may be passed on to the owners of mobile homes living in the community.

Q Is there a limit to the number of people who can occupy a mobile home?

A The typical rule of thumb for apartment occupancy and mobile home occupancy is two persons per bedroom plus one. A three-bedroom home could have a maximum occupancy of seven, as an example.

**Thinking about Mobile Home Park/
Manufactured Housing Community
Living as A Lifestyle Choice?**



Frequently Asked Questions and Answers

Presented by the Manufactured Housing Educational Trust



**Other questions? ASK MHEt!
Manufactured Home Educational Trust**

(949) 380-3303 — info@mhet.com



For more information,
visit <https://mhet.com/>
or scan the QR Code above!

Q Should I consider mobile home park/manufactured home community living?

A We hope so! It is a different a wonderful lifestyle choice that is important to understand before purchasing a home. People of all ages and income levels live in manufactured housing communities. Note that some communities are age restricted for seniors.

Q What are the primary reasons people move into mobile home parks?

A In a recent poll of manufactured housing community residents, the top two reasons are location and affordability.

Q How is mobile home park/manufactured home community living different than other forms of rental housing - like apartments?

A Mobile home owners who live in manufactured housing communities enjoy single or multi-story, private detached homes located on a rented lot/space. Parking is typically located adjacent to the home and there are amenities like a clubhouse and pool in most parks. The owner of the mobile home/manufactured home is responsible for all maintenance of the home and the site the home is sitting on.

Q How is it the same as other forms of rental housing?

A The owner of the mobile home rents the land the home sits on. There is a monthly rental fee paid for the land, services and facilities provided as a resident of the park. Like apartment rentals, renting a space in a mobile home park will increase typically on an annual basis. Also like apartments, there are rules and regulations that all residents must comply with. Be sure to read and understand them before you purchase a home in the park.

Q How does buying a manufactured home and living in a mobile home park compare with owning a home on private property?

A Owning a home on private property means you own the home and the land. There is one mortgage payment for the home and the land. In a mobile home park you may have two payments - a mortgage if you take out a loan to purchase the mobile home and the monthly space rental payment. In both cases, whether you live in a mobile home park and rent the land, or if you own the home and land, you are responsible for maintaining the home and the lot the home sits on.

Q What determines the sales price of a mobile home?

A Just like other homes, location is the primary factor. The same home located near the ocean will sell for more than the one located inland and the rent will typically be higher. The age and condition of the home is also a factor.

Q What is the difference between a pre-HUD mobile home/trailer, and a manufactured home?

A Mobile homes, trailers, and manufactured homes are all built in a factory. Homes built after 1976 are built to a higher Federal Housing and Urban Development (HUD) standard. Older homes, or pre-HUD (Housing and Urban Development) homes, will typically need significantly more maintenance and will not have the same insulation, windows, etc. as a HUD built home. New manufactured homes not only look much better, but are a higher quality than older mobile homes.

Q Do prospective park residents need to be approved by the park owner/management before purchasing a mobile home in the park and before moving into the park? What are the conditions of approval?

A Yes. All prospective mobile home park residents have to provide proof of income and ability to afford living in the community - just like purchasing a site-built home or renting other properties.

Q How are rental amounts and increases determined in mobile home parks?

A Rent rates in mobile home parks are determined the same as other rental housing - by comparable market rents for the area. As the costs to maintain and operated the community increase, so do rents.

Q What type of rental agreements are available in mobile home parks/manufactured housing communities?

A Month to month, 12 month, or longer rental agreements are generally available.

Q What do mobile home owners like best about mobile home park living?

A The location, the affordability, the overall sense of community, and private homes with small yards/patios and adjacent parking.



Resources and Services Provided by The California Housing and Community Development Department (HCD)

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- II*** ***“Frequently Asked Questions”***
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Resources and Services Provided by The California Housing and Community Development Department (HCD)

INTRODUCTION

The Federal Government regulates the building standards for manufactured housing. All manufactured housing built in the United States are built to the Housing and Urban Department (HUD) standards.

In California manufactured housing and mobile home community living is regulated by the California Housing and Community Development Department (HCD). Included in the long list of services the department licenses the sales people who sell the homes, inspects the placement of homes, approves additions to homes, provides title and registration for homes, inspects mobile home parks, and is actively involved in providing a host of services for the owners of manufactured homes.

Manufactured and Mobile Home Park communities are like little cities. The owner of the land owns and provides the complete infrastructure including the streets, lighting, utility systems, common area facilities, landscaping, management and the improved spaces or lots for mobile home owners to rent for their homes.

Mobile home owners rent the improved site and receive the use of the land and all services and facilities for a monthly rent payment. The home owner maintains and the site they rent and the park owner maintains all of the infrastructure.

The following is a brief overview of some of the many services provided by HCD with a focus on services provided to the owners of manufactured and mobile homes and the communities where they live.

For a complete and comprehensive guide to the services please contact:

Website Resources www.hcd.ca.gov/manufactured-and-mobilehomes
Phone: (800) 952-8356
Email: CodesInquiries@hcd.ca.gov

Riverside District Office

3737 Main Street, Suite 400, Riverside, CA 92501-3337

Phone: (951) 782-4431



SERVICES PROVIDED BY HCD

- *Installation and Modification of mobile homes*
HCD issues permits to install a home or modify a manufactured home or a mobile home park. HCD does permitting and inspections.
- *Registering and Titling of Manufactured Homes*
Mobile homes must be registered annually and have a title that shows proof of ownership.
- *Provides Information and Answers Questions about the Mobile Home Residency Law (MRL), which is California Civil Code Section 798*
Each year the MRL is updated and copies are made available to residents of mobile home communities. Please see ***Attachment I:***

“The Mobilehome Residency Law: Rights and Obligations of Mobilehome Park Homeowners, Tenants and Management”

- *Provides copies of the Mobilehome Residency Law Handbook that is published by the California Senate Select Committee on Manufactured Home Communities.*

Many of the rights as a mobile home park resident are governed by the Mobilehome Residency Law (MRL). The MRL, like provisions of conventional landlord-tenant law, is enforced by the courts; that is, the disputing parties must enforce the MRL against one another in a court of law.

The handbook includes over 70 Frequently Asked Questions and resources for mobile home owners. Please see ***Attachment II:***

“Frequently Asked Questions”

- *Administers the Mobilehome Assistance Center (MAC)*
The MAC receives and processes complaints related to living in manufactured homes and mobile homes. HCD provides information, coordination, referrals, and other assistance to help resolve complaints generally related to:
 - The operation of mobile home parks related to health and safety matters.
 - The purchase, sale, financing, titling, and registration of homes.
 - The installation, inspection, and maintenance or alteration of homes, accessory structures, and park grounds.

Please see ***Attachment III: “Mobilehome Assistance Center Poster”***

- *Oversees the Mobilehome Residency Law Protection Program (MRLPP)*
This program helps resolve certain disputes between mobile home owners in mobile home parks and park owners/management. There is an annual \$10 fee paid by the park owner/management for each mobile home in the park. The fee can be passed along to the mobile home owners.

Please see *Attachment IV:*
“Mobilehome Residency Law Protection Program”.

ADDITIONAL RESOURCES

Services Provided by City of Costa Mesa

The City of Costa mesa provides incredible services and resources for all of the residents of the city including Mobile Home Park residents. The city’s website provides all of the information including a specific section on Mobile Home Parks.

City of Costa Mesa Website: <https://www.costamesaca.gov/>

Mobile Home Park Specific Resources

The city has dedicated a section of the website that includes the City’s Mobile Home Rental Assistance and the Dispute Conflict Resolution Program.

<https://www.costamesaca.gov/government/commissions-and-committees/mobile-home-park-advisory-committee>

See *Attachment V* *“City of Costa Mesa Mobile Home Rental Assistance”*

Services Provided by MHET

The Manufactured Housing Educational Trust provides services for mobile home owners including monthly newsletters, a dispute resolution program, a rental assistance program and a 24-Hour Hotline (855) 438-6438.

See *Attachment VI* *“MHET Rental Assistance Program”*



Attachment I

*“The Mobilehome Residency Law:
Rights and Obligations of Mobilehome Park Homeowners,
Tenants and Management”*



THE MOBILEHOME RESIDENCY LAW: RIGHTS AND OBLIGATIONS OF MOBILEHOME PARK HOMEOWNERS, TENANTS AND MANAGEMENT

The Department of Housing and Community Development (HCD) is providing the following content solely for informational purposes. This material is not intended to be, nor should it be understood as, legal advice or counsel. If you have a legal question or inquiry concerning any of these matters, HCD recommends that you seek legal advice from a licensed attorney. HCD is prohibited from providing legal advice to members of the public. The State Bar of California provides a public lawyer referral service and access to legal services programs [available at <http://www.calbar.ca.gov/> or (866) 442-2529].

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1. What is the Mobilehome Residency Law (MRL)?

- a. **MRL Scope:** The Mobilehome Residency Law (MRL) is located in the California Civil Code, commencing with Section 798. The MRL establishes a specific set of laws that govern the unique qualities of mobilehome tenancies inside of mobilehome parks. The MRL has two parts: Articles 1 through 8 deal with most rental mobilehome parks and Article 9 (commencing with Section 799) deals with resident-owned parks or parks which are established as a subdivision, cooperative or condominium.

- b. MRL Issues:** The MRL extensively regulates the relationship between landlords and homeowners who occupy a mobilehome park. The provisions cover many issues including but not limited to the following: 1) the rental and lease contract terms and specific conditions of receipt and delivery of written leases, park rules and regulations, and other mandatory notices (Civil Code Sections 798.15 and 798.18 through 798.19.5); 2) mandatory notice and amendment procedures for mobilehome park rules and regulations (Civil Code Section 798.25); 3) mandatory notice of fees and charges, and increases or changes in them (Civil Code Sections 798.30 through 798.39.5); and 4) specified conditions governing mobilehome park evictions (Civil Code Sections 798.55 and 798.56).
- c. The MRL, the Park's Lease and Park Rules:** Any enforceable resident requirement must be specified in either a lease or the park rules and regulations. However, the mobilehome park's rental agreement, rules and regulations must be consistent with the MRL as well as other laws that apply to mobilehome parks. In case there is a conflict between a mobilehome rental agreement or park rule and the MRL, the MRL prevails.
- d. Resources:** More information on the topics discussed in this document is located in the Additional Resources section of this document.

2. How Does the MRL Protect Mobilehome Park Residents?

- a. Homeowners:** All of the MRL's key provisions apply to "homeowners", which is the person(s) who has a tenancy in a mobilehome park under a rental agreement. Generally, the homeowner is the owner of the mobilehome, whether or not he or she actually resides in the mobilehome or rents it out to others.
- b. Tenants Who Are Not Homeowners:** Many of the MRL provisions apply to people who rent the mobilehome from another person, such as a park owner or a homeowner; they often are referred to as "tenants" since they are not homeowners. Tenants are protected by the MRL laws that apply to "residents" rather than only to "homeowners". Examples of these provisions are: 1) access to common area facilities (Civil Code Section 798.24) and 2) right of entry by management into a rental space (Civil Code Section 798.26). In addition to the MRL rights, the tenant has all the rights of tenants in other types of housing (primarily found in Sections 1940 through 1997.270 of the Civil Code).
- c. Non-Mobilehomes:** The MRL often does not apply to an owner or occupant of a recreational vehicle, which may include a "park trailer" or "park model", or another vehicle which is not a mobilehome. For more information, see the definition of "mobilehome" (Civil Code Section 798.3) and the Recreational Vehicle Park Occupancy Law (Civil Code Sections 799.20 through 799.79).

3. How is the MRL Enforced?

- a. **Who Enforces the MRL?** The MRL is part of the Civil Code. A dispute that arises pursuant to the application of the MRL is civil in nature and generally must be resolved in a civil court of competent jurisdiction. Neither law enforcement nor the HCD has jurisdiction to enforce the MRL. However, these entities can enforce other laws related to mobilehome park occupancy and operations. Where the MRL violation involves a failure to maintain the park in good condition, or where the MRL violation runs afoul of other laws (such as a rent control ordinance or laws prohibiting fraud or misrepresentation), lawsuits may be brought by the local district attorney, county counsel, city attorney or the Attorney General (Civil Code Section 798.87).
- b. **Legal Assistance:** Legal services organizations, private attorneys and attorneys working with mobilehome park resident associations may represent homeowners and tenants where a civil dispute arises under the MRL, including evictions. Small Claims Advisors in many courthouses also can provide helpful assistance if a homeowner wants to be self-represented and seek damages for violations and the penalties allowed under Civil Code Section 798.86.

4. What MRL Laws Are Important When Beginning a Rental Relationship in a Mobilehome Park?

- a. **Notices and Disclosures:** Before a person purchases a mobilehome in a mobilehome park, he or she is entitled to a disclosure form about the condition of the mobilehome from the seller (Civil Code Section 798.74.4). The buyer also is entitled to receive, from mobilehome park management, both: 1) "Information for Prospective Homeowners", which primarily relates to the rents or fees to be charged to the purchaser (Civil Code Section 798.74.5), and 2) a Mobilehome Park Rental Agreement Disclosure Form, which primarily deals with physical conditions in the park (Civil Code Section 798.75.5).
- b. **Lease Information and Review:** A prospective homeowner has a variety of rights regarding the rental agreement, the park rules and fees, rents, exemptions from rent controls, and other critical information (Civil Code Sections 798.15 through 798.23.5).
- c. **Qualifications to Purchase a Mobilehome that Will Remain in the Park:** The park may deny tenancy to a prospective mobilehome purchaser only for four reasons: 1) lack of financial ability to pay the mobilehome park rents and charges; 2) a past tenancy history indicating likely noncompliance with the lease and park rules; 3) reasons based on fraud or concealment of material facts; and 4) a legally valid park rule or regulation that limits residency to seniors. See Civil Code Sections 798.74 and 798.76.

- d. **Becoming the Mobilehome Owner:** A person purchasing a mobilehome does not become the “owner” merely by paying the seller. The new owner should receive a signed copy of the certificate of title and must register with HCD to become a “registered owner”; the registered owner will have to pay either annual fees to HCD or annual property taxes to the property tax collector. Health & Safety Code Section 18075.5. The park also may require that the new owner be a registered owner, and may evict an “owner” who is not a registered owner if registration is required by park rules. Registration of a mobilehome is handled by HCD’s Registration and Titling Program (Civil Code Section 798.16).

5. Mobilehome Park Rules and Regulations

- a. **Park Rules and Regulations:** All park rules and regulations must be in writing and provided with the lease (Civil Code Section 798.15) and, with certain limited exceptions, they must apply equally to park residents and park employees (Civil Code Section 798.23). Park rules may be amended by management after specific notice, and are effective either upon homeowner consent or upon at least six months’ written notice if there is no homeowner consent (Civil Code Section 798.25). However, rules and regulations regarding recreational facilities may be amended without homeowner consent after 60-day written notice (Civil Code Section 798.25).
- b. **Subletting, Guests and Renting to Roommates:** There are both rights and restrictions in the MRL for both homeowners and park management regarding these issues. For management and homeowner rights and obligations related to subletting, see Civil Code Section 798.23.5. For homeowner and management rights related to guests and live-in care providers, see Civil Code Section 798.34. Additional requirements may be provided in the rental agreement and park rules.
- c. **Pets:** A homeowner (not a tenant-resident) has a right to at least one pet in the park, subject to certain reasonable requirements in the park rental agreement or rules (Civil Code Section 798.33). This provision does not apply to service animals or comfort animals, which are subject to fair housing laws.
- d. **Homeowner Improvements and Alterations:** Homeowners generally cannot make improvements to their lots or homes without compliance with the lease, park rules and park regulations (including park approval). See Title 25, California Code of Regulations, Section 1032. Compliance with state and local laws (including obtaining permits from HCD for improvements to a home, or from HCD or other local agencies for park space improvements such as decks) is also required. Special rules apply to accommodations for persons with disabilities (Civil Code Section 798.29.6).
- e. **General Park Rule and Regulation Requirements:** The MRL has many specific requirements regarding park rental agreements and rules. For more

information, see examples such as Civil Code Sections 798.23 through 798.29.6, Section 798.37.5 (maintenance of trees and driveways), Sections 798.50 through 798.53 (homeowner communications and meetings); and Section 798.76 (residency age requirements).

- f. **Management Enforcement of Rules and Regulations:** The MRL regulates the park management's enforcement of park rules and regulations. For more information, see Civil Code Section 798.26 (allowable management entry without tenant consent), Section 798.28.5 (vehicle removal), Section 798.36 (maintenance or clean-up of space and fees), Section 798.56 (authorized reasons for eviction), and Section 798.88 (injunctions for violations of park rules).

6. Mobilehome Park Common Area Facilities and Meetings

- a. **Hours of Use:** Common area facilities such as laundry rooms, swimming pools, and community rooms must be open or available to homeowners and tenants at all reasonable hours and the hours of use must be posted at the facility (Civil Code Section 798.24).
- b. **Resident Meetings:** Both homeowners and residents have rights to meet in the park, subject to reasonable rules, including inviting public officials or mobilehome owner organizations to meet. They may not be charged a cleaning deposit or be required to obtain liability insurance. These and other requirements and restrictions are found in Civil Code Section 798.51.
- c. **Management Meetings with Residents:** Residents may require management to meet with them on specific subjects and after appropriate notice (Civil Code Section 798.53).

7. Mobilehome Park Rents

- a. **Rent Control:** State law does not regulate the amounts of rent that can be charged to a homeowner for rent in a mobilehome park. Approximately 100 cities and counties in California have some type of rent control or rent stabilization ordinance. These ordinances restrict the amount of rent increases that can be required, and some limit the initial rent that can be charged. See Civil Code Sections 798.17(a) and 1947.8.
- b. **Rent Control Exemptions:** A mobilehome park space shall be exempt from rent control if the space was newly constructed and initially held out for rent after January 1, 1990 (Civil Code Section 798.45). With certain specified exceptions, the mobilehome space is also exempt if it is not a principal residence of the homeowner and the homeowner has not rented the mobilehome to another party (Civil Code Section 798.21).

- c. **Exemption by Long-Term Lease:** Even in a rent control jurisdiction, certain leases shall be exempt from rent control. Such leases must meet certain criteria (e.g., exceed 12 months' duration). For more information, see Civil Code Section 798.17.
- d. **Rent Increases:** Management must provide at least a 90-day written notice of any increase in rent (Civil Code Section 798.30).

8. Mobilehome Park Fees and Charges

- a. **What Fees Can Be Charged by a Park Owner?** Park management is authorized to charge a homeowner only certain specified fees for utilities and incidental reasonable charges for services actually rendered (Civil Code Section 798.31). Management is not authorized to charge a fee for services rendered if: (1) those services are not mentioned in the rental agreement; and (2) the homeowner did not receive 60 days' advance written notice before being charged. See Civil Code Section 798.32(a). Various other fees and charges are permitted, restricted, or subject to special rules; these may deal with number of family members, enforcement of park rules, landscaping and maintenance charges, and other issues (Civil Code Sections 798.30 through 798.39.5).
- b. **Government Fees:** With some exceptions, park management in rent control jurisdictions may charge or "pass-through" specified government fees, assessments, or charges. See Civil Code Section 798.49.
- c. **Fees for Pets:** Management is not authorized to charge a fee for keeping a pet in the park unless the management provides special facilities or services for pets. See Civil Code Section 798.33(b). Special rules may apply to service animals or comfort animals, which are permitted by fair housing laws.
- d. **Security Deposits:** On or before initial occupancy, the park management may charge up to two months' rent as a security deposit and must return it upon written request after 12 consecutive months of the homeowner's prompt payment of rent, utilities, and reasonable service charges. See Civil Code Section 798.39 for this and other rights and obligations related to security deposits.

9. Ending the Tenancy (Voluntary)

- a. **Notice to Vacate:** A homeowner must provide park management with at least 60 days' prior written notice to terminate a rental agreement (Civil Code Section 798.59).

- b. Advertising Sales for Mobilehomes Remaining in the Park:** Homeowners and park management have a variety of rights and obligations regarding advertising and sales of mobilehomes staying in a park (Civil Code Sections 798.70 through 798.72).
- c. Mandating Removal of a Mobilehome Upon Sale:** Park management cannot mandate removal of a mobilehome upon sale except based on specific conditions listed in Civil Code Section 798.73.
- d. Mandating Repairs or Improvements of a Mobilehome Remaining in a Park:** Civil Code Section 798.73.5 lists the only conditions under which park management may require repairs or improvements to a mobilehome that will remain in the park after it is sold or transferred.
- e. Mobilehome Transfer Requirements:** The transfer or sale of a mobilehome requires certain disclosures, such as the Manufactured Home and Mobilehome Transfer Disclosure Statement. See Civil Code Section 798.74.4. It is illegal to sell or offer for sale a mobilehome containing structural, fire safety, plumbing, heat-providing, or electrical systems and equipment unless they meet HCD requirements (Health and Safety Code Section 18025). Transfers of ownership should be reported to HCD's Registration and Titling Program. See Health and Safety Code Section 18100.5.

10. Termination of Tenancy by Park (Involuntary)

- a. Grounds for Termination/Eviction:** The MRL provides for seven unique and specific grounds for eviction and specified notice requirements for the termination of mobilehome park tenancies for homeowners in Civil Code Section 798.56 and another prohibition in Civil Code Section 798.58. Park management may not terminate or refuse to renew a homeowner's tenancy, except for one of the reasons specified in Civil Code Section 798.56 and only after complying with specific notice requirements in Civil Code Sections 798.55, 798.56a, and 798.57. Termination is not allowed to make space for a park owner's buyer or renter (Civil Code Section 798.58).
- b. What Are the Protections?** The MRL's "just cause" eviction provisions in Civil Code Section 798.56 only apply to homeowners who rent their lots. Tenants who rent their mobilehomes are subject to conventional landlord-tenant law (commencing with Civil Code Section 1940) unless the tenant's rental agreement provides otherwise.
- c. Legal Assistance:** Legal services organizations, private attorneys and attorneys working with mobilehome park resident associations may be available to represent homeowners and tenants where an eviction is started. Small Claims Advisors in many courthouses also can provide helpful assistance if a

homeowner or tenant is not represented by an attorney and needs assistance with the eviction papers.

11. Eviction Laws and Procedures

- a. Management Eviction Requirements:** All rights and court hearings related to other evictions (called “unlawful detainers”) are provided for park management, homeowners and park tenants (Civil Code Section 798.60). If the homeowner/tenant does not vacate the premises after service of the proper 60-day notice to vacate, the park management must bring an unlawful detainer lawsuit against the homeowner (Civil Code Section 798.60; Code of Civil Procedure Sections 1159 through 1179a).
- b. Homeowner/Tenant Requirements:** The homeowner/tenant must file an “answer” in the same court where the unlawful detainer was filed in order to contest the grounds for eviction or make any other necessary statement(s). See Code of Civil Procedure Sections 1169 and 1170.
- c. Court Hearing:** In court, the park management must prove the specific grounds it claims justify the eviction (Civil Code Section 798.56). The homeowner/tenant will have the opportunity to provide his or her side of the story.
- d. If Management Prevails with the Unlawful Detainer:** A successful unlawful detainer results in a judgment for possession, under which the sheriff will remove the mobilehome occupants. The sheriff will remove the occupants of the home even if the park does not own the mobilehome. If rent is owed, the evicting party may also receive a judgment for that amount, which can be collected in various ways.

12. After Eviction: Execution of Judgment and Lien Enforcement

- a. Post-Eviction Abandonment:** If the homeowner leaves the mobilehome on the park lot, management is not permitted to merely take over the mobilehome and rent it to someone else or remove it unless certain procedures are followed. See Code of Civil Procedure Sections 699.010 through 701.830.
- b. Warehouse Lien:** A homeowner may lose all rights to the mobilehome due to a warehouse lien (WHL). A WHL is one way for park management to recover monies owed to it or obtain title to the mobilehome after an eviction of the homeowner or a voluntary abandonment of the home by the homeowner after a termination notice has been served. The homeowner and any lenders with liens have specific rights and obligations under Civil Code Section 798.56a. If they choose not to exercise those rights and obligations, park management may either remove the mobilehome from the premises and place it in storage or store

it onsite. If the mobilehome is stored, park management can claim a WHL for storage, utilities, unpaid maintenance charges, and any costs of dismantling and removing the mobilehome. It then may order a lien sale in accordance with specified laws. For more information, see Civil Code Section 798.56a, subdivision (e).

- c. **Enforcement of Money Judgments:** If the judge orders the evicted homeowner to pay past rent, the park may seize and sell the mobilehome (if the homeowner or lender has not removed the mobilehome from the premises). This is done with a writ of execution and notice of levy that will be served on the homeowner. See Code of Civil Procedure Sections 699.010 through 701.830.
- d. **Prohibition Against Acquiring Lien or Security Interest in a Mobilehome:** The park management cannot acquire a lien or security interest in a mobilehome that is located in the park unless that lien or security interest: 1) arises from the park's enforcement of a judgment against the homeowner; or 2) is mutually agreed upon by both the homeowner and the park (Civil Code Section 798.38).
- e. **Judicial Declaration of Abandonment:** If park management determines that a mobilehome has been abandoned, it may file a petition in court for a judicial declaration of abandonment. If the court awards a judgment of abandonment, the park may: 1) conduct a public sale of the abandoned mobilehome, its contents, or both; or 2) sell or otherwise dispose of the abandoned mobilehome. For more information on this abandonment process, see Civil Code Section 798.61.

13. Court Enforcement of Homeowner and Park Management Responsibilities

a. By Homeowners:

- 1) **Public Nuisances and Abatement:** A "public nuisance" includes: 1) park management's substantial failure to provide and properly maintain physical improvements in the common facilities; and 2) the substantial violation of a mobilehome park rule. Specific notice is required to park management prior to filing a lawsuit. The remedies are civil action or abatement. For more information, including notice requirements, see Civil Code Sections 798.84 and 798.87.
- 2) **Management Penalty for Willful Violations:** If a homeowner or former homeowner is the prevailing party in a civil lawsuit (including a small claims court action), the judge may award up to \$2,000 for each of the park's willful violations of the MRL. The homeowner or former homeowner may be awarded this statutory penalty or punitive damages in addition to any damages the law allows (Civil Code Section 798.86).

- 3) Other Legal Protections:** A homeowner may sue for damages or injunctive relief, (e.g., orders to repair) for management violations of tenant rights not specifically covered by the MRL. For example, Civil Code Section 1942.5 provides protections against landlord retaliation. In cases of discrimination or a failure to provide reasonable accommodation, state and federal fair housing laws provide legal remedies (e.g., lawsuits for damages, protective orders).
- b. By Resident-Tenants for Park Management Violations:** A resident-tenant with a viable complaint about a violation of MRL provisions by park management may file a lawsuit under the MRL. The prevailing party is entitled to attorney's fees under Civil Code Section 798.85.
- c. By Resident-Tenants for Mobilehome Owner Violations:** A resident-tenant may enforce against the mobilehome owner renting the home all the rights of other types of tenants found in Civil Code Sections 1940 through 1997.270. Discrimination or failure to provide reasonable accommodation is governed by state and federal fair housing laws.
- d. Management Lawsuits Against Homeowners for Violation of Park Rules:**
 - 1) Eviction:** Park management may terminate a park tenancy and/or file an eviction action against a homeowner who is violating the park rules and regulations. The violations must be proven in court.
 - 2) Injunction for Violation of Park Rules:** Park management may sue for a court injunction to stop any homeowner or resident-tenant from violating a reasonable park rule or regulation (Civil Code Section 798.88). As part of the lawsuit, the law allows the park to also obtain a temporary restraining order following specified procedures. See Civil Code Section 798.88, paragraphs (b) and (c). Both park management and the homeowner or tenant can either represent themselves or appear with lawyers. See Civil Code Section 798.88, paragraph (f).
- e. Attorney's Fees and Costs:** In an action under the MRL, the prevailing party is entitled to reasonable attorney's fees and costs. A party is "prevailing" if the court rules in that party's favor, or if the action is dismissed in the party's favor either before or during trial. The parties may come to a different agreement, however, as part of the settlement or compromise (Civil Code Section 798.85).
- f. Arbitration of Disputes:** A park rule or regulation is void and unenforceable if:
(1) it aims to deny homeowners their right to a jury trial or mandate binding arbitration of any dispute between the park and homeowners; (2) it is unilaterally adopted by the park management; and (3) it is implemented without the homeowners' consent (Civil Code Section 798.25.5). If a lease contains an arbitration agreement, the homeowner can consult legal counsel in order to determine if the arbitration agreement meets legal requirements.

14. Additional Laws Related to Mobilehome Parks and Mobilehomes

In addition to the MRL, the following laws and government agencies relate to mobilehomes and mobilehome parks:

- a. **The Mobilehome Parks Act:** This law, commencing with Section 18200 of the Health and Safety Code, regulates construction, maintenance, occupancy, use, design and operation of mobilehome parks. Regulations interpreting this Act are located in Title 25, California Code of Regulations, commencing with Section 1000, and also include guidance on what is a substandard mobilehome, recreational vehicle, or other structures on a lot or in a park.
- b. **The Special Occupancy (Recreational Vehicle) Parks Act:** This law, commencing with Section 18860 of the Health and Safety Code, regulates the use of recreational vehicle parks, including construction, maintenance, occupancy, use, design and operation of recreational vehicle parks. The regulations interpreting this Act are found in Title 25, California Code of Regulations, commencing with Section 2000.
- c. **The Manufactured Housing Act of 1980:** This law, commencing with Section 18000 of the Health and Safety Code, regulates standards for mobilehomes, manufactured homes and commercial modulares, their equipment and installation, sales and escrows, and registration and titling.
- d. **Other Health and Safety Agencies:** Mobilehome park residents can contact: the county health department for issues about water quality and other health issues; or the local police or sheriff's department about other violations of laws.

15. Glossary

- a. **Comfort animal** is an animal also known as "assistance animal", "companion animal" or "emotional support animal", but is not a "service animal". It provides a form of therapy to a person with a verified psychiatric or mental disability. Two sources of additional information are found at http://portal.hud.gov/hudportal/documents/huddoc?id=servanimals_ntcfheo2013-01.pdf
- b. **Guest** is a person described by Civil Code Section 798.34(a) who is not required to register with management and stays no longer than 20 consecutive days or a total of 30 days in a calendar year.
- c. **HCD** is the California Department of Housing and Community Development, which establishes rules for and directly enforces laws related to mobilehome construction, occupancy, sales, and registration and titling; and establishes rules

for and directly or indirectly enforces laws related to the construction, maintenance and operation of mobilehome parks. For more information, see the applicable programs listed under <http://www.hcd.ca.gov/manufactured-mobile-home/index.shtml>.

- d. **Homeowner** is a person who is renting a space in a mobilehome park with a rental agreement with park management (Civil Code Sections 798.8 and 798.9).
- e. **Manufactured home** is defined at Health and Safety Code Section 18007. For the purposes of the MRL, it means the same as “mobilehome”, except that it is always registered with HCD. A manufactured home may have one or more sections, and may be one or more stories high. It also includes a “multifamily manufactured home”, such as a duplex or triplex, which may be placed in a mobilehome park. It may also include certain recreational vehicles if the unit meets the requirements of paragraph (b) of Civil Code Section 798.3. Manufactured homes must meet certain HUD (or federal) construction and maintenance standards, and are always registered with and inspected by HCD. See Health and Safety Code Sections 18025, 18026, and 18029.
- f. **Mobilehome** means the same as “manufactured home”, as defined by Civil Code Section 798.3. However, it may be registered with either HCD or the Department of Motor Vehicles.
- g. **Mobilehome Park**, as defined by Civil Code Section 798.4, is an area of land where two or more mobilehome sites are rented or held out for rent, for mobilehomes, as defined by Civil Code Section 798.3.
- h. **Ombudsman** is the HCD resource established pursuant to Sections 18150 through 18153 of the Health and Safety Code designed to provide assistance to residents and owners of manufactured homes and mobilehomes.
- i. **Park Trailer or Park Model** is a recreational vehicle, as defined by Section 18009.3 of the Health and Safety Code, designed for human habitation for recreational or seasonal use only, with additional standards in Sections 18033 and 18033.1 of the Health and Safety Code. While it may look like a small mobilehome, it is built to recreational vehicle construction standards prescribed by Section 18027.3 of the Health and Safety Code.
- j. **Recreational Vehicle** is a vehicle licensed by the Department of Motor Vehicles, as defined by Health and Safety Code Section 18010, designed for human habitation for recreational, emergency or other occupancy and meeting specified standards. Notwithstanding the definition in Health and Safety Code Section 18010, Civil Code Section 798.3(b) precludes the use of motor homes, truck campers, and camping trailers for residential purposes on a mobilehome lot unless the site was occupied by a recreational vehicle on or before November 15, 1992. All recreational vehicles are allowed by Civil Code Section 798.22 in

mobilehome parks developed after January 1, 1982, if they are in specifically designed areas for recreational vehicles within the park.

- k. **Resident** is a homeowner or other person who legally occupies a mobilehome in a mobilehome park. See Civil Code Section 798.11.
- l. **Roommate** is either a person described by Civil Code Section 798.34(b) or is an additional resident, other than a family member, required to register with park management or be added to a rental agreement.
- m. **Service animal** is a dog that has been individually trained to perform tasks for a person with a disability, which are directly related to that disability. Two sources of additional information are located at:
http://portal.hud.gov/hudportal/documents/huddoc?id=servanimals_ntcfheo2013-01.pdf and https://www.ada.gov/regs2010/service_animal_qa.html.
- n. **Subletting** is the act of a homeowner renting his or her home that serves as the homeowner's primary residence to another person. The rights and requirements related to subletting in a mobilehome park are specified in Civil Code Section 798.23.5.
- o. **Tenant** is a person who rents a mobilehome from either the owner of the mobilehome or the mobilehome park management.

16. Additional Resources

- a. For information on the State's requirements for operating and maintaining a mobilehome park, visit HCD's mobilehome parks website (this includes all the Mobilehome Parks and Special Occupancy Parks Act laws and regulations):
<http://www.hcd.ca.gov/manufactured-mobile-home/mobile-home-parks/index.shtml>.
- b. For information about the standards required for mobilehomes, visit HCD's website on manufactured housing standards at: <http://www.hcd.ca.gov/building-standards/manufactured-modular-factory-built/index.shtml>
- c. For information regarding a mobilehome owner's rights and obligations related to registration and titling of a manufactured home, visit HCD's registration and titling website at: <http://www.hcd.ca.gov/manufactured-mobile-home/registration-titling/index.shtml> or email to ContactRT@hcd.ca.gov or call (800) 952-8356.

- d. For information about a buyer's or seller's rights when buying or selling a manufactured home, visit HCD's website on dealers and sales at: <http://www.hcd.ca.gov/manufactured-mobile-home/licensing-certification/index.shtml> or contact the Mobilehome Assistance Center at (800) 952-5275.
- e. For information on how to file a complaint with the Mobilehome Ombudsman or obtain appropriate referrals, see HCD's Mobilehome Assistance Center website at: <http://www.hcd.ca.gov/manufactured-mobile-home/mobile-home-ombudsman/index.shtml> , call (800) 952-5275 or send an email to MHAssistance@hcd.ca.gov.
- f. For more information about the MRL, including a "Frequently Asked Questions" section, which is published by the Senate Select Committee on Manufactured Home Committees, visit: <http://mobilehomes.senate.ca.gov/publications>.
- g. For more information about state laws and remedies related to illegal discrimination, see the Department of Fair Employment and Housing website at <http://www.dfeh.ca.gov/>
- h. For more information about general tenant-landlord rights and responsibilities, and how to deal with eviction notices and lawsuits, visit the tenant-landlord guide issued by the Department of Consumer Affairs at: <http://www.dca.ca.gov/publications/landlordbook/index.shtml>.
- i. For information regarding the Golden State Manufactured Home Owners League, representing many mobilehome park residents, visit: <http://www.gsmol.org/>.

Attachment II

“Frequently Asked Questions”

FREQUENTLY ASKED QUESTIONS

Compiled by the California State Senate Select Committee on Manufactured Home Communities

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#1 Does state law regulate the amount of rent increases in mobilehome parks?

No, state law does not regulate the amount of a rent increase in a mobilehome park. Rent stabilization is a "local control issue". The MRL does require a park to give residents a 90-day advance written notice of a rent increase (Civil Code §798.30). If residents are on a long-term lease, the lease will govern the percentage and frequency of rent increases, with increases not less than every 90 days as required by law. Prior to 2021, Civil Code 798.17 (a) (1) provided that, if residents sign a long-term lease of more than one year in length that lease is exempt from any local rent ordinance provisions. However, AB 2782, passed by the legislature in 2020, significantly amended the Civil Code 798.17 exemption. As of January 1, 2021, any long-term lease signed on or after February 13, 2020 is no longer exempt from local rent stabilization, and the rent regulations in the local ordinance will take precedence. In addition, all long-term leases signed prior to February 13, 2020 shall continue to be exempt from local rent stabilization, but only until they expire, or until January 1, 2025, whichever occurs first. (Note: Approximately 104 local jurisdictions (cities and counties) have some form of rent stabilization for mobilehome parks.)

Recap:

- State law does not regulate the amount of a rent increase. It is a local control issue.
- A 90-day advance written notice of rent increase is required.
- If resident is on a long-term lease, check the language in lease for frequency (not less than every 90 days) and percentage of increases.

#2 Can the park charge separate "maintenance" or "pass-through" fees in addition to the rent?

Yes, if the resident's signed lease or rental agreement provides for assessments or fees for maintenance, among other services. If not mentioned in the lease, a new fee would have to be for a service actually rendered, such as trash pick-up, and would require a 60-day advance written notice. (Civil Code §798.32(a)) If the resident signs a new lease or rental agreement that includes these fees, they are agreeing to pay the fees. State law does not require a notice requirement for an increase in an already existing fee. Local jurisdictions with mobilehome park rent control ordinances may regulate fees or pass-through costs which parks charge their residents. Some ordinances, for example, distinguish capital improvements from maintenance, allowing a pass-through fee of certain capital improvements (not including maintenance) amortized over a period of time.

Recap:

- A 60-day advance written notice is required for a new fee if it is not mentioned in the lease.
- Notice is not required for an increase in an existing fee.

#3 A 90-day written notice of rent increase was delivered late. Is this notice legal?

No. The MRL provides for residents to receive the 90-day written notice of a rent increase before the date of the increase. (Civil Code §798.30) Any notice required by the MRL shall either be delivered and received in-person or by U.S. mail, postage prepaid. (Civil Code §798.14) Actual receipt of the notice less than 90 days before the increase is not a 90-day notice.

Recap:

- A 90-day written advance notice must be received by residents 90 days before increase.
- The notice must be delivered in-person or by U.S. mail.

#4 Can the park charge residents for back-rent that was miscalculated because of the manager's mistake?

It depends on the situation. If the park rental agreement or lease stipulates the monthly rent for the term of the lease, and there is no provision in the lease for a contingency, such as an increase due to management error, then back-rent could not be charged. However, if residents have signed a rental agreement that provides that back-rent may be charged in the event of a management miscalculation or error, then the additional rent could be charged with a 90-day notice.

Recap:

- If not specified in lease or rental agreement, then collection of back-rent is not allowable.
- If back-rent is allowed under terms of lease or rental agreement, then a 90-day advance written notice is required.

#5 Can the park owner require a deposit or fee for use of the clubhouse by the homeowners association?

No, however there are certain exceptions. The MRL provides that a park rental agreement or rule or regulation shall not deny a homeowner or resident the right to hold meetings for a lawful purpose in the clubhouse at reasonable times and in a reasonable manner, when the facility is not otherwise in use. (Civil Code §798.51(a)(1)) Homeowners or residents may not be charged a cleaning deposit or require liability insurance in order to use the

clubhouse for meetings relating to mobilehome living or for social or educational purposes and to which all homeowners are allowed to attend. (Civil Code §798.51(b)) However, the park may require a liability insurance binder when alcoholic beverages are served. (Civil Code §798.51(c)) If a homeowner reserves the clubhouse for a private function to which all park residents are not invited, the park could charge a fee or deposit.

Recap:

- No fee may be charged for homeowner functions.
- A liability insurance fee may be charged if alcohol is served.
- A fee may be charged for private parties.

#6 Can the park charge first and last months' rent plus a 2-month security deposit?

Normally, when a mobilehome owner is accepted for residency in a mobilehome park and signs a rental agreement, charging first month's rent and a 2-month security deposit are permitted. (Civil Code §798.39) After one full year of satisfactory residency (meaning all rent and fees have been paid during that time), the resident is entitled to request a refund of the 2-month security deposit, or may request a refund at the time he or she vacates the park and sells the home. (Civil Code §798.39(b))

Recap:

- A 2-month security deposit may be charged.
- A security deposit refund is allowed after one year if all rent and fees have been paid.

#7 Can the resident refuse to pay the rent or deduct a certain amount from the rent if water in the park is cut off?

No. Refusing to pay the rent or paying a reduced rent could lead to the residents' termination of tenancy unless residents are willing to chance an eviction and use the lack of water as a defense. Instead, residents should file an emergency complaint with the Department of Housing (HCD) or a local enforcement agency if the local agency has jurisdiction over the lack of water in the park. An inspector can then cite the park for failing to provide adequate water and require the park to furnish bottled water and alternative bathing facilities until the water problem is fixed. The MRL requires the park to maintain the common facilities (which include the utilities) in good working order and condition. (Civil Code §798.15(d))

Recap:

- Resident is not allowed to deduct rent in case of utility shut-off.
- If there is lack of water, alert the code enforcement agency.

#8 Can the park evict a resident for not paying rent even though the park's Permit to Operate has been invalid for a year?

If the Permit to Operate (PTO) is officially suspended by the state Department of Housing (HCD) the park cannot legally collect rent from residents until the permit is re-instated. Until the PTO is officially suspended by HCD however -- despite the fact that the PTO fee may not be paid to the state in a year -- residents who withhold rent from the park may be subject to a notice of termination of tenancy by the management.

Recap:

- If the mobilehome park's permit to operate (PTO) is officially suspended, then the park cannot legally collect rent.

#9 Can the park charge the resident a late fee if they missed paying the rent and utility bill by one day?

Late fees on rents, utility charges or other pass-through fees are not regulated by the MRL, however, California court cases regarding late fees generally have upheld residential leases with preset late penalties if they bear a reasonable relationship to the actual damages that could be anticipated or sustained by the landlord for late payment, such as administrative costs relating to accounting for and collecting the late payments. For example, a 3% charge for late payment of rent (\$15 on a \$500 rent bill) is probably going to be construed as reasonable. Whether \$50 is reasonable depends on the outstanding amount of the late rent and utilities owed.

Recap:

- If the signed lease or rental agreement stipulates a late fee, then the resident must pay.

#10 Why do residents have to pay taxes on their mobilehomes in addition to paying the park owner a fee for property taxes?

Mobilehome owners, who are park residents, pay for the park's property taxes either through their rent or sometimes through separate pass-through fees for property taxes, or property tax increases, on the park property. Yet mobilehome owners may also be liable for an individual property tax to the county on their home and

accessory structures. Prior to July 1, 1980 most mobilehomes were taxed like vehicles by the state with a vehicle license fee (VLF) in lieu of local property taxes. However, the law was changed in 1979 to subject new mobilehomes and manufactured homes sold on or after July 1, 1980 to local property taxes instead of the VLF. Pre-July 1980 homes remain on the VLF unless the owner voluntarily switches the home to the local property tax system. Tax law does not allow the county assessor to base assessment of taxes on mobilehomes in parks on the value of the park land or space. Hence, the mobilehome owner's property tax is separate from the property tax on the park owner's land.

Recap:

- Resident pays the park's property tax pass-through fee. Resident may also have to pay county's tax assessment on their home and accessory structures.
- Before July 1, 1980, mobilehomes pay Vehicle License Fee.
- After July 1, 1980, new mobilehomes pay property taxes, separate from the tax assessment on park property.

#11 How can a resident get their taxes reduced?

Local property taxes are based on 1% of the assessed value (AV) of the property or home, plus any local bonded debt, such as school bonds. Under the California Constitution (Article VIIIA), the county assessor may increase the AV by 2% a year; however, when a home is sold and ownership is transferred, the assessor may re-assess the property (usually to the higher selling price or value). Therefore, homes that have been resold in a "good" real estate market have been reassessed at higher values, sometimes significantly higher, than those that have remained under the same ownership for years with the application of the annual 2% formula. Since the 2007 recession, many homes have decreased in value. Mobilehome owners, like owners of conventional homes, who feel their taxes are too high in the current market, may file an appeal with the county assessment appeals board to see if they can get their AV, and thus their taxes, reduced. The burden, however, is on the homeowner to produce evidence that his or her home is worth less than the assessor's valuation. This can be done by getting a private appraisal(s) and producing documents showing the reduced or selling prices of similar mobilehomes in the park or in similar parks in the community. Information on how to apply and the deadlines for applying may be obtained from the local county tax assessor's office.

Recap:

- File an appeal with the county tax assessor and be prepared to prove that the value of the mobilehome is worth less than the assessed value.

#12 Must the park owner accept Section 8 vouchers?

Section 8 is a federal program (Housing and Urban Development), and federal law does not require landlords to accept Section 8 rent vouchers. Landlords who accept Section 8 enter into agreements or contracts with the county that administers the program and must abide by the Section 8 terms for the period of the agreement, which is normally a set number of years. Because of Section 8 restrictions, some landlords have opted-out of Section 8 at the end of their agreements. The local county housing agency has information regarding availability of rent vouchers.

Recap:

- The park owner does not have to accept Section 8 rent vouchers.

#13 Where can residents get help if they suspect they are being overcharged on utility bills?

Most parks are "master-meter" operators that own, operate and maintain the electric, gas and water distribution system within the park and bill their residents with the monthly rent statement. Under the state Public Utilities Code, master-meter customers (parks) shall charge no more than the local serving utility would charge a resident, including passing through any low-income rebates or discounts, such as "CARE." Residents can call County Weights and Measures (W&M) to have them check the accuracy of their meters and assure they have been correctly calibrated. Some W&M offices are willing to look into billing complaints, such as failure to provide proper billings or post rates, but most only check the accuracy of the meters. The California Public Utilities Commission (CPUC) is required to take informal complaints (800-649-7570) from residents in master-meter parks. The CPUC often refers these complaints to the serving utility to work out with the park management. If a third party billing agent prepares the utility billings for the park, the management shall disclose the contact information of the billing agent on residents' billings. (Civil Code §798.40(b))

Recap:

- The resident must prove overcharges.
- CPUC is required to take informal complaints (800-649-7570).

- Contact information for the third party billing agent must be disclosed on the residents' utility billings.

#14 Can the park start billing residents for utilities that were previously included in the rent?

If the residents' rental agreement provides that sewer, water and garbage are included in the rent, the park management may elect to itemize or charge separately for these utilities. (Civil Code §798.41) In this case, the average monthly amount of the utility charges shall be deducted from the rent. If the rental agreement does not specifically indicate that utility charges are included in the rent, then the park owner could charge for them after complying with the 60-day written notice requirement. (Civil Code §798.32)

Recap:

- If the lease or rental agreement stipulates separate charges, then the resident must pay accordingly.
- If it is not stipulated in the lease or rental agreement, then the park must give a 60-day advance written notice of an itemized billing.

#15 Do residents have to pay the cable TV service fee even if they don't use it? Also, can the park prohibit satellite dishes?

The park can charge a fee for services actually rendered with a 60-day notice if it is not already provided for in the rental agreement. (Civil Code §§798.31, 798.32) If the resident has signed a long-term lease agreeing to pay the fee, they may be obligated to continue to pay it until the end of the term of the lease. A 1997 California appellate case, *Greening v. Johnson*, held that cable TV is not an essential utility and a park cannot charge a resident a fee for such a service not actually used by the resident. Moreover, the Telecommunication Act of 1996 provides that community rules and regulations or local ordinances cannot prohibit the installation of a dish antenna on one's home or property if it is not more than 39 inches in diameter and does not constitute a health and safety problem. Park rules can regulate placement or design of the antenna on the home if reasonable (e.g. rules don't preclude acceptable reception) but cannot ban satellite dishes outright.

Recap:

- If stipulated in the signed lease or rental agreement, resident must pay the fee.
- If not stipulated in the lease or rental agreement, then the park must provide a 60-day advance written notice of a fee for service actually rendered.
- Cable TV is not an essential utility, therefore the park cannot charge a non-user.
- Satellite dishes are allowable, but with strict guidelines.

#16 Some residents' water usage is down, but their water bill has increased. How do they find out if they are being overcharged?

Contact the park management. If the park cannot help, call the County Sealer (Weights and Measures) and ask them to check the accuracy of the meter. Check for plumbing leaks under home or in fixtures. If none of these steps resolve the problem, the resident may wish to file a complaint with the California Public Utilities Commission (CPUC) about rate issues and overcharges but only if the park receives water from a water utility or supplier regulated by the CPUC. If water is CPUC-regulated, resident may only be charged a water rate that the regulated utility would be able to charge residents if they were served directly by the utility. This would include a usage rate and a customer service charge (for meter reading and service). However, the majority of parks are not served by regulated water utilities but by municipalities, water districts, utility districts, or even the park's own water well system, and are not regulated by the CPUC. One exception is that the CPUC may take complaints from residents of parks regarding service or rates charged by parks using their own water systems or underground wells. If the park is subject to local mobilehome park rent control, rent control authorities may be able to provide some relief depending upon how the rent ordinance is written or administered. Otherwise, the resident would have to complain to the appropriate governing board of the municipality, water or utility district actually furnishing water to the park.

Recap:

- In a park with metered water served by regulated water districts: check bill calculations, see manager, call county, or file a complaint with the CPUC.
- If it is a park without metered water and not served by a regulated water district: call the local water board.

#17 Construction work is scheduled in the park that I manage. Do I have to contact the local utilities first?

Instead of calling the local utilities, dial 811 and be connected to the appropriate regional notification center that will contact the subsurface installation operators. The subsurface installation operator will then mark the lines that they own, operate or maintain within the area where you will be digging. (Government Code §4216.2)

#18 Can the park manager force residents to sign a long-term lease, causing them to lose rent control protections?
If the resident is currently a homeowner residing in the park, then they may reject a long-term lease and opt for a shorter-term lease. In the case of a prospective buyer of a home in the park who is not yet a resident, their right not to sign such a long lease is less clear. A rental agreement or lease with a term of more than 12 months is exempt from any rent control ordinance. (Civil Code §798.17) The resident may reject a long-term lease after reviewing it and opt for an annual or month-to-month rental agreement. (Civil Code §798.18) If the resident elects to have a rental agreement for 12 months or less, the rent charges and conditions shall be the same as those offered in the longer-term lease during the first 12 months (Civil Code §798.18). Not all long-term leases are bad for homeowners, and some may provide rent stability for years that month-to-month or annual tenancy does not, particularly in localities where rent control will probably never be enacted. (See also #20)

Recap:

- Current homeowners residing in the park have the option of signing a short-term lease agreement with charges and conditions that are the same as in a long-term lease.
- Buyers, or prospective residents, may not have the option to reject a long-term lease.
- Residents have 30 days to review and accept or reject a long-term lease.

#19 Is the park required to provide a lease agreement in the language of the resident if the resident is non-English speaking?

Not in most cases. Civil Code Sec. 1632 provides that a person engaged in a trade or business, who negotiates a contract or lease -- including a rental agreement covering a dwelling, apartment or mobilehome -- in Spanish, Chinese, Tagalog, Vietnamese, or Korean, shall provide the other party, if he or she requests it, with a written copy of the contract or agreement in that language prior to execution of the document. However, this provision does not apply to contracts or agreements negotiated with the use of an interpreter, or to month-to-month rental agreements. Additionally, most mobilehome parks do not "negotiate" their leases with homeowners or prospective homeowners, but rather offer the lease on a "take it or leave it" basis.

Recap:

- Most mobilehome lease contracts are not negotiated and therefore they do not have to be offered in languages other than in English.

#20 Does a resident have to sign a long-term lease, or are there other options?

Homeowners living in a park have the right to review the proposed long-term lease and to reject it within 30 days and opt instead for a 12-month lease agreement or month-to-month rental agreement. (Civil Code §798.17(b)) If a homeowner rejects a long term lease, then the park cannot increase the rent above the terms provided for in the rejected long-term lease, for a year after the rejection date. (Civil Code §§798.17(c), 798.18(b)) A homeowner living in the park is entitled to a 12-month agreement or month-to-month, if they ask for it. (Civil Code 798.18(a)). (See also Question #18)

Recap:

- The resident has 30 days to accept or reject a long-term lease.
- The resident has the option of a month-to-month or annual rental agreement.
- If the lease is rejected, no increase in rent is allowed, above the terms of the lease, for a year.

#21 Can the park evict a resident for payment of late rent even though their rental history shows they eventually pay the full rent?

Yes. The MRL (Civil Code 798.56(e)) gives homeowners five days after the due date to pay the monthly rent and a 3-day notice thereafter to pay the rent (in 3 days) or be subject to termination of tenancy in 60 days. If a homeowner pays the rent within the 3-day grace period, the 60-day termination of tenancy is voided. However, the homeowner can only pay the rent late three times in a 12-month period. If a homeowner is late a fourth time within any 12-month timeframe, the park can refuse to accept the late rent and proceed with eviction after 60 days. Civil Code Sec. 798.56(e)(1) has a specific boldface warning notice about this "three strikes" provision, which must be included in each 3-day notice given by the management to the homeowner.

Recap:

- The resident has five days from the due date to pay rent.
- If the rent is late, the park can give the resident a 3-day notice to pay or risk eviction in 60 days.
- The resident can be late only three times in a 12-month period.

#22 Is the park allowed to issue an eviction notice to a resident and then refuse to talk about it and return their rent check?

In a mobilehome park, a resident's tenancy can only be terminated for just cause, meaning they can only be evicted for the seven reasons specified in state code, including violation of a park rule or regulation. (Civil Code §§798.55, 798.56) The park management must give the resident a 60-day notice (Civil Code §798.55(b)(1)), but if the resident refuses to move after the 60-day period, the park management can take the resident to court in what is known as an unlawful detainer action. There the resident would have the opportunity to tell the judge their side of the story. If the resident is evicted, and depending upon the court's decision, the resident may be required to pay the management's attorney fees (Civil Code §798.55(d)), in addition to having to leave the park. Management is required to specify the rule broken and explain the details and give the resident seven days to correct the rule violation. (Civil Code §798.56(d)) If the resident violates the rule more than twice in a 12-month period, on the third violation, the management may proceed with termination whether or not the resident has cured the violation ("3 strikes"). (Civil Code §798.56(e)(5))

Recap:

- The park manager must specify which rule was broken and explain the details.
- The park must give the resident seven days to correct the rule violation.
- If the resident violates a rule more than twice in a 12-month period, the park may proceed with eviction whether or not the resident corrected the violation.

#23 Can the park end a resident's tenancy by refusing to enter into a new rental agreement?

No, not if the resident is a homeowner. Under the MRL, homeowners normally rent under a month-to-month or 12-month rental agreement or long-term lease of more than one year. When the term of the rental agreement is up, the management cannot elect to end the tenancy but must offer a 12-month or month-to-month agreement if requested by the homeowner. Residents who own their mobilehomes in the park cannot be evicted because their lease has expired -- only if they have not paid the rent, or have violated park rules or regulations. (Civil Code §798.56) However, if the resident is a tenant -- not a homeowner -- who rents a park-owned mobilehome, such a tenancy would be governed by conventional landlord-tenant law. In that case, the park can terminate the tenancy without a reason with a 30-day notice.

Recap:

- The park cannot terminate a resident's tenancy when the lease or rental agreement expires -- only when the rent has not been paid or a rule has been violated.

#24 For residents who do not own the mobilehome they are living in, what rights do they have in the case of an eviction?

The MRL eviction protections and procedures only apply to homeowners who own their own homes and rent their spaces, not to tenants who rent mobilehomes owned by the park, park management, or other persons. Certain sections of the MRL do apply specifically to both homeowners and "residents" (Civil Code §798.11). However, the MRL's "just cause" eviction provisions (Civil Code §798.56) do not apply to residents who rent mobilehomes owned by others. They would be subject to the requirements of conventional landlord-tenant law (Civil Code §1940 et seq.). In such a case for these tenants, where there is a notice of eviction without any reason, tenants living in the rental home for less than a year generally would be entitled to a 30-day notice of termination; those living there for a year or more, are entitled to a 60-day notice if eviction is without cause. (Exceptions to the 60-day requirement are in Civil Code §1946.1.)

Recap:

- Tenants who live in the mobilehome which they own are covered under the provisions of the MRL.
- Tenants living in rental mobilehomes are subject to eviction protections and procedures in landlord-tenant law, not the MRL.
- Tenants in rental homes for less than a year generally are entitled to a 30-day notice of termination if there is no cause for termination.
- Tenants in rental homes for a year or more generally are entitled to a 60-day notice of termination if there is no cause for termination.

#25

Do residents have any rights to compensation for being dislocated when the park closes down?

Mobilehome park residents are entitled to receive one of two kinds of written notice before a mobilehome park may legally close or convert to another type of land use:

- (1) Where no local government permits are required to close or convert the park to another use, management must give residents at least 12 months written notice of termination of tenancy. (Civil Code §798.56(g) (2) (B))
- (2) Where local permits are required, which is usually the case, management must give residents a 60-day written notice that park management will appear before a local board or planning commission to request permits for a change of use. After all permits have been approved residents must then also receive a 6-month written notice of termination of tenancy. (Civil Code §798.56(g) (1) and (2) (A))

Together with these notices, State law requires the park owner to also prepare and file a written report on the impact of the closure or cessation of use of the mobilehome park with the local city or county government authority (typically called a "Closure Impact Report" or "CIR") (Govt. Code §65863.7). The CIR must be provided to all residents of the park along with the above-described notices. (Civil Code §798.56(h)) Approval of the closure or conversion of a mobilehome park to another use is conditioned upon approval of the CIR, so as to determine the impact and effect the conversion will have on the residents' dislocation and their ability to find alternative housing. (Govt. §65863.7) Pursuant to significant amendments enacted by Assembly Bill 2782 effective January 1, 2020, CA Government Code §65863.7 now reads as follows:

Requires that the CIR include a replacement and relocation plan that adequately mitigates the impact of the closure or conversion upon the displaced residents; Requires the park owner to relocate the displaced residents to alternative housing, or to pay to them the "in place" market value of the displaced resident's mobilehome if he/she/they cannot be relocated to adequate replacement housing (i.e. a fair market value 'buy out'); Requires the park owner to pay for, and include in the CIR, an appraisal by a state-certified appraiser which determines the in-place market value of the displaced resident's mobilehome, if no relocation is possible.; and Prohibits local authorities from approving any closure or change of use unless they find that it will not result in or contribute to a shortage of affordable housing within the local jurisdiction.

The local government agency must hold a public hearing to review the CIR and determine its sufficiency, and shall require management to pay the reasonable costs of relocation to displaced residents as a condition for obtaining various permits to convert the park and develop the land for another use. Usually this takes several hearings and a number of months. Actual relocation assistance afforded to residents is determined by the local government, usually the planning commission or a delegated committee or agency of the commission. Many local governments have enacted a mobilehome park closure or conversion ordinance which parallels the requirements of state law and fills in the details of the required mitigation assistance, whether an actual relocation of the mobilehome or a fair market value buy-out. Govt. Code §65863.7 establishes the minimum standard for local governments to follow, but does not prevent them from enacting more stringent measures.

If the park is to be subdivided into individual parcels (where a conventional subdivision will replace the park) and where a tentative or final map is required, the local government may impose even more stringent relocation requirements. (Govt. Code §66427.4.) Any such ordinance is the final authority regarding any relocation assistance to which displaced mobilehome owners may be entitled.

Recap:

- If no local permits are required for park closure or conversion, then the park must give residents at least 12 months advance written notice.
- If local permits are required for park closure or conversion, then the park must give residents 60 days notice of any local hearings, followed by a 60-day written notice once permits are approved.
- The park owner must prepare, serve and file a written Closure Impact Report ("CIR"), which is publicly reviewed and approved by the local government agency.
- The CIR must contain a relocation plan that mitigates the impact of the park closure or conversion upon the residents, which provides that if a resident cannot be relocated to adequate housing he/she/they shall be paid the in-place market value of their home pursuant to an appraisal prepared by a state-certified appraiser.
- The state Government Code establishes a minimum standard for local governments, which can enact their own more stringent requirements for conversion or closure
- No conversion or closure can be approved unless the local government finds that it will not result in or materially contribute to a shortage of affordable housing within the area.

- #26 Do mobilehome park rules prevail over state law?**
 No. The park rental agreement and the park rules and regulations must be consistent with the MRL and other laws that apply in parks. For example, a park rental agreement or rule that provides the park may increase the rent with a 30-day notice to a homeowner who owns the mobilehome in the park would be in conflict with Civil Code Sec. 798.30, which provides that such a rent increase requires a 90-day notice. In this example, the MRL prevails over the conflicting park rule.
Recap:
 • State laws prevail over park rules.
- #26.1 Is the park manager responsible for distributing the Mobilehome Residency Law to every resident annually?**
 Prior to February 1 of each year, if a significant change was made to the MRL, the park owner or manager shall provide all homeowners with a copy of the MRL, or provide written notice to all homeowners that there has been a change to the MRL and that homeowners may obtain a copy of the MRL from the management at no charge. Upon request of the homeowner, management must provide a copy within seven days. (Civil Code §798.15(c)). NOTE: The management must provide a copy of the MRL only, as specified. The MRL is Civil Code 798-798.88. Management is not required to distribute the handbook published by the State Senate, casually referred to as "The MRL."
- #26.2 When will the CA State Senate's MRL handbook be translated? There is great demand for Spanish, Vietnamese and other languages.**
 For many years, the State Senate translated the Mobilehome Residency Law (MRL) into Spanish. At one time the MRL was also available in Vietnamese. The last Spanish translation was done in 2012, and the last Vietnamese translation was done in 2007. Over the years, budget cuts have made it impossible to acquire updated translations. Since the MRL is in the public domain, communities may translate the MRL for their members
- #27 Do the protections of the MRL apply to all residents in mobilehome parks, or do they only apply to homeowners?**
 Many of the most important provisions of the MRL expressly apply to homeowners only, such as the terms and receipt of written leases (Civil Code §§798.15 and 798.18-798.19.5), amendment procedures for rules and regulations (Civil Code §798.25), fees and charges (Civil Code §§798.30-798.39.5), evictions (Civil Code §§798.55-798.56), and rental qualifications and procedures. On the other hand, issues dealing with a "community" of persons often include "residents", such as management entry into mobilehomes or park spaces (Civil Code §798.26), vehicle removal (Civil Code §798.26.5), communications and right to assemble (Civil Code §§798.50-798.52), and abatement of park nuisances, and injunctions for violating park rules (Civil Code §§798.87-798.88).
Recap:
 • It has been interpreted that key provisions of the MRL apply only to homeowners.
- #28 Is the new park management allowed to change rules on long-time residents or are these residents "grandfathered-in" under the old rules?**
 Existing residents are not exempt from park rule changes. According to the MRL (Civil Code §798.25), the park can change a park rule and regulation as it applies to existing residents, after giving residents six-month's notice of the change, or a 60-day notice if it involves changes in rules relating to the park's recreational facilities, such as the swimming pool or recreational facilities within the clubhouse. The management must also meet and confer with park residents, at the residents' request, upon a 6-month notice regarding a change in park rules but is not bound to accept residents' suggestions or requests regarding the rules. (Civil Code §798.25(b))
Recap:
 • Existing residents are not exempt from park rule changes.
 • A 6-month advance written notice is required for a rule change.
 • A 60-day advance written notice is required if a rule change affects the common recreational facilities.
- #29 Can the park manager force rules on some residents and not on others?**
 No. The MRL provides that the park rules and regulations have to be "reasonable." (Civil Code §798.56(d)) "Reasonable" often may be subject to court interpretation, but normally rules have to have some rational basis in fact under the circumstances, as well as apply evenly to everyone residing in the park. Park owners and their employees are required to abide by park rules to the same extent as residents have to, except rules regarding age

limits or acts of the park owner or park employee undertaken to fulfill park maintenance, management or operational responsibilities (making noise by pounding nails, use of trucks for maintenance purposes, etc.). (Civil Code Sec. 798.23)

Recap:

- Park rules shall be applied evenly to everyone residing in the park.

#30 Do residents have a say in the elimination of the retirement lifestyle promised when they moved in, and shouldn't the park have facilities for kids if they convert to an all-age park?

Senior residents who have leases that provide that the park is a "retirement" or "senior" park and provide for specific facilities may have a case against diminution of services agreed upon in the lease or rental agreement.

The federal Fair Housing Amendments Act of 1988 prohibits discrimination against families with children in multiple residential housing but permits such housing, including mobilehome parks, to limit residency to seniors in one of two categories: 1) 55 and older, or 2) 62 and older, if the park meets certain minimum conditions. The major condition is that a minimum of 80% of the units are required to have at least one resident who is of age 55 or older. Federal law does not specifically address procedures for changing from a senior-only category to an all-age category, which in rental mobilehome parks under state law or by practice is often the sole decision of park management with a minimum notice. However, parks can lose their "senior" status if, upon a complaint, they fail to meet the statutory conditions, such as the 80% requirement. The law does not require parks or other multiple-residential housing complexes that convert to all-age to install playground or other facilities for children. Advocates of family housing have argued that such a requirement would drive up the cost of housing and discourage landlords from opening up restricted housing to families. Some local governments have imposed conditions on mobilehome park zoning or use permits by requiring parks that were developed as "senior parks", to be maintained as "senior" unless otherwise approved by the city or county. It is not clear to what extent these local zoning or use permit requirements may conflict with the federal Fair Housing Amendments Act.

Recap:

- Lease agreements that stipulate "senior" status and provide for specific senior amenities could be viewed as breached if the senior-status of the park is changed.
- Senior park status requires 80% of park units to have at least one resident 55 or older.
- The law does not require parks that are converted to "all-age" to install children's recreational facilities.
- No federal law specifically addresses guidelines for changing from "senior" to "all-age".

#31 Is it legal for our all-age park to change back to a senior-only park?

This is an issue that has changed over the years. Pursuant to the passage of the Federal Fair Housing Amendments Act in 1988, and the adoption of federal HUD regulations to carry out the Act, it was originally believed that multiple residential communities could not backtrack once they had decided to open up to an "all-age" status. However, under the Housing for Older Persons Act of 1995 (HOPA), which amended the 1988 Act, regulations established a transition period until 2000 to provide a mechanism for communities to become housing for older persons if they had abandoned or did not achieve such status before HOPA. Then, in 2006, HUD adopted a memo to clarify how communities that did not convert to housing for older persons before the 2000 transition period deadline could do so. If vacated spaces fill up with qualifying seniors (55 or older), and the park does not discourage or discriminate against younger people from buying available homes when these vacancies occur, the park can be "built back" to a senior status. However, this is difficult to achieve and few parks, once they become family parks, have been able to go back to a 55-or-older status.

Recap:

- Reverting to a senior-only park is allowable, but rarely achievable.

#32 What rights do residents with disabilities have?

Residents with disabilities are entitled to be free from harassment and discrimination in all aspects of housing. They also have a right to reasonable accommodation in rules, policies, practices, or services related to housing. This normally takes the form of a change in an existing rule, policy, practice or service, such as allowing an assistive animal even though the current rental agreement has a "no pet" provision. Residents with disabilities are also permitted, at their own expense and with proper permits, to modify their dwellings, e.g., by building a ramp, to ensure full enjoyment of the premises. (Civil Code 798.29.6) Modifications require obtaining proper permits beforehand. For additional information, contact the state Department of Fair Employment and Housing at (800)

Recap:

- Disabled homeowners have the right to reasonable accommodations.
- Disabled homeowners are permitted to modify their own homes with proper permits.

#32.1

I am a manager in a mobilehome park where an elderly resident is putting herself in danger. When I call her family, they are unresponsive. What do I do to make sure she and the other residents are safe from harm?

Contact your county's Adult Protective Services program. APS is a state-mandated program (Welfare & Institutions Code Sec. 15610.10) that provides evaluation and assistance for seniors (age 65 and older) and dependent adults (age 18-64 and physically or mentally impaired) who are reported to be unable to meet their own needs. APS agencies investigate reports of alleged victims endangered by physical, sexual or financial abuse, isolation, neglect, or self-neglect.

Recap:

- Call county APS for assistance, evaluation and intervention. (See Community Resources, p. 83)

#33

Can the government force park management to limit the number of people living in a mobilehome?

The occupancy standard issue is difficult to solve. The issue has arisen at both the federal and state levels. Legislation has been considered but not enacted to create a "2 persons per bedroom plus 1" standard that is presently only a HUD guideline (e.g., if the home had 1 bedroom, the occupancy standard would be 3 persons; if the home had 2 bedrooms, the standard would be 5 persons, etc.). Proponents argue that occupancy standards are necessary to avoid overcrowding and unhealthy living conditions. Opponents contend that, especially in areas where the cost of housing is high, an occupancy standard may be interpreted as a form of discrimination against persons who can't afford larger homes. Some cities have attempted to legislate occupancy standards, only to have their ordinances challenged in court. Mobilehomes usually have a design standard established by the manufacturer as the recommended occupancy for the size of the home. The park manager could try to establish an occupancy standard in the park rules based upon the design standard of each home or the HUD guideline, but the rule could possibly be subject to legal challenge.

Recap:

- The HUD guideline (2 persons per bedroom, plus 1) is a design standard, not a law.

#34

Does state law guarantee the park's clubhouse to be open and available at reasonable hours?

Yes. In parks that have clubhouses or meeting halls, the MRL requires the common facilities to be open and available at reasonable hours, which are to be posted. (Civil Code §798.24) Homeowners may hold meetings at reasonable hours and in a reasonable manner in the clubhouse -- when it is not otherwise in use -- for any lawful purpose, including homeowner association meetings and meetings with public officials or candidates for public office. (Civil Code §798.51)

Recap:

- The park shall make the clubhouse available to residents at reasonable hours for lawful purposes.

#35

Is it legal for parks to allow some residents to have pets and not allow others to have them?

It depends on the terms of the rental or lease contract. The MRL permits pets in parks with certain limitations, such as one domesticated dog, cat, bird or aquatic animal (kept within an aquarium), subject to "reasonable" park rules. (Civil Code §798.33) However, persons who signed a rental agreement prior to January 1, 2001 with a provision prohibiting pets are bound to that provision until the rental agreement expires or is renewed. Persons moving into a park after January 1, 2001 would be allowed to have pets that conform to the park's rules as to size, height, or weight of the pet, and in some instances breed (e.g. some parks prohibit big dogs, pit bulls and certain breeds with so-called aggressive tendencies). However, a person with a disability has the right to have an assistive animal as a reasonable accommodation for the disability when necessary to ensure equal opportunity to use and enjoy the housing.

Recap:

- If the current rental agreement, with a "no pet" provision, was signed before 1/1/2001, then the resident is prohibited from having a pet.

- If the current rental agreement was signed after 1/1/2001, then the resident can have pets that conform to park rules.
- If the resident has a disability, then he/she may request an assistive animal as a reasonable accommodation for the disability.

#35.1 There are many residents in the park who have multiple emotional companion pets, although the rest of us have to obey a strict pet rule. What are the laws on this?

According to the California State Mental Health Services Authority, a "service" dog is trained to perform specific tasks to help a person with a physical or mental health disability; and an "emotional support (companion) animal" is an animal that provides comfort to a person with the mental health disability, without being trained to perform a specific task. The park owner may allow a "reasonable accommodation" for a service or companion animal if the animal does not pose a direct threat to other tenants, or physical harm to property. The owner of the service dog or companion animal is responsible for that animal, ensuring that it complies with local animal control laws and is not a danger or nuisance to the other residents in the park. The park manager may ask for a letter from the pet owner's medical professional confirming the resident's disability and stating why the support animal is needed. For more information: California Department of Fair Employment and Housing (800) 884-1684; Disability Rights California (800) 776-5746

Recap:

- A park manager may ask for medical proof of need for the support animal.
- A "service dog" is trained to perform specific tasks.
- An emotional support ("companion") animal is not a "service" animal.
- The owner of the support animal is liable for the animal's behavior.

#36 I manage a park where pets and other animals are getting out of control. Some residents' dogs are aggressive toward other pets or residents, some residents feed feral cats, and some stray animals wander in packs. How do I solve these problems?

Contact the city or county animal services department for assistance. Local government services include abatement or information on the following matters: barking/nuisance dogs, rodents, stray/feral, license/registration/microchip, dog bites, neglect/abuse, spay/neuter, and prohibited aggressive breeds. Also, according to California Code of Regulations, Title 25 (health and safety requirements for mobilehome parks), Article 2, Section 1114(a), "Dogs and other domestic animals, and cats (domestic or feral) shall not be permitted to roam at-large (free) in any park." Finally, pet owners may be liable for damage or harm caused by their pets.

Recap:

- Contact city or county animal control agency. (See Community Resources, p. 83)
- Pet owner may be legally liable for damage or harm caused by their pet.
- Feral animals are not pets.

#37 Is management allowed to restrict parking and have residents' cars towed?

Residents or guests who park in fire lanes, or in front of park entrances or fire hydrants, can be towed without notice. Residents' cars cannot be towed from their own parking space or driveway unless the vehicle does not conform to the park rules, in which case a 7-day notice is required. (Civil Code §798.28.5) However, if a vehicle presents a significant danger to the health and safety of residents, or is parked in another resident's space and that resident requests it be removed, the vehicle could be towed without the 7-day notice. (Civil Code §798.25(b)(2)) The extensive provisions of Vehicle Code Sec. 22658 apply to both the management's and tow company's procedures in removal of the vehicle.

Recap:

- Management may have cars towed without notice if the parked car violates the health and safety of residents.
- Management may have cars towed, upon request, if one resident's car is parked in another resident's space.
- A 7-day written advance notice is required if a parked car does not conform to park rules.
- A 7-day notice is not required if a resident parks their car in another resident's space and the displaced resident requests the car be towed.

#38 Can the park prevent residents from subleasing their mobilehome?

Yes. Most mobilehome parks have rules that prohibit homeowners from subleasing their mobilehomes, even in

hardship cases. However, in cases of seniors who require medical convalescence away from their homes, they may sublet for up to one year. (Civil Code §798.23.5)

Recap:

- The park may prohibit a resident from subleasing.

#39 Is it legal to place RVs on mobilehome spaces?

It depends on the circumstances. When mobilehome parks were first constructed, designation as a park would normally have been made as a condition of city or county use permits or zoning requirements. Therefore, the city would have to enforce the conditions of the permit or zoning ordinance. The State Department of Housing's Permit to Operate (PTO) reflects the number of mobilehome spaces and the number of RV lots. In the absence of local permit conditions though, a pre-1982 mobilehome park may allow RV's and mobilehomes to be situated on mobilehome spaces, but only RV's can be situated on RV spaces. In a mobilehome park developed after January 1, 1982, however, state law provides that mobilehome spaces shall not be rented for the accommodation of RVs unless they are in a separate area of the park designated for RVs and apart from the mobilehomes.

Recap:

- In parks developed before 1982: If there are no local permit or zoning restrictions, then RVs and mobilehomes may occupy mobilehome spaces, but mobilehomes may not occupy RV spaces.
- In parks developed after Jan. 1, 1982: No RVs are allowed on mobilehome spaces unless the mobilehome space is in the RV section of the park.

#40 Can the manager evict a homeowner's caregiver from the park after the homeowner has died?

It depends upon the circumstances. Generally, a caregiver – including a caregiver-relative – does not have the right to continue to live in the park even if he or she has inherited the mobilehome. The caregiver statute (Civil Code §798.34) recognizes that a senior homeowner has the right to have a caregiver, even someone who is 18 or older in a senior park, to assist them with medical needs under a doctor's treatment plan, but the caregiver resident has no right of residency (Civil Code 798.34(c), (d)) and is considered a guest of the homeowner. Therefore, when the homeowner dies, the caregiver's right to continue to live in the park normally ends. If, however, the caregiver was a party to the homeowner's rental agreement, or had otherwise been accepted for co-residency by the park while the homeowner was alive, the park could not evict the caregiver after the homeowner's death except for the same kind of reason they could have evicted the homeowner, such as failure to pay the rent. In either case, whether or not the caregiver has a right of residency in the park, if the caregiver inherits the home, he or she would have the right to resell it in place if they continue to pay the rent and fees and comply with other requirements of resale until the home is sold. (Civil Code 798.78)

Recap:

- If the caregiver, or caregiver-heir is not listed on the rental or lease agreement, then they cannot assume they have inherited residency rights.
- The heir is responsible for rents and fees until the home is sold.

#41 How do residents get the park owner to fix the failing utility systems?

Contact the Department of Housing and Community Development (HCD) or local government, whichever has jurisdiction to inspect mobilehome parks. In more serious cases, residents may wish to consider legal counsel.

Recap:

- Contact the code enforcement agency -- either state Dept. of Housing or local health department.

#42 Is the park manager allowed to force residents to correct code violations to their homes and spaces before a scheduled inspection by the state Dept. of Housing?

The state Department of Housing (HCD) operates a park inspection program with a goal of completing inspections in at least 5% of the parks in the state per year in order to assure that a reasonable level of health and safety is maintained in those parks. The inspection includes the park common facilities, such as lighting, roads, clubhouse, utilities, and other facilities for which the park is responsible, as well as individual home site spaces, including the outside of the homes and accessory structures for which the homeowner is responsible. HCD inspectors do not go inside a home unless requested to do so by the homeowner. Citations for violations, depending upon how serious,

must either be corrected as soon as possible or within 30 to 60 days. Inspectors have the authority to extend the deadline for compliance if the situation warrants it. Homeowners may appeal a citation to HCD if they feel it is unwarranted. (HCD does not have authority to assess fines against homeowners who do not comply.)

Recap:

- The park manager may urge residents to correct code violations on the outside of their homes or on their spaces, or else the resident may risk citation by HCD.

#43 Which government agency is responsible for enforcement of health and safety regulations in my park?

In most cases, the state Department of Housing and Community Development has enforcement authority over mobilehome and RV parks. However, there are a few cities and counties that maintain code enforcement in their jurisdictions. View the "Mobilehome and Special Occupancy (RV) Parks listing" at www.hcd.ca.gov to find out which agency is responsible for code enforcement in your park.

#44 What is the difference between the Mobilehome Residency Law (MRL) and Title 25?

The MRL is the "landlord-tenant" law (Civil Code 798. et seq.) for mobilehome park residency, governing the rights of park residents. "Title 25", a section of the California Code of Regulations, governs the health and safety aspects of a mobilehome park's buildings, lot lines, and utilities infrastructure, to name a few. Find Title 25 at www.hcd.ca.gov.

#45 Does the park manager have the right to tell me to remove my belongings that are stored on myspace?

The park manager has an obligation to keep the park safe from fire. According to California Code of Regulations, Title 25 (health and safety requirements for mobilehome parks), Article 2, Section 1120, "Occupants shall keep the lot area and the area under, around, or on their unit and accessory buildings or structures free from an accumulation of refuse, rubbish, paper, leaves, brush or other combustible material," and that park operators "...shall ensure that a collection system is provided and maintained, with covered containers, for the safe disposal of rubbish."

Recap:

- There are strict fire prevention rules for mobilehome parks. Residents and park employees must comply with Title 25.

#46 Can the park manager reduce or eliminate park services and amenities that resident have already been paying for?

Yes, if the services or amenities are not guaranteed in a signed rental or lease agreement. However, if the services and amenities are part of a signed lease or rental agreement (Civil Code 798.15(f)), they may be eliminated with equal reduction in rent.

Recap:

- The park management can reduce or eliminate park features if they are not agreed upon in a signed lease or rental agreement.

#47 Can the park owner or manager move lot lines without permission from residents whose spaces are affected?

Before moving a lot line, the management must obtain a permit (H&S Code Sec. 18610.5) from the state Department of Housing and Community Development and verify that the park has obtained the consent of homeowners affected by the lot line change. However, in some older parks there are no markers or defined lot lines and no plot maps indicating where the lot lines should be. In cases where there is no documented evidence of original lot lines, HCD may not be able to determine that the lot line has been moved and that a permit is required. The issue then becomes a legal matter between the park management and the affected homeowners.

Recap:

- A permit is required from the state Dept. of Housing before the park moves lot lines.
- In old parks with no official lot line maps, moving lot lines may require legal or regulatory oversight.

#48 Can the park manager force residents to pay for maintenance or removal of a tree on their space and for maintenance of their driveway?

It depends on the facts of the case. The "tree and driveway" issue has been subject to major debate for years. The

park owner is responsible for maintenance or removal of a tree on the homeowner's space only if it is a hazard or constitutes a health and safety violation, as determined by the enforcement/inspection agency (usually HCD). (Civil Code §798.37.5) Homeowners may have to pay a fee for an inspection where there is a dispute between the park and the homeowner over the tree and where the homeowner requests an inspection by HCD or the local enforcement agency. Inspectors have wide discretion in this regard, and if the inspector does not find a violation, the homeowner may end up having to pay to remove the tree anyway.

With regard to driveways, the park owner is responsible for maintenance unless the homeowner has damaged the driveway or the driveway was homeowner installed. Legal counsel has suggested, however, that Civil Code Sec. 798.37.5(c) seems to leave open the question whether a current homeowner is responsible for maintenance of a driveway installed by a prior homeowner, arguing that such a prior installed fixture belongs to the park.

Recap:

- If the signed lease or rental agreement makes the homeowner responsible, then the homeowner must pay.
- If there is no stipulation of responsibility in the lease agreement, then the park is only responsible if it is a health and safety hazard.
- Driveways may be the responsibility of park unless the driveway was homeowner installed or damaged by the homeowner.

#49 Is the mobilehome owner or the park owner responsible for correcting pre-existing code violations on the space?
The mobilehome owner is responsible. (Civil Code 798.36). Although the park operator is ultimately responsible for assuring that all citations on park property are corrected, the law does not require the park operator to pay for code violations involving the home or space except in rare instances. The homeowner is primarily responsible for correcting any violations concerning the home or space on which he/she resides, including any pre-existing code violations after the sale of the home. This is one of the reasons that real estate disclosure was enacted in 2000 for mobilehome resales, although conditions not known to the seller cannot be disclosed. (Civil Code §1102.6d)

Recap:

- The homeowner is responsible for correcting any code violations in or on their home, space and accessory structures, including pre-existing code violations.

#50 Does a resident need a permit from HCD to remodel their home, even though all the changes and upgrades are on the inside?

Homeowners need a permit from the state Department of Housing and Community Development (HCD). Only HCD, not local government, may issue permits for alterations of a mobile home's structural, fire safety, electrical, plumbing or mechanical components. The two offices that handle such permits are:

Northern California Area
Field Operations
9342 Tech Center Drive, #550
Sacramento, CA 95826
(916) 255-2501

Southern California Area
Field Operations
3737 Main Street, #400
Riverside, CA 92501
(951) 782-4420

Recap:

- Permits are required. No exceptions.

#51 Is there financial assistance available to residents for correction of code violations on their homes?

Many local governments have rehabilitation or repair grants for low income homeowners, including residents or owners of mobilehomes, in some cases. This money is made available through the CalHome program, operated by HCD, to local governments and non-profit organizations, as part of two housing bond issues approved by state voters in recent years. However, application must be made through local government, and not all local jurisdictions have such programs. There are usually income and residency eligibility requirements. Additionally, some jurisdictions do not consider mobilehomes "real property" eligible for rehab funding or may have restrictions on the kinds of repairs that will be funded. Contact the county housing agency for information on availability and eligibility.

Recap:

- The State passes money to the counties for home repair assistance to low-income mobilehome owners. Not all

counties participate in this program.

- #52 **The park owner is planning a “condo-conversion”. Will homeowners who can’t afford to either buy their lot, or pay the higher rents once the park loses rent control protection, be economically evicted?**
Not necessarily. A growing number of mobilehome park owners have been utilizing a special provision of the state’s Subdivision Map Act to convert their parks to “resident owned condominiums” or “subdivisions”, thus exempting the converted parks from local rent control after the sale of the first lot. Condominium interests in mobilehome park spaces must be offered to renting homeowners, and low-income homeowners who cannot afford to buy can continue to rent their spaces under a statute which limits rent increases, including “pre-conversion” pass-through fees, to the Consumer Price Index or less. (Govt. 66427.5(f)(2)) However, non-purchasing residents who are not low-income lose rent control protection upon the conversion and may have their rents increased to higher “market levels”. The state’s Mobilehome Park Resident Ownership Program (MPROP) provides limited financial assistance to low-income residents to help them buy their interests in resident-owned condo parks, and some local governments may also have financing to assist some as well.
- Recap:**
- Low-income renters keep rent control protections.
 - Low-income buyers may qualify for state and local financial assistance.
- #53 **Is the park owner required to offer residents the right-of-first-refusal to buy the park when it is put up for sale?**
No. Although the MRL provides that the park management must give the governing board of the park homeowners association a 30-day written notice of the park owner’s intention to offer or list the park for sale, the notice is not a “right of first refusal,” does not apply to sales other than to offers or listings initiated by the park owner, and is only applicable if certain conditions are met. (Civil Code §798.80) In order to receive the notice, residents must form a homeowners association for the purpose of buying the park and register with the Secretary of State. The homeowners association must notify the park each year of the residents’ interest in buying the park. The notice requirement does not apply to the sale or transfer of the park to corporate affiliates, partners, or relatives, or transfers triggered by gift, devise, or operation of law, eminent domain, foreclosure, or transfers between joint tenants or tenants in common.
- Recap:**
- When selling the park, the park owner is not required to make the first offer to the homeowners’ association.
 - The homeowners’ association may notify the park if it is interested in buying the park but it does not have the right of first refusal.
- #54 **Which state laws regulate the operation of non-profit resident owned parks – the MRL, the Mobilehome Parks Act, the Non-Profit Mutual Benefit Corporation Law, or the Davis-Stirling Common Interest Development Act?**
All these laws may apply, but whether they do in a particular park depends upon the circumstances in each case and may require consultation with an attorney. Therefore, the following answer is only intended to have general application:
- Mobilehome Residency Law (MRL). For a resident-owned park, Article 9 of the MRL, governing the relationship between residents and the park management (Civil Code §799 et. seq.), applies only to residents who have an ownership interest in the park, while Articles 1 through 8 (Sections 798 – 798.88), relating to rental parks, apply to any non-owning residents who continue to rent or lease their spaces in a resident-owned park. However, if the park is a non-profit mutual benefit corporation and no subdivision declaration or condominium plan has been recorded then Articles 1 through 8 apply to the owning residents in the park.
- Mobilehome Parks Act (Health & Safety Code 18200-18700). The MPA governs health and safety (building) code requirements for both rental parks and resident-owned parks that were converted from formerly rental parks, but the MPA in most cases does not apply to resident-owned parks that were originally developed as manufactured housing subdivisions or communities under local development standards, not rental parks.
- Non-Profit Mutual Benefit Corporation Law (Corp. Code §7110, et. seq.). This law applies to a non-profit corporation which is a homeowners association that operates or governs a multiple residential community for the mutual benefit of the members of the association. However, the Corporations Code does not apply to unincorporated homeowners associations that operate such communities, of which there are estimated to be but a few.

Davis-Stirling Common Interest Development Act (Civil Code 4000-6150). This Act defines and regulates common interest developments (CIDs), including many resident-owned parks. In order to be a CID subject to the requirements of the Davis-Stirling Act, the park must 1) have a common area or common areas (such as roads, a club house, or other commonly used facilities) in addition to individual interests or residences, and 2) file with the county recorder a declaration of intent to create a CID along with a condominium plan, if applicable, or a final map or parcel map, if applicable, for the CID. In most cases where a resident-owned park is a condominium, planned unit development (PUD), or subdivision, the Davis-Stirling Act will apply. However, non-profit stock cooperatives or other resident-owned parks that are not subdivisions or condominiums may also be subject to the Davis-Stirling Act if a simple declaration creating the CID is recorded. Without the recording of such a declaration, however, the Davis-Stirling Act does not apply.

Recap:

- Different laws apply depending upon the form of ownership. Check with an attorney.

#55 Is a mobilehome park cooperative subject to the Davis-Stirling Act?

The Davis-Stirling Act was specifically designed to apply to housing cooperatives, and in many cases it will be clear that the Act applies to those cooperatives. However, there will be some cases where the answer may be unclear.

There is no doubt that a cooperative can be a common interest development ("CID") that is governed by the Act. The term "common interest development" was defined to include "stock cooperatives." (Civil Code §4100(d)) A stock cooperative is a kind of CID where a corporation owns all of the real property and shareholders have a right of exclusive occupation of part of the property (i.e., a designated lot). [See Civil Code §4190 (defining "stock cooperative").]

However, there is a potential technical complication. The law also says that before any housing association may be considered a CID governed by the Davis-Stirling Act, it must also have recorded a "declaration." (Civil Code §4200) If a mobile home community fits the definition of a "stock cooperative" and has a recorded declaration (as specified in Civil Code Section 4250), then it is nearly certain that it is governed by the Davis-Stirling Act. But if a stock cooperative does not have a recorded declaration that satisfies Section 4250, then there is an unanswered legal question about whether the Act applies.

Recap:

- A co-op can be a CID that is governed by Davis-Stirling, however, not all cases are clear. See an attorney.

#56 Where can our HOA board find a copy of the original articles of incorporation?

Contact the California Secretary of State's division of Business Programs at (916) 657-5448. Or, search online at sos.ca.gov, under the heading "Business Programs" to request copies.

#57 Our HOA board may be violating CID laws. Is there an agency that enforces the law?

There is no regulatory agency that enforces the statutes (Business & Professions Code, Civil Code, etc.) related to homeowners' governing boards. However, the California State Attorney General's office provides some enforcement of portions of the Corporations Code related to HOA governing boards. Depending on the nature of the problem, seek the advice of a private attorney, contact your local district attorney's office or bring your case to small claims court.

Recap:

- Search the website of the Attorney General's Office (oag.ca.gov) for more information.
- Contact the county Small Claims Court advisor for more information. (See Community Resources, p. 83)

#58 What can residents do about park managers who act unprofessionally?

There are no state mandated qualifications to be a mobilehome park manager. Many are good managers, however a few lack professional training and oversight. The MRL gives residents certain rights, but when contentious issues have to be resolved, residents have a right to contact legal advocacy groups that will assist them in assessing and achieving a solution to the problem.

Recap:

- Contact local or state fair housing commission for counsel and assistance.
- Contact the county Small Claims Court advisor for more information.

#59 What good is the MRL if there is no enforcement and residents have to go to court to protect themselves?

The MRL – the landlord-tenant law for mobilehome parks -- is part of the Civil Code. The enforcement mechanism is through the civil courts, not law enforcement or another government agency. The courts are a branch of government responsible for, among other aspects, resolving or ruling on civil disputes.

Recap:

- The MRL is enforced through the courts.
- Contact local legal services for assistance.
- Contact the county Small Claims Court advisor for more information. (See Community Resources, p. 83)

#60 How can residents find-out who owns and operates the park?

The manager shall provide the name and address of the park owner to residents who request it. (Civil Code §798.28) Also, listings of park owners/operators can be found on the state Department of Housing's (HCD's) Mobilehome and RV Parks Listing website.

Recap:

- For the name of the park owner or operator, search online at www.hcd.ca.gov.

#61 Does the law require a manager to be on the premises at all times in case of emergencies?

Not exactly. State law requires a manager or his/her designee to reside in parks with 50 or more spaces, but does not require them to be on the premises 24 hours a day. (Health and Safety Code §18603) It also requires a person to be available by phone, pager, answering machine or answering service, and to reasonably respond in a timely manner to emergencies concerning the operation and maintenance of the park. The agency responsible for enforcement of park health and safety requirements is either local government or HCD.

Recap:

- The park manager does not have to be on the premises 24 hours a day.
- Parks with less than 50 spaces do not require a manager to live on the premises.
- The park manager does have to be available by phone or other communication device to respond to health and safety emergencies affecting the park.

#62 Does the park manager have the right to enter the resident's lot without notice?

The MRL provides that the park manager has the right to enter the lot at reasonable times and in a manner that does not interfere with the resident's "quiet enjoyment" for the purpose of maintaining utilities, trees and driveways, protection of the park, and for maintenance of the premises where the resident has failed to maintain them in accordance with the park rules. (Civil Code §798.26) The MRL does not require the manager to give the resident a notice for this purpose. However, the manager does not have the right to enter the home or enclosed accessory structure without prior written consent of the homeowner, except in an emergency or where the resident has abandoned the home. (Civil Code §798.26(b))

Recap:

- Park manager may enter private lots under reasonable circumstances, as defined in the MRL.
- Park manager cannot enter the home or enclosed accessory structures without prior written consent of the homeowner.

#63 Can the resident be forced to move their home out of the park when they sell it just because the home is old?

If the home is NOT a mobilehome (less than 8 feet wide x 40 feet long) and is therefore classified as a recreational vehicle (trailer), the resident has no right to sell it in place and will have to move it. With regard to mobilehomes, the MRL (Civil Code §798.73) establishes two standards. Basically, the home cannot be required to be removed upon a resale if it is 1) more than 17-20 years old or older but meets health, safety and construction standards of state law, and 2) not in substantially rundown condition or disrepair, as determined in the reasonable discretion of management. If the management and resident disagree on the condition of the home, the resident may decide to hire a private home inspector to look at the home and repair any code violations or defects the inspector finds in his/her report. HCD inspectors no longer perform this function in most cases, although some local governments that perform mobilehome park inspections for the state may be willing to perform an inspection, for a fee.

Recap:

- RV and trailer owners may be forced to move their coach out of the park when they sell it.

- Mobilehomes are allowed to stay in the park after they are sold if they meet certain health and safety standards.

#63.1 I own a mobilehome park where there are many abandoned homes. Can I sell them without registering as a real estate agent?

Generally, the answer is “no”. First, in order to act as an agent between a seller or buyer of a used mobilehome or manufactured home, you either must be registered with HCD as a “manufactured home dealer” or with the Bureau of Real Estate as a licensed real estate agent. Acting as an unlicensed dealer or agent can result in criminal penalties, civil penalties, and citations of up to \$2,000 for each illegal sales activity.

The only exception to this is if the prior residents/homeowners have “walked away” from the homes, a park owner may sell them if he/she first obtains the right to ownership through a court action for the judgment of abandonment (Civil Code Section 798.61) or after a warehouse lien sale (Civil Code Section 798.56a). After that, if the park owner intends to rent, sell or salvage the units, the park owner must go to HCD and transfer title to his or her name, which includes paying all property taxes or HCD fees that are owed. HCD also has special procedures for when the prior registered owner cannot be found or when there are unpaid or unsatisfied loans on the home. Only after registering as the new owner may the park owner (who is now the homeowner) rent, sell, or salvage the abandoned homes.

Recap:

- Only HCD-licensed dealers or BRE-licensed real estate agents may sell used manufactured homes in a park. Exception: When previous owner has “walked away”, park owner must follow legal procedures governing judgment of abandonment or warehouse lien sale.
- It is illegal for anyone to sell, rent, or salvage a manufactured home that is not registered in his or her name.

#64 Can the resident be forced to move their park-model out of the park after they sell it?

Even though it may look like a small home, a park model is not a mobilehome. It is a “park trailer,” as defined in the Health and Safety Code, which is essentially a type of recreational vehicle that has 400 square feet or less of floor space. A number of mobilehome parks in California accommodate both mobilehomes or manufactured homes, as well as recreational vehicles, but provisions of the MRL that require parks to allow homeowners to resell their homes in place in the park only apply if the home is a mobilehome or a manufactured home.

Recap:

- A park-model is not a mobilehome, therefore the resident may be forced to move a park-model out of the park when it is sold.

#65 Can the park’s income requirements on prospective buyers prevent a resident from selling their home?

Yes. The sale of a mobilehome located in a mobilehome park is a three-party, not two-party transaction. The buyer and seller must not only agree to the terms of the sale of the home, but the buyer must be approved for residency in the park by the park owner/management. Management can withhold approval on the basis of: 1) the buyer’s inability to pay the rent and charges of the park, and 2) the buyer’s inability to comply with park rules and regulations as indicated by prior tenancies (see Civil Code §798.74). Although guidelines used by other landlords or public agencies for rental housing may be more lenient, many park owners impose higher income requirements to assure buyers will be able to afford future rent increases without causing the park problems, such as evictions.

Recap:

- A prospective buyer must be approved for residency by the park manager/owner.
- A prospective buyer can be rejected if they don’t meet the income standards for the park.

#66 Can the park prevent a resident from living in a mobilehome they inherited?

Yes, unless the resident qualifies for residency and has signed a rental agreement. Upon death of a homeowner, heirs cannot simply assume they can move into the decedent’s home or continue to live there if they are not already a party to the rental agreement. Despite the fact that an heir takes title to the mobilehome, the park management has the right to require an heir, or person who had been living with the resident, to newly apply for residency in the park. If the management rejects the heir’s residency because the heir cannot comply with the rules or doesn’t have the income to pay the rent and charges, the heir can be required to move out. The heir has the right to resell the inherited mobilehome in place in the park (Civil Code 798.78(a)), assuming it meets health and safety code requirements (Civil Code. 798.78(b)), but must continue to pay the monthly space rent until the home is sold in order to maintain the right to sell it in place in the park. Otherwise, the park may terminate the

tenancy and require the home to be moved from the park within 60 days of the notice of termination. (Civ. 798.73)

Recap:

- The heir of a mobilehome cannot assume he/she has residency rights if he/she has not been on the rental agreement.
- The heir has the right to sell the mobilehome in-place, as long as it meets health and safety requirements.
- The heir must continue to pay rent and fees as long as he/she owns the home in the park.

#67 How do I change or add a name on the title to my mobilehome?

Contact the state Department of Housing and Community Development's Registration and Titling division at (800) 952-8356.

#68 I don't have the title to my mobilehome. Where can I get a copy?

Every mobilehome owner must have a copy of the current registration for their home. (Health & Safety Code §18080.4) Contact the state Department of Housing and Community Development's Registration and Titling division at (800) 952-8356 for assistance, or search hcd.cd.gov.

#69 Do residents have to provide a resale disclosure statement when they sell their mobilehome as-is?

As a measure of consumer protection, mobilehome resale disclosure (Civil Code §1102.6d) became effective in January 2000, making mobilehome sellers and their agents responsible for providing prospective buyers, by close of escrow, with a resale disclosure statement. The form requires the seller to check off a list of conditions or defects that may affect the value or condition of the home. The seller is not subject to a penalty or fine for failing to provide the disclosure to the buyer, and the fact that disclosure was not made does not invalidate the sale of the home. However, after purchasing the home, if the buyer discovers defects that were not disclosed by the seller, the fact that the disclosure statement was not provided could affect the outcome of the seller's civil liability in court for the defect. Real estate brokers and dealers are also subject to the disclosure requirements and sales agents almost always include the disclosure report. The state Dept. of Housing (HCD) is not required to notify selling homeowners.

Recap:

- Sellers are advised to provide a resale disclosure form, even on "as-is" sales, to avoid possible liability after the sale. (Civil Code 1102.1(a))

#70 Can the manager force a resident to first offer their home for sale to the park?

It depends on the rental agreement. The MRL provides that a park rental agreement entered into on or after January 1, 2006, shall not include a provision or rule or regulation requiring homeowners to grant the park the right of first refusal to buy their homes on resale. (Civil Code §798.19.5) Hence, if the homeowner entered into a lease on or after January 1, 2006, or is on a month-to-month tenancy, the park could not enforce a right of first refusal to buy the home. However, homeowners may be subject to such a park right of first refusal if they signed a long-term lease with such a provision before January 1, 2006, and that lease has not yet expired. Additionally, the law does not prevent a homeowner and the park from entering into a separate agreement, apart from the lease, for the right of first refusal where the homeowner obtains consideration or compensation from the park for that right.

Recap:

- Check the rental or lease agreement for details on whether the park has the right of first refusal to buy the mobilehome.

#71 What are the rights of a resident whose new manufactured home has defects?

New mobilehome or manufactured home warranty complaints must be filed in writing with the dealer and manufacturer within the warranty period, by law, one year and ten days from the date of delivery or occupancy, whichever is earlier. This is necessary in order to preserve the purchaser's rights under the warranty should litigation or a state Department of Housing (HCD) investigation not commence until after the warranty has expired. Accessories that were purchased with the home as a package are normally covered by the warranty. An installation problem may complicate warranty complaints. If the home was installed by a licensed contractor as arranged by the dealer, both the dealer and contractor may be responsible. If the homeowner hired the installer independently from the dealer sale, there may be an issue of whether the problem with the home results from faulty installation, and thus is only the responsibility of the installer, or results from manufacturing defects. If the dealer or manufacturer does not satisfactorily respond within a reasonable period of time after filing the complaint with

them, the homeowner should contact HCD's Office of the Mobilehome Ombudsman (800-952-5275) about filing a dealer complaint. Complaints about licensed contractor installers should be addressed to the Contractors State Licensing Board (800-321-2752 or www.cslb.ca.gov).

Recap:

- A warranty is good for 1 year and 10 days after date of delivery or occupancy.
- If the home was installed by an independent contractor, then problems may occur with identifying who is liable for defects.

#72 Who can I contact if I believe my mobilehome park manager/owner is violating my mobilehome residency rights?

Currently, if you believe a violation of the Mobilehome Residency law has occurred, enforcement is limited to the court system, i.e. via either local small claims or superior courts; the latter often requiring that a lawyer be hired by the homeowner. Beginning July 1, 2020 the Mobilehome Residency Law Protection Act establish a new enforcement system that is administered by HCD for violations of the Mobilehome Residency Law. HCD shall provide assistance in taking and helping to resolve and coordinate the resolution of those complaints. All complaints shall be reviewed, with the most egregious being referred by HCD to local nonprofit legal aid offices for enforcement at no cost to the homeowner. If multiple complaints are received involving the same park manager/owner they will be consolidated to a single investigation. HCD will provide you with a letter confirming receipt of each filed complaint which references the provisions of the Mobilehome Residency Law that pertain to the complaint. In evaluating a complaint HCD may request that the park owner furnish a copy of any relevant documents within 15 days, and can fine a park owner who fails to comply \$250.00 for each such failure. If HCD selects a complaint for enforcement, both the homeowner and the park owner will be notified and given 25 days to negotiate and resolve the matter before it is referred to a local legal provider for enforcement. Any alleged health and safety or Title 25 violations shall continue to be handled by HCD as is currently the case. For questions regarding the MRLPP call (800) 952-8356, email MRLComplaint@hcd.ca.gov or visit www.hcd.ca.gov.

Recap:

- The court system is the only current way to enforce violations of the Mobilehome Residency Law, while HCD handles Title 25 Health and Safety violations.
- Mobilehome Residency Law Protection Act enables HCD to receive and evaluate complaints re: MRL violations for possible local law office enforcement. Multiple complaints it will be condensed into a single investigation.
- There is no cost to the homeowner if legal action is taken by local legal enforcement.
- HCD shall review all complaints and send the complainant a confirming receipt referencing the applicable MRL provision(s).
- Only the most egregious complaints shall be referred by HCD for legal enforcement.
- Selected complaints first require a 25-day period for informal resolution by the parties.
- For questions regarding the MRLPP call (800) 952-8356, email MRLComplaint@hcd.ca.gov or visit www.hcd.ca.gov
See resource guide on page 83 for local resources.



Attachment III

“Mobilehome Assistance Center Poster”





OFFICE OF THE MOBILEHOME OMBUDSMAN

Mobilehome Assistance Center

Do you have any of these questions or concerns?

- Are you concerned about possible health or safety issues in your mobilehome park like unsafe sewer, water, electrical, or gas conditions?
- Do you need assistance with the installation, inspection, maintenance, or alteration of manufactured homes, accessory structures, or park grounds?
- Do you suspect unlawful or unlicensed mobilehome sales practices by dealers or salespersons?
- Do you need information on the Mobilehome Residency Law and where to obtain assistance for lease or rent disputes with park management?
- Do you need assistance with your mobilehome ownership documents?
- Are you seeking compensation for a fraudulent mobilehome sale?
- Do you need information on local resources available to you?

**If you've answered "yes" to any of the above,
or have similar questions, we can help!**

**Even if we can't help you directly,
we can point you in the right direction.**

Contact the Mobilehome Assistance Center:

Call us: 1.916.263.4742 (Sacramento area)
1.800.952.5275 (Toll Free)
1.800.735.2929 (TTD Number)

Email us: MHassistance@hcd.ca.gov

Find us online: www.hcd.ca.gov

Write to us at: The Office of the Mobilehome Ombudsman

Mobilehome Assistance Center
Department of Housing and Community Development
PO Box 278690; Sacramento, CA 95827-8690

The Mobilehome Assistance Center cannot mediate or offer any legal advice on these matters.
You should seek or obtain legal advice from a licensed attorney, legal aid, or contact your local government officials for further assistance.





Attachment IV

“Mobilehome Residency Law Protection Program”

VI



Mobilehome Residency Law Protection Program

What is the Mobilehome Residency Law Protection Program (MRLPP)?

The MRLPP provides assistance in resolving certain disputes between mobilehome homeowners and mobilehome park owners or managers. The MRLPP selects the most severe alleged violations of the Mobilehome Residency Law (MRL) for potential referral to a contracted nonprofit legal service provider if the complaint cannot be resolved between the affected parties. The MRLPP may also refer complaints, or portions of complaints, to the appropriate enforcement agency for investigation or further action.

What types of complaints can be filed with the MRLPP?

The MRL is the “landlord-tenant law” for mobilehome park tenants and mobilehome park owners, and covers rental agreements, park management, termination of tenancy, fees charged by mobilehome park owners, and more.

How do I submit an MRLPP complaint?

Homeowners may submit a complaint by telephone at (800) 952-8356, or may submit an MRLPP Complaint Form, available via phone, mail, or online at www.hcd.ca.gov.

Information that will be requested by the MRLPP: 1) proof of mobilehome ownership, 2) the name, address, and phone number of the mobilehome park indicated in the complaint, and 3) any documents or facts that are relevant to the alleged violations of the MRL.

What happens once I submit an MRLPP complaint?

Once a complaint is received, the MRLPP reviews the complaint to determine whether the allegation is a potential MRL allegation. If a potential MRL allegation is identified, the complaint **may** be selected for further assistance, including good faith negotiations with the mobilehome park and/or referral to a contracted nonprofit legal service provider. Many complaints do not meet the criteria, however, the MRLPP may be able to provide assistance, information, and/or resources.

I rent my mobilehome and am a tenant. Can I submit an MRLPP complaint?

Only mobilehome owners can file a complaint through the MRLPP. Tenants who rent their home from a mobilehome owner are protected by the MRL and may choose to pursue a civil action, but at their own expense. However, the MRLPP may still be able to provide assistance, information, and/or resources.

Even if we can't help you directly, we can point you in the right direction.

1.800.952.8356

MHAssistance@hcd.ca.gov

www.hcd.ca.gov

**Mobilehome Residency Law Protection Program
Department of Housing and Community Development**

P.O. Box 278690

Sacramento, CA 95827

The Mobilehome Residency Law Protection Program cannot arbitrate, mediate, or offer any legal advice. Participation in the MRLPP does not prevent you from seeking legal advice from a licensed attorney or legal aid provider, or from contacting local officials for assistance.



Attachment V

“City of Costa Mesa Mobile Home Rental Assistance”

WWW.MERCYHOUSE.NET



**MERCY
HOUSE**



EQUAL HOUSING
OPPORTUNITY

DO YOU KNOW A COSTA MESA RESIDENT WHO NEEDS RENTAL ASSISTANCE?

MERCYHOUSE
CAN HELP.

TO APPLY, CONTACT: MIGUEL ALATORRE-MUÑOZ
HOUSING SOLUTIONS CASE MANAGER
(714) 836-7188 X153
MIGUELA@MERCYHOUSE.NET

THOSE WHO QUALIFY
MAY RECEIVE 3-6
MONTHS OF RENTAL
ASSISTANCE

ELIGIBLE HOUSEHOLDS (INDIVIDUAL/FAMILIES THAT ARE HOMELESS OR AT-RISK OF HOMELESSNESS) MUST LIVE, WORK, OR GO TO SCHOOL IN COSTA MESA AND INCOME MUST BE BELOW 50% AMI TO QUALIFY.

FY 2023 INCOME LIMIT CATEGORY	PERSONS IN FAMILY							
	1	2	3	4	5	6	7	8
VERY LOW (50%) INCOME LIMITS (\$)	50,250	57,400	64,600	71,750	77,500	83,250	89,000	94,750

WWW.MERCYHOUSE.NET



MERCY HOUSE



EQUAL HOUSING OPPORTUNITY

¿CONOCE A UN RESIDENTE DE COSTA MESA QUE NECESITE ASISTENCIA PARA EL ALQUILER?

MERCY HOUSE PUEDE AYUDAR.

PARA APLICAR LLAME A:
MIGUEL ALATORRE-MUÑOZ
COORDINADORA DE SERVICIOS
(714) 836-7188 X153
MIGUELA@MERCYHOUSE.NET



AQUELLOS QUE CALIFICAN PUEDEN RECIBIR DE 3-6 MESES DE ASISTENCIA DE ALQUILER

LOS HOGARES ELEGIBLES (INDIVIDUOS/FAMILIAS SIN HOGAR O EN RIESGO DE QUEDARSE SIN HOGAR) DEBEN VIVIR, TRABAJAR, O IR A LA ESCUELA EN COSTA MESA Y LOS INGRESOS DEBEN ESTAR POR DEBAJO DE 50% DE AMI PARA CALIFICAR.

FY 2023 INCOME LIMIT CATEGORY

PERSONS IN FAMILY

	1	2	3	4	5	6	7	8
VERY LOW (50%) INCOME LIMITS (\$)	50,250	57,400	64,600	71,750	77,500	83,250	89,000	94,750



Costa Mesa ARPA Rental Assistance Program Frequently Asked Questions

1. What is the Costa Mesa Rental Assistance Program?

- The Costa Mesa ARPA Rental Assistance Program, operated by Mercy House is a program that provides financial assistance in the form of a rent subsidy payment. This program seeks to fill the gaps for those who have experienced a financial setback and need rental assistance.

2. What are the eligibility criteria?

- Live, work, or go to school in the Incorporated City of Costa Mesa
- Have a current residential lease/rental agreement in the City of Costa Mesa
- Tenant has been current on previous rental payments and in otherwise good standing with all terms of their lease or rental agreement.
- Tenant must demonstrate regular monthly payments on time prior to requesting rental assistance
- Total household income shall not exceed Moderate Income Limits (50% AMI)

FY 2023 Income Limit Area	Median Family Income Click for More Detail	FY 2023 Income Limit Category	Persons in Family							
			1	2	3	4	5	6	7	8
Santa Ana-Anaheim-Irvine, CA HUD Metro FMR Area	\$127,800	Very Low (50%) Income Limits (\$) Click for More Detail	50,250	57,400	64,600	71,750	77,500	83,250	89,000	94,750
		Extremely Low Income Limits (\$) * Click for More Detail	30,150	34,450	38,750	43,050	46,500	49,950	53,400	56,850
		Low (80%) Income Limits (\$) Click for More Detail	80,400	91,850	103,350	114,800	124,000	133,200	142,400	151,550

- Households must demonstrate a documented substantial financial hardship, due to health, employment, out-of-pocket medical expenses and/or school/childcare closures as evidenced by the following:
 - Self-Declaration
 - Termination of employment Notice
 - Payroll Check or Pay Stubs

- Bank Statements
- Medical Bills
- Signed Letter from Employer explaining applicant's changed financial circumstances
- Unemployment Award Letter
- Self-Certification of applicant's inability to pay the next month's rent

Ineligible Applicants

- Tenants that do not meet criteria above
- Tenants that receive rental assistance from another rental assistance program including HUD section 8 after March 31, 2020
- Tenants that are immediate relatives, through blood or marriage with landlord or property owner

3. How much is the payment?

- Each household is eligible for assistance up to a maximum of 6 months of past due, partial, or full rent
- Mercy House will determine the amount provided to each eligible household using a Gap Analysis Tool and based on the maximum allowable rent payment per the Orange County Housing Authority (OCHA) payment standards.
- All assistance is contingent on the availability of funds.
- All payments are issued directly to the landlord.
- Assistance is provided on a first come, first serve basis until funds run out.

4. Will individuals who received Costa Mesa ARPA Rental Assistance have to pay the money back?

- No. This is not a loan; it is a grant and will not have to be paid back.
- However, if we discover that a recipient has falsified documents or has somehow defrauded the program, the money will need to be repaid.

5. Will I have to pay 2022 taxes on this money?

- No, the assistance is not income and will not be taxed.
- The payment will not affect income for purposes of determining eligibility for other Federal Government assistance or benefits.

6. How will I get the money?

- Costa Mesa ARPA Rental Assistance will be distributed directly to landlords.

7. How can I apply?

- Please contact:

**Brownwynn Rawlings at (714) 836-7188 x 402, brownwynnr@mercyhouse.net
Miguel Alatorre-Munoz at (714) 836-7188 x153, miguela@mercyhouse.net**

to be placed on the interest list. Application materials will be provided to you to complete once you are next on the list.

8. What is the application review and approval process?

- Applicants that have submitted all required supporting documentation will be considered for assistance. Applications will be reviewed for completeness of application, submission of required documentation, and eligibility. Selected applicants who have submitted complete applications, submitted all required supporting documentation, and are deemed eligible will be qualified to receive assistance.
- If your application is selected Mercy House staff will email you (if you have provided an email address) or send you a letter (via USPS) informing you whether you have been approved or denied.

9. What happens after I am approved for assistance?

- A staff member will complete a Gap Analysis to determine the amount of assistance that you may be qualified for based on need.
- A Mercy House staff member will establish an agreement directly with your landlord to accept the rental assistance from Mercy House on your behalf.

10. If I am denied assistance, can I appeal the decision?

- Yes. Applicants have the right to make a written request within fourteen (14) days of receipt of a denial notice to request a meeting to discuss your ineligibility status. Send your inquiry to the attention of our Chief Operations Officer at Mercy House P.O. Box 1905, Santa Ana, CA, 92702 or timothyh@mercyhouse.net.
- The appeals process is to be used to dispute denied participation or termination from the program. It is not an opportunity to submit missing documentation that was required to be submitted as part of the initial application.
- If an applicant is successful in their appeal, their ability to receive assistance will depend on whether any Costa Mesa ARPA Rental Assistance Program funds are available on the date of the appeal decision. A successful appeal decision does not guarantee receipt of assistance.

Attachment VI

“MHET Rental Assistance Program”



Mobile Home Rental Assistance Program (RAP)

What is the Rental Assistance Program (“MHET RAP”)?

The Rental Assistance Program provides monthly rent subsidies to qualified mobile home park residents. It has been serving low-income mobile home owners for over thirty years. The program was designed to provide temporary assistance for qualified mobile home owners who are on the waiting list for the Section 8 government rent subsidy program. This program has been a tremendous success as a completely privately funded and supported program.

Who administers the program?

The program is administered by the Manufactured Housing Educational Trust (MHET), a non-profit trade association. Applications are reviewed and approved based on established criteria with annual reviews to verify continued eligibility and need.

How does the program work?

Once an applicant is approved, a “rent credit” in the amount of the rent subsidy is given each month on the recipient’s monthly rent statement. Subsidies are 10% of the rent, however in some cases where the need exists, mobile home park owners approve higher subsidies.

How long does it take to be approved for the program?

Applications are generally processed within 4-6 weeks with the subsidy beginning within one to two months after receipt of the application.

Who pays the monthly rent subsidy?

The owner of the mobile home park community where the applicant lives pays the subsidy.

Does the rent subsidy have to be refunded or paid back?

No. The subsidy is a gift that does not have to be paid back.

Why was this program established?

MHET established this program because the waiting list for government rent subsidy programs (Section 8) was typically several years long. Since many mobile home park owners were already helping their residents on an informal basis while they waited for Section 8, MHET decided to formalize a park owner funded program and make rental assistance available to qualified mobile home owners.

Who do I contact for more information?

Call MHET RAP at (949) 380-3311.

