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## San Rafael mobile home park residents fear eviction

By Jessica Bernstein-Wax  
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Residents of a San Rafael mobile home park are worried they could find themselves evicted within several weeks after receiving stern letters from their landlord.

The California Department of Housing and Community Development inspected the Contempo Marin park in September 2009, finding numerous violations that ranged from a crack in a driveway to potentially hazardous electrical problems, residents and state officials said.

The agency returned last month for a follow-up inspection and issued letters ordering mobile home park managers and residents to fix about 180 remaining violations before Jan. 20. However, the state has since given the park and homeowners an extension until Feb. 28, said Chris Anderson, the agency's chief of field operations.

If there are still violations at that point, Anderson said his department may begin the process of suspending Contempo Marin's permit to operate. A third inspection is

scheduled for Wednesday.

Last week landlord Equity LifeStyle Properties Inc. of Chicago sent numerous homeowners stern letters, saying it would start eviction proceedings if everything wasn't up to snuff by Jan. 19 or 20. There are 396 units in the mobile home park off Smith Ranch Road in north San Rafael.

"This was not a process initiated by Contempo Marin (or) Equity LifeStyle Properties but a legal process initiated by the state of California," said Dan Perlis, the company's vice president

of California operations. "We have no interest in having to evict anyone who's otherwise in good standing."

But residents are questioning why the landlord set a deadline earlier than the state's.

"It looks like the company is acting ahead of the state," said Keith Meloney, a past president of the Contempo Marin Homeowners Association who has been fielding calls from more than 30 residents who fear eviction. "It is unknown whether they have the authority to begin an eviction process."

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Meloney added that the original violation letters the state sent out were confusing and often cited code sections with little or no explanation.

Evictions are a civil matter falling outside the housing and community development department's jurisdiction, Anderson noted.

"There's nothing under our enforcement that would limit them from sending out unlawful detainer actions against residents," he said.

Lynn and John Samuels have lived at the park for five years with their 10-year-old daughter and received a letter from Equity LifeStyle last week saying they could be evicted if a crack in their driveway wasn't fixed by Wednesday.

However, the Samuelses said they never received any previous communication from the state and aren't even sure the palm tree that is causing the crack — which was already there when they bought the home — is on their property.

"It's all very confusing and that's why we've decided we're going to speak to Legal Aid (of Marin)," Lynn Samuels said, noting that she's not sure where the family will go if they lose their home.

Equity LifeStyle Properties has been involved in a bitter legal dispute with San Rafael and the homeowners association over a city rent control law that applied only to mobile homes.

In 2009 U.S. District Judge Vaughn Walker ruled in the landlord's favor, saying San Rafael's ordinance violated the portion of the Fifth Amendment barring government "taking."

Walker's decision meant existing residents would lose all rent-control protections in 10 years and new home owners and tenants would be subject to market-rate rent immediately.

San Rafael is appealing that decision, and the case was on hold until the 9th U.S. Circuit Court of Appeals ruled on a similar Southern California case, said Michael von Loewenfeldt, a San Francisco attorney representing San Rafael.

In December a divided court ruled in favor of the city — Goleta — upholding its rent control law and giving San Rafael and other cities hope.

Many municipalities throughout the state have given added rent control protection to mobile homes because residents have often

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invested heavily in the properties but can't move them without great expense, homeowners' rights proponents say.

"Because the owner of the mobile home cannot readily move it to get a lower rent, the owner of the land has the owner of the mobile home over a barrel," the 9th Circuit opinion states.

But some landlords argue that the laws prevent them from getting a fair return on their land, among other concerns.

San Rafael's rent control ordinance, however, likely wouldn't have protected residents against possible eviction for state code violations, von Loewenfeldt said.

"I don't believe the ordinance deals with this situation," he said.

"One would hope that the park is not manufacturing reasons to get rid of people," von Loewenfeldt added. "At the moment rent control is in existence for (current) residents, but future residents don't have any rent-control protection, which obviously creates a financial incentive to ... create as many future residents as possible."

Since the court ruling, many Contempo Marin residents have abandoned their homes

because they've lost much of their value and are difficult to sell to new tenants who don't want to pay the higher rents, Meloney and others said.

Residents to whom rent control still applies pay between \$750 and \$850 a month for their "pads," or the land on which their home sits, Meloney said. In contrast, new homeowners may pay as much as \$1,925 a month, he said.

Kathy Samoun, 43, has lived at Contempo Marin for 13 years and is trying to repair her carport as quickly as possible so she won't lose the home she shares with her husband and two daughters.

"This seven-day notice thing was just another scare tactic for them," Samoun said, referring to the landlord. "We're constantly on edge here. We never know what's next."

"Now everybody's really scared that they're going to lose their homes," she added. "(The owner) literally has everyone held hostage."

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