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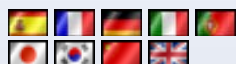
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- Calendar
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- Lamar Morgan
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- Penny Dahl
- Sophie Annan Jensen

State challenges county's manufactured home disclosure ordinance



Written by Elizabeth Larson
Thursday, 01 November 2007

LAKE COUNTY – The state is pressuring the Lake County Board of Supervisors to withdraw an ordinance meant to protect manufactured housing buyers.

On Oct. 2 the Board of Supervisors approved Ordinance No. 2840, which amended Lake County Code in order to require manufactured home dealers to provide a once-page disclosure form, which is meant to alert homebuyers to their legal rights before they sign a purchase agreement or make a deposit or down payment.

The disclosure specifically tells homebuyers that they have the right to hire an attorney to review their purchasing agreement, the right to require penalties from the dealer should they fail to deliver the home in a timely fashion, the right to retain an attorney and sue and the right to protection of an escrow account.

But this coming Tuesday the Board of Supervisors will discuss whether or not they should rescind the ordinance based on a letter from the state.

On Oct. 15, Ronald S. Javor, assistant deputy director of the California Department of Housing and Community Development's Division of Codes and Standards, sent a letter to four-page letter to County Counsel Anita Grant.

In it, Javor said that the department believes that the ordinance "is invalid because it is both expressly and impliedly preempted by state laws."

On a local level, the importance of the ordinance was demonstrated by the numbers of local manufactured homebuyers who went to the board to share their experiences in buying the homes, which either were different than ordered or were so badly installed as to be almost uninhabitable, with repairs that they had to fight to have made.

The Lake County Manufactured Housing Citizens Group, led by Spring Valley residents Janis Paris and Paul Frindt, took the concerns to District 3 Supervisor Denise Rushing, who brought the subject to the Board of Supervisors.

Paris and Frindt told Lake County News that they also found their manufactured home to have numerous faults in both construction and installation, problems which still have not been fully remedied.

While the board was considering the ordinance, Ken Celli,

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S	M	T	W	T	F	S
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4	5	6	7	8	9	10
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25	26	27	28	29	30	1

Maile Field

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manager of Lake County Manufactured Homes in Lower Lake, sent a communication to the supervisors on Sept. 27, telling them he was contacting the state Department of Housing and Community Development because the ordinance discriminated against manufactured home dealers.

Celli attached a copy of his letter to state Housing and Community Development, in which he said he stated that local dealers weren't sure the county could enforce the ordinance.

Celli also said he wanted to make the department aware "of the problems we are having as local manufactured home retailers with the Lake County Manufactured Homes Citizens Group."

One of the problems Celli is having with the Manufactured Homes Citizens Group is a lawsuit filed in December 2004 in Yolo County Superior Court, which is still making its way through the courts.

According to court documents obtained by Lake County News, Paris, Frindt and several other local residents filed a lawsuit that names as defendants Lake County Manufactured Homes, Modern Manufactured Homes, DuPar and Angel Inc., Skyline Woodland, The Andrew Karsten Company and Fidelity National Title.

In the suit, the group accuses the manufactured home dealers of breach of contract, negligence, strict liability, breach of warranty, negligent and intentional representation, fraud and deceit, unfair business practices, breach of fiduciary duty, even elder abuse.

Celli did not return a call placed by Lake County News seeking comment.

State says county law is superseded

The letter from Javor to Grant said the county is responsible for direct or indirect enforcement of several "broad-reaching housing standards statutory requirements."

Javor said the Mobilehomes-Manufactured Housing Act governs issues including construction, maintenance, use, alteration, purchase, sales, registration/titling and demolition relating to manufactured homes. That includes disclosures regarding price, down payments and deposits, buyer dispute procedures for escrow funds, release of funds by escrow and penalties.

Echoing a sentiment in Celli's letter, Javor says the ordinance's requirements "place a special burden on one small industry," specifically, manufactured home dealers and salespersons.

He suggests a "less intrusive" means of achieving consumer awareness would be a county-sponsored educational campaign for residents that focuses on all significant purchases, "rather than imposing a discriminatory burden on manufactured home dealers because of the unmet expectations of a small number of purchasers."

Lake County News was unable to reach Javor by telephone on Wednesday.

Javor's letter is copied to his deputy director, Kim Strange, the department's chief counsel Dennis Beddard, and Jess

Maxcy, president of the California Manufactured Housing Institute, a trade organization representing the manufactured housing industry.

Incidentally, Robert T. Angel of DuPar and Angel, one of the defendants in the manufactured home lawsuit, is chairman of the California Manufactured Housing Institute's board.

Angel's company, which owns Lake County Manufactured Homes and Modern Manufactured Homes, now operates under the name of Angel and Associates.

Other avenues may be possible

In a report to the Board of Supervisors set for discussion at next Tuesday's board meeting, Grant recommends to the board that they rescind the ordinance establishing the one-page disclosure.

However, she suggests the board may want to consider "other actions" to address the issues that prompted the ordinance in the first place.

Supervisor Rob Brown said that one of those alternate actions may be a new step in the permitting process.

In that new step, he said, the county's Community Development Department would require that the disclosure form be given to prospective homebuyers when they apply for a permit to put a new manufactured home on their property.

"That way, we make sure the owners who are buying the homes have to sign this thing," he said.

The vehemence of local manufactured home dealers in fighting the simple form is a concern for Brown.

"The thing that strikes me is, why are the manufacturers so concerned with a simpler disclosure?" he asked. "What are they trying to hide? That makes me want to do something all the more."

Brown, a businessman himself, said he's the first person to say the county shouldn't be making the work of local business owners more difficult.

Yet, he added, "One more form is not going to hurt them."

Brown said he is sure that there are many manufactured home buyers who haven't had problems with their homes. Yet, if one person is taken advantage of in the home-purchasing process, Brown said the county has an obligation to look at it.

Since discussion of the ordinance began in late summer, Brown said he and other board members have received a lot of calls from people who had trouble with their manufactured home purchases and installations.

Of those people who had difficulties, Brown said he has yet to hear of one of them who had their problems resolved by the home dealer or manufacturer.

Consumer rights being eroded

Supervisor Denise Rushing, who brought the issue to the board, said she was surprised that the Department of Housing and Community Development interpreted the

county's ordinance as interfering with state law.

She said the board feels strongly enough about the issue that she's sure they'll find a way to get the disclosure information into consumers' hands so they can make informed decisions before giving over their money – and their leverage.

There are a few options, said Rushing, including following Grant's suggestion to rescind the ordinance, or letting it stand and seeing if it will hold up to legal challenges.

Rushing said the state's disclosure requirements don't have a specific timeframe requiring that consumers be informed of their rights before handing over money and finalizing their purchase agreements.

Addressing that timeframe and giving consumers a simple disclosure are two key differences between what the state rules don't do and what the county is attempting, she said.

"There still may be a reason to keep that ordinance in place," she said.

Attacking consumer protections isn't an isolated issue, said Rushing. "In other other areas we've seen a rollback of consumer protection in favor of companies that have managed to get laws passed in Washington."

As a prime example, she points to the recent controversy over the discovery of toys that are coated with lead-based paint. "We've had consumer protection laws for toys forever. How did that happen?"

The reason, she suggests, is consumer protections are being eroded everywhere, which is hard for many people to believe, because the U.S. has had strong consumer protections for many years.

Rushing suggested that the lead-based paint issue is the tip of the iceberg, and that it's one of a number of warning signs that consumer protections are under assault.

Letting local manufactured homebuyers know of their rights is a basic step, said Rushing. "In this case we just need to make sure the consumers are protected in our area."

The Board of Supervisors will discuss the ordinance at 10:45 a.m. at its meeting on Tuesday, Nov. 6.

E-mail Elizabeth Larson at elaron@lakeconews.com.

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 **James - Law** Registered | 11-01-2007 08:41:50


So it seems there is a law were by the county is unable to get ahold of the corrupt business of manufactured homes because of a information sheet. Not shocked as one involved with this mess for over six year there's not much help from any government agency. The system that oversees this gabbage knows how bad it is and has done nothing to solve the problem as yet. So much for representative government looking out for our good. I will say this before you buy ,buyer be ware.

 **Donna Christopher -** Author | 11-01-2007
Woof!! 12:33:45

Misters Celli and Javor remind me of a small child who just got caught, hand in cookie jar, who looks you in the eye and says "i'm not taking a cookie". I think a good business move for any ManHome dealer in Lake County would be to hand out that pamphlet and advertise that you do so. This would let folks know who is and isn't afraid of consumer rights, who does and doesn't care about their customers. Ahnuld strikes again. Wonder what Jerry Brown as our AG would do about, is he anti consumer also? Keep up the good work BOS, your allegiance is to us, not Sacto. I appreciate your good works.

 **James - Woof!!** Registered | 11-01-2007 14:21:44


All the kodos should go to Denise Rushing the other supervisors have known about the problems with manufactured homes and have done squat. I will go so far to say this local government took our money passed the garbage and if there is a problem act as if there is no responsibility on their part. They knew folks and did nothing before Denise cam along.

 **get smart - Buyer** Registered | 11-02-2007
Beware 16:34:19

Hot Button topic with far reaching ramifications; I think James said it best; buyer beware; a phrase coined long before this Country was ever thought of.


Yes the County of Lake District 3 Supervisor Denise Rushing is to be commended for her quickness to respond to the needs of the consumers and her efforts and willingness to get involved on the behalf of those who feel they have been disenfranchised at the hands of this local government.

It sounds like to me if I interpret this article correctly Rob Brown was none to slow in his willingness to ride Supervisor Rushing political coattail in with regards to this issue.


 **Raphael - Whining to the** Author | 11-01-2007
state 23:13:47

The manufacturing home industry targets people on fixed income, such as retirees, or people with limited income, who most likely do not have the resources to go to court and fight for their rights individually, and have consequently and very smartly formed a local

consumer protection group...And the industry has a "problem" with this group and whines to the state about it, seeking protection from customers?...To do what, to scr-w them with complete impunity? Sounds familiar...Great to see the supervisors, no matter what their motivations, side with common sense and for the common good rather than for special interests (industry) and against the American public as in Washington!...

 James - Its a Registered | 11-02-2007
business 05:05:08

I understand that industrys reluctance to take on a mandate from this local government. Just the legal matters that could arise.Clearly without the oversight of the agencies intrusted so consumers are not cheated dihonesty will always be the aftermath. This coin has two sides Its not just the manufacturing home industry but all the government bureaucracys that oversee. That poke in the eye for that business is well deserved but lets not exclude that half that are payed to watch them for us." Government" Before Denise Rushing came along I well assure you that the court house was aware of this problem long before her arrival.There was no action thay knew and thay did nothing. Take that to the poles with you.

 get smart - Affect Registered | 11-02-2007
Change 17:14:00

For those who are of a mind to affect change here in Lake County you might consider applying for one of the many vacancies on one of the many advisory boards here in Lake County if your time and health allows you to do so. See the article County seeks applicants for advisory board vacancies; Lake County News.

Self-governance is not an easy task and it takes a lot of time and commitment. I only wish my own health allowed me to take advantage of this opportunity now that I am retired. But to be honest I would not be retired if my health had not forced me to do so; because I would have needed to continue to work due to the rising cost of my own personal Private Health Insurance; that which is to this day an on going expense.

 get smart - The Better Registered | 11-02-2007
Part Of Valor 16:25:14

I am not sure that the County of Lake is in the economical position to do battle with the State of California in with regards to this issue; rescinding the ordinance maybe the better part of valor at this point in time.

Ronald S. Javor, assistant deputy director of the California Department of Housing and Community Development's Division of Codes and Standards, is probably correct in his believes that the ordinance "is invalid because it is both expressly and impliedly preempted by state laws."; since ours is a government based on being reactive rather than proactive.

This is not to say that we should step away from this issue; but moreover find a way at the local level to get

around the issue at hand. Local government was meant to be proactive rather than reactive because it was meant to be easier to handle by those it served.

The quickest way to resolve this issue is to require that all doing business within this county be licensed to do business before commencing to conducting any business within this county. The next step is to elect such people as Supervisor Rushing!

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Last Updated (Wednesday, 14 November 2007)

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