

THE ALBUQUERQUE TRIBUNE



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600 fed-up mobile-home residents take landlord to court over carports

By Shonda Novak
TRIBUNE REPORTER

Christine O'Dean is 91 years old, blind in her left eye and hasn't driven a car in eight years.

But the managers of the Wyoming Plaza Mobile Home Park where she lives forced her to build a carport — or face eviction, O'Dean said.

"It was a dirty trick after all these years I've lived there," she said.

So she spent \$650 of her Social Security income for a carport she doesn't need.

Now, she and 600 other mobile-home

park residents are fighting back.

They live in two adjoining Albuquerque mobile-home parks, and on Monday they sued as a group the company that leases, operates and manages the parks.

The lawsuit was filed in state District Court in Albuquerque against Utah-based Kingsley Management Corp. by residents of Wyoming Plaza Mobile Home Park and Terrace Mobile Home Park.

Wyoming Plaza, 9000 Trumbull Ave. S.E., has about 125 rental spaces. Terrace Mobile Home Park, 9000 Zuni Road S.E.,

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has about 475 rental spaces and is designated as senior-citizen housing.

The lawsuit says the carport rule and other management practices violate the New Mexico Mobile Home Park Act and the New Mexico Unfair Practices Act. The lawsuit seeks damages exceeding \$100,000, said Marian Matthews, an attorney for the residents.

It costs \$500 to \$600 to attach a carport awning to a mobile home, Matthews said. So far, about 70 residents have done so, including some who don't own a car or cannot afford a carport, she said.

Ross Hopkin, Kingsley's account manager in Provo, Utah, said he was unaware of a lawsuit.

"There isn't one as far as I'm concerned," he said.

Al and Lynne Chenot, resident managers of the Terrace and Wyoming Plaza mobile-home parks, did not return a message The Tribune left at their office.

The lawsuit is believed to be one of the first major class-action lawsuits brought in state District Court under the New Mexico Mobile Home Park Act, Matthews said.

"It looks like it's going to be an interesting fight, and we're on the right side on this one," Matthews said at a news conference Monday attended by about 30 residents.

The lawsuit comes four months after Jonathan Diener, attorney for the Wyoming Terrace Mobile Home Park Association, sued in state District Court over the same carport rule.

The lawsuit filed Monday says during the summer, Kingsley began an "aggressive" campaign that required all tenants to have a carport or face eviction.

The lawsuit says the rule was not made for the residents' "convenience, safety or welfare," as required by state law.

Also, the lawsuit says, the carport rule forced some residents to violate the city's zoning code by constructing carports that are not set back at least 5 feet from adjacent homes.

Matthews said Kingsley has asked the city for a variance from the setback requirement. The city is scheduled to hear that request on Wednesday.

Matthews said residents will oppose the request, since the carports frequently bump against neighboring mobile homes, blocking windows and back doors, and creating "overcrowded and unattractive living conditions."

"They're forcing you to pay for the privilege of living like a sardine," attorney Richard Feferman told residents Monday.

Matthews said Kingsley might be seeking the variance to accommodate larger mobile homes, for which management could demand higher rent.

"That's totally untrue," said Hopkin, Kingsley's account manager. "There's no economic incentive."

Instead, Hopkin said, the carport requirement is strictly for aesthetic reasons, "to make the homes look nicer and the park look nicer."

Hopkin said it is Kingsley's policy to apply the rule across the board, whether the resident has a car or even drives.

"We have to be consistent if we're going to enforce the rule," Hopkin said.

Besides the carport rule, the lawsuit challenges the \$7.50 monthly "administrative fee" to read residents' gas meters. The lawsuit says the fee is excessive and illegal.

Kingsley tripled the fee — from \$2.50 to \$7.50 a month — in May 1992, the lawsuit says. The fee is charged in addition to residents' cost of gas.

If the fees are found to be excessive, Kingsley could face penalties totaling \$3.6 million a year, Matthews said.

The lawsuit also challenges a provision in the rental agreements that allows management to evict residents with 30 days' notice, without reason.

That provision violates a state law that says residents can be evicted only if they fail to pay rent or fail to follow "legitimate" mobile-home park rules, according to the lawsuit.

Most residents in the park own their own mobile homes and rent the space on which the homes are parked, Matthews said. The cost of moving a mobile home can run \$1,500 or more, she said.