

# CITY OF SAN MARCOS Proposition T

(This proposition will appear on the ballot in the following form.)

## PROP T

Shall the ordinance be adopted providing for the review and approval by park residents of any change, addition, deletion or modification of park rules and regulations affecting the residents of a mobilehome park prior to its implementation by a park owner?

### PROPOSED ORDINANCE

The people of the City of San Marcos, California, do ordain as follows:

#### Intent:

This ordinance provides for review and approval of any change, addition, deletion or modification of Park Rules and Regulations affecting the residents of a Mobilehome Park within the City of San Marcos, prior to implementation thereof by a Park Owner.

#### Committee:

The residents of each Mobilehome Park shall provide through their homeowner representative group, by election or appointment, a "**Park Rules and Regulations Committee**" that will be responsible for reviewing, negotiating and approving or rejecting any change, addition, deletion or modification proposed by the Park Owner to the Park Rules and Regulations.

#### Review:

No Park Owner shall change, add to, delete or modify the Park Rules and Regulations affecting the residents of a Mobilehome Park unless and until any such change, addition, deletion or modification shall have first been submitted to, reviewed and approved by the Park Rules and Regulation Committee. The term "Park Owner" shall not include any resident-owned mobilehome park.

#### Appeal:

In the event that a majority of the members of the "Park Rules and Regulations Committee" does not approve all or part of a proposed change, addition, deletion or modification of the Park Rules and Regulations, a Park Owner shall have the right to appeal by petition to all residents of the Mobilehome Park to seek such approval. Any rejection of a proposed change, addition, deletion or modification may be reversed by a petition bearing the signatures of a majority of the residents of the subject Mobilehome Park approving the proposed change, addition, deletion or modification.

#### Initial Review:

An initial review of existing Park Rules and Regulations shall be performed jointly by the "Park Rules and Regulations Committee" and the Park Owner within 90 days of the effective date of this Ordinance. The purpose shall be to allow for reasonable review and modifications, as well as establish a baseline for all subsequent changes, additions, deletions or modifications to the said rules.

#### Declaration:

The adoption and enforcement of this **Mobilehome Park Rules and Regulations Protection** ordinance is a matter of local concern and is declared to be a municipal affair.

## CITY ATTORNEY'S IMPARTIAL ANALYSIS

This initiative ordinance would require that no change of the rules and regulations of a mobilehome park shall be implemented by a park owner unless and until such change is first reviewed and approved by a Park Rules and Regulations Committee. This Committee is to be comprised of persons elected or appointed by the residents of the mobilehome park for the purpose of conducting such review and approval. Within 90 days of adoption of the ordinance by the voters, an initial review of said rules shall be conducted jointly by the park owner and the Committee to establish a baseline against which future proposed changes would be measured. In the event that a proposed rule change is not approved by the Committee, the park owner may petition park residents, a majority of whom shall have the right to over-rule the Committee and approve the change. The ordinance would not apply to any resident-owned mobilehome park. The measure is declared to be a municipal affair within the regulatory authority of San Marcos as a charter city.

Legal experts opposing this measure argue that its terms are invalid because they duplicate and conflict with provisions of existing State law. If it is determined by a court that the State legislature intended to, and did, enact laws which fully control the adoption and enforcement of mobilehome park regulations, then this measure would be deemed preempted and would, therefore, be invalid.

Legal experts supporting this measure urge that State law does not fully occupy this area of legislation. They argue that mobilehome park regulations are a matter of local control and can be adopted by an initiative election as a proper exercise of the power of a charter city. If State law is determined not to be preemptive, this measure would be a valid enactment to be applied in the City of San Marcos.

Mobilehome park owners also allege that the right of residents to review and approve park regulations constitutes an unlawful restraint and intrusion on the property rights of park owners to own and manage their mobilehome parks. Proponents of the measure respond that the ordinance is a proper exercise of the police power of the City to provide for the orderly adoption of equitable rules and regulations in mobilehome parks.

It is likely that litigation would be necessary to determine the validity of the measure.

If adopted and determined to be valid, the terms of this measure could not be amended or repealed by the City Council. Any ordinance amending or repealing this measure would have to be passed by a majority of the votes cast by San Marcos voters in a duly held election.



## **ARGUMENT IN FAVOR OF PROPOSITION T**

Currently, Mobilehome owners living in Mobilehome parks on spaces rented from the land owner are subject to rules and regulations established by the landlord which are governed by California Civil Code provisions known as *Mobilehome Residency Law*. These rules and regulations which are similar to other homeowner and condominium association rules and regulations are written to benefit both Mobilehome owner and landlord and for the most part have served both parties well.

However, one provision of the California law allows the landlord unilateral authority to change the park rules and regulations at any time and in any way provided the changes do not violate the Mobilehome Residency Law. The Mobilehome owners have absolutely no say in the matter. For instance, the landlord may decide that he does not want his tenants to own pets or that visiting grandchildren can only stay one week or cannot use the community pool or other facilities.

Since these homeowners are heavily invested in their home and improvements, moving the Mobilehome is expensive and not an option. Some arbitrary landlord changes could even drastically decrease property values and degrade long accustomed lifestyles.

Proposition "T" The Mobilehome Park Rule Change Consent Ordinance for San Marcos does not take away a park owners rights and gives no authority to the tenant to change rules or regulations. It merely requires that the landlord submit any proposed changes to a tenant committee for review, negotiation, and approval prior to imposing them on the tenants. What could be more fair and democratic than that?

In America, laws are made by those who must obey them and we have the right to change them when the majority decrees. That is all the Mobilehome community asks.

### **PLEASE SUPPORT OUR SENIOR CITIZENS RIGHTS**

### **PLEASE VOTE YES ON PROPOSITION "T"**

LEE B. THIBADEAU

PAUL J. LACKEY

ALVINA LEPINSKI

## REBUTTAL TO THE ARGUMENT IN FAVOR OF PROPOSITION T

**Read the Proposition and the City Attorney's Impartial Analysis carefully!**

**Don't be fooled!** Authors of this proposition want you to believe the park owner can currently change the rules "at any time and in any way." **NOT TRUE!** Current California Mobilehome Residency Law, **written to protect the homeowners**, clearly states "When the management proposes an amendment to the park's rules and regulations, the management shall meet and consult with the homeowners in the park." Even the proponents of Prop T acknowledge in their opening paragraphs that this area is already governed by state law.

**Know the facts!**

**There WILL be expensive lawsuits if Prop T passes, and your tax dollars will pay for them.** The Attorney's Impartial Analysis suggests litigation will be inevitable, and it will open our Rent Review Ordinance and rent stabilization to scrutiny by the courts.

**Proposition T is not fair nor democratic.** It will **NOT** protect **ALL** mobilehome residents. Over one-third of our mobilehome parks are **exempted** from this unfair measure, discriminating against hundreds of low income families and seniors, and setting up further legal challenges.

**Don't be fooled. Proposition T is nothing more than political manipulation and wasteful spending of your tax dollars.** Don't commit San Marcos to defending a special interest proposition that is so clearly pre-empted by existing, adequate state law. We need our tax dollars for positive projects benefitting the entire City.

**This is a losing proposition.**

**Vote NO on Prop. T!**

RICHARD C. YOCUM  
Vice Mayor, City of San Marcos

ELAYNE OSWALD

JACQUELINE R. GROOME

IDA M. LAURIA

JO MacKENZIE

## **ARGUMENT AGAINST PROPOSITION T**

### **Political Pandering and Legal Jeopardy?**

**Don't be fooled!** This is a very dangerous initiative placed on the ballot solely for political gain. **Vote NO on Prop. T.**

**You are already protected** by State law and our City Rent Review Ordinance. State law requires park owners to confer with mobile home residents before any changes to park rules or regulations are made.

**Why duplicate existing law and risk all that we now have?**

Experts have stated that this issue is preempted by State Law. **If this initiative passes it WILL be legally challenged.** A successful lawsuit could jeopardize our Rent Review Ordinance and leave mobile home residents with NO protection. It would open the entire Rent Review Ordinance and our City Charter to further legal challenges and ongoing legal expenses.

**Why spend hundreds of thousands of dollars in defense of something we don't need?**

The legal challenges to this unnecessary initiative will waste tax dollars and jeopardize the city services provided to **all** residents of San Marcos. Rather than throw away money on litigation, let's use our limited city funds for more public services, capital improvements and other positive projects benefiting the city as a whole.

**ALL taxpayers** of the city will have to pay for the legal defense but **mobile home residents have the most to lose** - their current rent review ordinance, their tax dollars and their future financial security.

**Don't waste your tax dollars defending this pointless initiative.**

**Vote NO on Prop. T.**

IDA MAUDE LAURIA  
Mobile Home Park Resident

ELAYNE OSWALD

RICHARD C. YOCUM  
Vice-Mayor, City of San Marcos

JACQUELINE R. GROOME  
Mobilehome Park Resident

# REBUTTAL TO THE ARGUMENT AGAINST PROPOSITION T

## Homeowners Rights

Legal experts assure us that **this is a valid initiative** to stop a flurry of unjustified, unfair, and harmful changes that have been made or are being made to existing park rules and regulations here in our city. Currently, all that is required by law is notification of change. **Proposition "T" is the result of a fervent plea from many of our citizens who have been grossly wronged by unwarranted changes from a few of our Mobilehome parks.**

Interestingly, the opponents of this measure are not the park owners who have not officially voiced opposition to this *Change Consent Ordinance*. The opponents are political adversaries of one of the authors of this measure.

**The California Constitution** grants a Charter City's rights to **regulate matters of local control.**

**The California Courts** have upheld rulings that Mobilehome Park Regulations are a **matter of local control.**

**As a Chartered City**, San Marcos enjoys extraordinary powers of self-government. **Proposition "T"** is a validation of our rights granted in the **California Constitution** (Home Rule Doctrine). It provides for city **protection of existing rules** and regulations governing Mobilehome parks from inequitable, unilateral changes that could seriously cause injury, harm, or loss to its Mobilehome citizens.

Are senior Mobilehome owners to be **treated as third class citizens** without any voice in their neighborhood, their lifestyle or amenities? **Or is this America where everyone is entitled to fairness and justice?**

Please help us . . . . . **VOTE YES on PROPOSITION "T".**

F. H. "CORKY" SMITH  
Mayor, City of San Marcos

NINA PATTERSON  
Paloma Community

PAUL J. LACKEY  
Former Vice President, SMMRA  
La Moree Mobile Estates

COL. FREDERICK H. BLACK, JR. (Ret.)  
Founder & Past Pres., SMMRA  
Palomar Estates West

ALVINA LEPINSKI  
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Lakeview Mobile Estates