Whose tree is it.....

whose driveway is it..whose road is it..whose retaining wall is it..whose clubhouse is it,..whose swimming pool is it, whose shuffleboard court is it?????

We could go on and on, but the question and the answer should be the same. Residents who own mobile or manufactured homes in a leased or rental park do not **OWN** anything beyond their home or their shed. **Everything else** is owned by the **Park Owner or Investor**.

Many years ago, when the Park was developed, the City must have allowed it to be built under a Conditional Use Permit (CUP) or a simple permit to operate a mobile home park. The entire park was under the ownership of the developer or operator-to-be, with permission to lease small plots of land or pads for rent to the mobile home owners placing their mobile homes on these rented spaces. Said mobile home owner was to be responsible for maintaining his or her home, and the park owner or operator was to maintain his own property.

Why should a homeowner be expected to pay for the repair, maintenance or replacement of any of the Park Owners property or business?

Regardless of what it may say, hidden in a rental agreement, or in 20 pages of Rules and Regulations, it is the Park Owners **sole responsibility**, not the resident/homeowners.

In fact, an argument could be made that the Park Owner should maintain the landscaping of the pad or space being leased, but that has never happened.

Now, years later, the Park Owner/Operator has decided that the tenant or mobile home owner should be responsible for repairs and replacement of his property's infrastructure. Any improvements to a mobile home park will most likely increase the value (investment) of

the park. A brand spanking new swimming pool would increase the Park's value rather than a 30 year old pool, cracks and all. Explain to me how such replacement will increase the value of the mobile home and therefore now require the homeowner to reimburse the Park Owner for the cost of all such replacements? By the way, all those newer homes and beautifully maintained older homes will also increase the value of the Park.

We can assume the park has insurance to cover replacement of these capital improvements or replacements due to fire, flood, earthquake or other disasters.

It is the Investor or Park Owner who should be funding such anticipated replacement costs as **reserves** to cover such normal replacement costs. After all, nothing lasts forever.

Suppose the original owner of the park contracted with shoddy contractors or made deals to reduce costs and therefore produced shorter life expectancies. Oh, then let's make the space leaseholders pay for the replacements. Does that sound fair?

No matter how you slice it, capital replacement is not the responsibility of the resident, it is the Park Owners and his alone.

Some Investors may claim that the IRS Tax Code allows them to pass capital replacement costs onto the tenants/homeowners. Please, I implore you , show me the code that states that capital replacements in a mobile home park is a cost that can or should be passed on to the tenants/homeowners. Without seeing proof, I suspect that the code is merely reflecting how such costs figure into the profit and expenses for the Investors business operation and how to be treated in calculating the deductible expenses.

Park Owners/Investors are not satisfied with a monthly rent/lease

for a mobile or manufactured home. They seek any way that they can find to extract more income/payments from the tenants/homeowners. Some are legitimate, some are not. RV parking...OK. Extra Person...NO, Laundry machines...OK, Higher rent to new buyers....NO, Pass through cost for repair or replacement of the Park property...NO.

There were 18 rental/lease parks in San Marcos and over the past 20 or so years, eight of these parks were purchased from the Investors and converted to Resident Owned Parks. Problems with greedy investors disappear, HOA fees plummet (from Rents) by about $300.00 to $500 per space simply because the true costs of operation are revealed, and Park Owners are no longer sucking money out of the tenants. And yet, the parks are better maintained, property values go up and the City and State Property Taxes go up as well. True, those replacement costs are now the responsibility of the Homeowner because he/she now owns everything. The funding of reserves to cover the replacement costs in Resident Owned Parks are required by the Davis-Stirling Act.

While we're at it, let's make something else clear. If a homeowner's coach is damaged due to a ruptured water line passing through the pad, or a sewer back up in the sewer lines carrying sewage from the home due to roots or any other stoppage, it is the Park who is financially responsible. The Homeowner is only responsible for stoppage or ruptures which emanate from or within their home.

Keep in mind that the MRL clearly states that trees and driveways are the sole responsibility of the Park Owners, regardless of what the Park Owner puts in a Rental Agreement or in their Rules and Regulations, or falsely informing homeowners when signing documents.

There is no basis for Park Owners claims or attempts to pass on these costs to homeowners who are simply renting a piece of dirt on which to place their home.

Quoting from the Mobilehome Residency Law (MRL) :

798.37.5 Trees and Driveways (a) & (b) With respect to trees on rental spaces in a mobilehome park, park management shall be solely responsible for the trimming, pruning, or removal of any tree, and the costs thereof, upon written notice by a homeowner or a determination by park management that the tree poses a specific hazard or health and safety violation.

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