



San Marcos Mobilehome Residents Association
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A COMMUNITY FIGHTS BACK

By Lloyd Rochambeau, President

In 2014 the City of San Marcos contracted with an attorney to act as a Facilitator to bring mobile home park owners and mobile home owners together to create an Accord, similar to what the City of Vista had in place for the last 20 years. The big difference is that San Marcos has had a Rent Stabilization Ordinance (RSO) passed by the voters in place since 1978. It is not truly rent control, it is merely a process whereby Homeowners can protest a proposed rent increase.

The increase goes before a Rent Commission, which is the City Council, and with lawyers and experts the City claims the cost runs between \$20,000 and \$50,000. We have never seen documentation of these figures. There also have been no rent reviews since 2010, therefore no cost. We understand the Facilitator has racked up between \$75,000 and \$100,00 in costs to the City trying to initiate an accord. Wanting to improve upon the RSO is a commendable objective, however, the process has been flawed from day one. After a about a year and a half of conferences or task force meetings, they abruptly stopped. None of the recommendations by the Homeowner representatives were incorporated in the draft lease presented to the El Dorado M/H Park. An Accord would have been an agreement with all the Parks in the City that rent spaces. Without any notice, the objective changed to a "divide and conquer" approach. The first Park under siege, El Dorado Park is located on Capalina Road near Rancho Santa Fe. It is a tiny park with only 94 spaces, with about 32 of the homes owned by the Park Owner and rented out at whatever rate he desired. It is smack dab in the middle of an industrial area and under a five star ranking system, would probably rate only one star.

Further on south down Rancho Santa Fe Road there are two larger parks that would possibly rate a four star rating, since they have more amenities, trees and are better maintained. It stands to reason that the \$390 monthly space rents at El Dorado are where they belong compared to the \$450 to \$700 rents in these nicer parks.

The Lease presentations at El Dorado were one sided, coercive and deceitful. Even if they weren't, there was no room for negotiation. It was a take it or just lose your RSO protection. What the Homeowners had under the RSO was expectations of an annual increase approximately relating to the CPI, with **no rent** increase upon the sale of their home, and with **no** additional increase for capital replacements of the Park Owners property. This new lease calls for annual Rent increases based upon the CPI, HOWEVER, increase of rents to new buyers or purchasers of their home would be facing increases of a minimum the first year of \$50, but with a complicated formula, would increase to well over a hundred dollars in a year or two. You might ask, what does it matter what their buyer has to pay? Well, as the rent goes up, their equity goes down. One hundred dollars more in rent can take \$10,000 out of the value of their house. Each progressive year will steal more and more equity.

The additional rent or pass through rent is essentially a racket where the Park Owners want the Homeowners to replace roads, clubhouse roofs, replace old swimming pools, etc., etc. This is the owned property of the Investor or Park Owner, it is an integral part of his/her business and in no way is the responsibility of the mobile home owner. This flies in the face of the MRL (Mobilehome Residency Law), but violations of those laws have gone on for years, since the only way for them to be enforced is through a lawsuit filed by people who cannot afford a lawyer.

You might ask why are mobile home owners who live in other parks protesting and fighting this onerous and oppressive long term lease in this small park? While we homeowners are scattered about in eleven different parks, we see ourselves as a community, and we need to defend and fight for each other, because we can be the next ones being thrown under the bus.

In past years, the City stepped up to defend us, but it now appears that they have come under the influence of the out of town Investors and Park Owners. We sincerely hope that the City will reconsider and reject approving the El Dorado Long Term Space Lease as currently formulated. As we have examined the lease, we find it is flawed and certainly subject to a challenge in the courts. It shouldn't come to that, of course, but it is up to the City Council to stop it.