

Major Victory For San Marcos Homeowners By Lloyd Rochambeau

Millennium Housing, as the operator of Palomar Estates West mobile home park in San Marcos has had a policy of transferring maintenance and repair responsibility from the park to the individual homeowner. However, three women serving on the San Marcos Mobile-home Residents Association's (SMMRA) Board of Directors have turned back this assault on the residents.

Celeste Becker's mother purchased a mobile home in Palomar Estates East in 1990, with Celeste becoming the owner in 2007. There was and is a 6 foot retaining wall at the front of her mobile home, which is separating from the return wall and embankment which runs alongside of her home. In 2012, Ms. Becker received notice from Haven Management to repair or replace the wall. The wall was undoubtedly constructed to provide a pad for the placement of a mobile home on the space. Neither Ms. Becker nor her mother had the wall built, since the home and wall were there when the home was purchased by the Becker family.

Ms. Becker disagreed with the park and as a result she received a 7 day notice of eviction from Haven Management, followed by 3 more notices. Taking her problem to the SMMRA Board which took exception to the operator and management company's position and resulted in her being joined by Carol Spizzirri (a resident of Palomar Estates West and current Vice-President of SMMRA) and Cindy Strieff (a resident of El Dorado Mobile Home Park and currently President of SMMRA). With Carol taking the lead investigative role, they were able to ferret out the facts and documents to refute the park's erroneous position.

Trips to San Diego involving many hours were productive with the help and cooperation of the County of San Diego. Another trip to the Riverside offices of the HCD and telephone conversations with HCD officials in Sacramento bolstered the defense of the homeowners case.

The three ladies presented 32 pages of documentation with 11 exhibits to the San Marcos City Council with a request to STAY the eviction process until the issue was properly adjudicated. The points that produced this victory were the fact that the City of San Marcos who first claimed no authority to intervene and that the HOA needed to retain an attorney, was quashed when Carol produced a copy of Resolution No.70-484 passed September 1, 1970 to accept responsibility for enforcement of Part 2.1 of Division 13 of the California Health and safety Code for mobile home parks in San Marcos.

The City Building Inspection Department to be the

enforcement agency for the City. In addition, copies of the original lease and subsequent sub-leases, and more importantly, HCD all made the operator of the park responsible for all maintenance and repair of all walls, roads, and structures (not the mobile homes). Lastly, proof of homeowner construction of walls wherein Millennium signed off permission to the homeowner was lacking.

The City Council then directed the Building Inspection Department to inspect the wall, which resulted in a Notice of Violation citation requiring Millennium to repair or replace the retaining wall. Millennium Housing, which is supposedly a non-profit entity, is not yet willing to accept repair and maintenance responsibility for retaining walls in the park which were not installed by the current homeowner.

A drive through Palomar Estates West would reveal a variety of walls at the front of some mobile homes. Some are constructed of different types of decorative rock or stone, even with railroad ties, which would not truly be described as retaining walls. With heights of two to three feet, they serve to separate the street from the yard/space of the mobile home. As such, these walls may well be the responsibility of the homeowners, although proof of responsibility for maintenance signed off by Millennium may be required.

Yet another homeowner in Palomar Estates West was informed that he would be responsible for maintaining the slope behind his home. The area is about 30 feet by 60 feet and he is to be responsible for watering at his expense and to keep the ivy alive. He was told he would need to repair the sprinklers, which he did at a cost of \$95.00, however they are still non-operative and will require about \$500.00 to fix them. Apparently the operator and management company feel it is the resident's responsibility to maintain common areas and structures. What is next? Half of the street in front of your home? Any street lights on your space? These are ridiculous assumptions, but not beyond what one might expect from these folks.

There are other challenges of Millennium Housing's failure to comply with the terms of their agreement with the City which were revealed in this struggle and investigation. This victory demonstrates what SMMRA and mobilehome owners in San Marcos can achieve with unity, persistence and by being proactive. The battle was won, but the fight goes on, or at least it should.

Lloyd Rochambeau, Lakeview Mobile Estates, San Marcos

