

HOMEOWNERS ASSOCIATION (HOA) MEMBERSHIP FACTS NOT FICTION

What exactly is a home owners association (HOA)? Why should I join the Community HOA? Who is the Community HOA? Many questions, many ideas on the subject and misconceptions.

Most of us have been exposed to traditional HOAs, in that, you lived in a home in a community where you **owned your home and the land** that it sat on. You had a **DEED**. When you purchased your **manufactured home** and it was sitting **on leased land**, you now have a **LEASE**.

As a deed holder, the rules that pertained to your home were dictated by law and county ordinances. If you had an HOA, it was in most cases mandatory membership, costs quite a bit of money each month and the HOA dictated anything from the plants you could plant to the color that you could paint your shutters.

As a manufactured homeowner on leased land, we still have laws from local and state governments, but we have the added rules prescribed by our leases. The rules are established by the landowner and are agreed to by us, the residents. The Manufactured Homeowners HOA is different in that the mission of the Community HOA is to promote Community relations, act and pursue issues that affect the **ENTIRE** Community (i.e. the pool conditions, gate not functioning properly, broken playground equipment, etc.). The Community HOA is the liaison to the Management Office on overall Community issues. Singular items that affect a resident and the Management Office are not under the purview of the Community HOA. The Community HOA should be made aware of the issues, so they can track items so that if an issue, becomes a pattern within the Community, the Community HOA can weigh in on the issue.

Another important part the Community HOA plays is in disputes that would result in arbitration. The biggest one of these issues is if the monthly lot rent should exceed the established limits of the Delaware Code (Title 25, Chapter 70). For example: Your landowner sends out the 2019 annual notification of the new monthly lot rent. Your lot rent increase is stated at \$100.00 per month. By Title 25, Chapter 70, the lot rent is to be based on the Consumer Price Index-Urban (CPI-U) which for 2018 was .7%. If your 2018 lot rent was \$500.00 per month, with .7% CPI-U = \$3.50, your new monthly lot rent would be \$503.50 per month. Should the Community HOA dispute the increased amount and go to arbitration and win, only the members of the HOA would be relieved of the excessive lot increase and those not members would be stuck paying the higher lot rent.

Another benefit of being a Community HOA member is the availability of representation by the Community Legal Aid Society, Inc. (CLASI). CLASI is a non-profit group that provides **FREE** legal assistance to seniors, veterans, disabled and low-income persons. Because their budget is limited, they are more inclined to accept Community HOA cases versus individuals within a Community.

Finally, if the landowner decides to get out of the Manufactured Homes on Leased Land business and wants to sell the property, if there is not an established Community HOA, the Community

would not have the right of first refusal. This means the property could be sold to another landowner, your Community could be changed from a manufactured home community into a shopping mall. This would mean all your homes would have to be relocated. This is an expensive proposition.