

RESIDENTS ASSOCIATIONS

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RESIDENTS ASSOCIATIONS. Important information for homeowners. Extract from the Government Park Homes Factsheet August 2006 Consolidated Implied Terms. Section 28… Qualifying Residents Associations. (1)… A residents association is a qualifying residents association in relation to a protected site if…………(a)…. It is an association representing the occupiers of mobile homes on that site;(b)… at least 50% of the occupiers of the mobile homes on that site are members of the association;©…. It is independent from the owner, who together with any agent or employee of his is excluded from membership;(d)…. Subject to paragraph © above, membership is open to all occupiers who own a mobile home on that site;(e)…. It maintains a list of members which is open to public inspection together with the rules and constitution of the residents association;(f)…. It has a chairman, secretary and treasurer who are elected by and from among the members;(g)…. With the exception of administrative decisions taken by the chairman, secretary and treasurer acting in their official capacities, decisions are taken by voting and there is only one vote for each mobile home; and…..(2)….. the owner has acknowledged in writing to the secretary that the association is a qualifying residents association, or, in default of this, the court has so ordered.(3)…. When calculating the percentage of occupiers for the purpose of sub paragraph (1) (b) above, each mobile home shall be taken to have only one occupier and, in the event of there being more than one occupier of a mobile home, its occupier is to be taken to be the occupier whose name first appears on the agreement. Note. Mobile Home is the outdated official name for Park Home. PHRAA.

RESIDENTS ASSOCIATIONS. PHRAA report on an excerpt from the Guidance issued to Park Owners Associations on how they should administer the new Park Home Law concerning the criteria set out by Government before the Park Owner must recognise a Residents Association on the Park. Guidance in “italics”. PHRAA comments follow. 111 1 Park Home Law – Guidance. September 2006. If the Park Owner, his agent or staff owns a Park Home, these homes are excluded from the calculation. However, many Park Owners employ Homeowners on a casual or occasional basis to do a variety of jobs on the park. It is understood that it is not government’s intention to preclude such occasional employees from Residents Association membership. This is a contradiction in terms and a blatant attempt by the industry to bend the rules, either the Park Owners employees are excluded from membership or they are not. In the case of an Unscrupulous Park Owner, which is usually the main reason for the need for a Residents Association, any employee of the Park Owner, casual or otherwise, could well be seen by other members as being a conflict of interest and almost certainly create problems of confidentiality. The secretary of the residents association should write to the park owner outlining how the association meets the above criteria. The park owner should check this and if the criteria are met, should write acknowledging that the association qualifies for consultation. This means that the secretary has to write to the park owner submitting for approval a copy of the Associations Constitution, which must be a formal document outlining the proposed Associations Aims and Objectives and if it is not word perfect in every detail will be rejected. It is a reasonably safe assumption that the unscrupulous park owner will engage the services of his very “clever” Solicitor to scrutinise every detail of the Associations submitted Constitution. The secretary must also submit a full list of members including names and addresses of the Officers, Committee Members and all other members of the Association to the Park Owner. This list must also be kept open to public (Park Owners) inspection at all times. The Association must at all times maintain a membership of not less than 50% of the residents to become, or continue as, a qualifying Residents Association. It should also be mentioned that even if there was an already long established residents association on the park prior to the 1st October 2006, many park owners are insisting that the residents apply formally, in writing, submitting the relevant documentation, (as out lined above) to the park owner for the association to become a “qualifying association” and be recognised. It is advisable to diary a reminder to check that the residents association continues to qualify periodically in the future, perhaps by writing to the secretary of the association every one or two years seeking confirmation (or otherwise) that all the criteria above continue to be met. The membership list should be open to’ public (Park Owners) inspection‘’ which should allow that the 50% requirement is achieved. If your park consists of 100 residents and 50 of them are members of the Residents Association, should just one of them leave, pass away or in the case of an unscrupulous park owner being in possession of the list of members, has picked out the weakest little elderly widow living alone and by bribery, intimidation or threats causes her to withdraw from membership meaning that the association has now only 49 members and therefore is no longer a qualifying Residents Association. Should this happen then it is certain that the unscrupulous park owner besides committing acts of retribution on the leading members of the defunct residents association (trouble makers in his eyes) will insist that the whole qualifying process will have to start again from scratch. A representative residents association can be an asset to the park, providing a forum for homeowners views, a useful means of communication and in many cases, creating a valuable social network. Yes, in the case of a good park owner. Alternatively, a residents association can become a serious management issue, particularly if views are fragmented, there is no consensus amongst homeowners on issues or one or two strong characters come to dominate proceedings and the democratic basis is lost. Where is the democracy in the ONE VOTE PER HOME new law brought in by Government, obviously to appease the park owners, which effectively denies wives, partners or other joint occupiers of each park home who make up approximately 50% of the parks residents, of the right to have a vote on important decisions concerning their rights, the future of their homes and welfare ? Use the word democracy to the unscrupulous park owner and he will either laugh or subject you to a tirade of abuse resulting in your being told in no uncertain terms exactly what you can do with your democracy. “It is my land and I’ll do what I like” followed by “ If you don’t like it you

can get off my park” or words to that effect, is the usual response. As for the claim that a residents association ‘can become a serious management issue’;, this means that a strong residents association unites the residents and therefore the unscrupulous park owner will no longer be able to dictate his terms, or use his favorite divide and rule tactics to suppress any resistance to his dictatorship. In order to initially form a residents association, one or two strong characters are needed, not to dominate proceedings, but to rally support, provide the incentive to other residents and be strong enough to face the wrath of the unscrupulous park owners fierce opposition to the one thing he fears most, a strong and united Park Residents Association. A note of caution. PHRAA has received several disturbing reports of incidents where one or two residents having suggested to their fellow residents, that a Residents Association be formed on the park have, within days, received threats, in writing, of Court Action for the Termination of their Agreement (eviction) from the unscrupulous park owner, quoting the new Implied Term Clause in the Legislation that occupiers do nothing which causes a nuisance to the park owner. This threat usually results in any attempts at forming a residents association being immediately abandoned. Therefore, it is the park owners interest to ensure that the qualifying criteria are met since these are designed to provide safeguards. FOR WHOM? It is also in the park owners interest to support a well run residents association in any way possible to prevent the breakdown of relationships, between homeowners or between homeowners and the park owner. Usually the breakdown of relationships between homeowners is caused by the antics of the unscrupulous park owners setting resident against resident, (divide and rule). As for the reference to the breakdown of relationships, between homeowner and park owner, in the case of an unscrupulous park owner who refuses to speak to residents, except to hurl abuse, does not answer letters or enter into any other form of dialogue with his residents on any issues, this guidance advice means nothing. “Its my land and I’ll do as I like” is the only form of dialogue the homeowner gets from the unscrupulous park owner including those who are members of the trade organisations. (BH&HPA & NPHC). If you and /or your fellow residents have received threats of Court Action being taken against you by the park owner for trying to recruit members with the view to forming a residents association on your park, please let PHRAA know. All reports of incidents of this nature or any others sent to PHRAA will be treated as completely confidential. Any threats of this nature from the park owner or his employees (henchmen) should not be tolerated, call the Police immediately. Don’t hesitate, Do it. Ron Joyce. PHRAA. 28th February 2007.