

HOMETOWN AMERICA
C O M M U N I T I E S

**THE OAK POINT SURFACE WATER
INSPECTION PROGRAM (“SWIP”):
A REFERENCE HANDBOOK**

(current as of July 2022)



TABLE OF CONTENTS

I.	BACKGROUND AND OVERVIEW	3
II.	THE SWIP IMPLEMENTATION PROTOCOL.....	4
	A. Community-Wide SWIP Outreach Communications	4
	B. Initiation of SWIP Participation	5
	C. Initial Home Site Visits	6
	D. Site Assessments By a Licensed Civil Engineer.....	6
	E. Engineer’s Reports and Recommendations.....	6
	F. Implementation of Site-Specific Recommended Corrective Action	6
	G. Site Close-Outs.....	8
III.	SWIP RESOURCES AND PERSONNEL	8
	A. SWIP Liaison	9
	B. SWIP Construction Project Manager.....	9
	C. Engineering Consultants.....	9
	D. Construction Contractors.....	10
IV.	SWIP TRACKING AND REPORTING.....	10
	A. SWIP Tracking and Status Updates.....	10
	B. Annual SWIP Reports	11

I. BACKGROUND AND OVERVIEW

The Oak Point Surface Water Inspection Program (“SWIP”) is Hometown’s systematic plan and routine process for responding to stormwater management and drainage concerns that pertain to individual Oak Point home sites. The SWIP is guided by the following three key principles, which apply to effective stormwater management in any manufactured housing community.

First, there is no one-size-fits-all approach to the effective management of stormwater at individual home sites. Multiple unique and inherently site-specific factors often work in combination to cause or contribute to observed drainage challenges at particular locations. In light of that reality, the SWIP approach is a customized, deductive, iterative, and practical one. It is sometimes necessary to implement a sequential series of corrective actions at a particular home site to address a particularly complex drainage challenge. Some issues are easily resolved, but considerable patience and perseverance is sometimes necessary to achieve appropriate solutions to the multi-dimensional stormwater management issues that may arise from time to time at some Oak Point home sites. Hometown is committed to using the SWIP to find appropriate solutions.

Second, the functionality of stormwater best management practices is impacted not only by Hometown’s site maintenance, but also by the design, installation, and maintenance of the manufactured homes in the community. All of the homes at Oak Point are privately owned and must be individually maintained by the homeowners. In this context, appropriate remedial responses to drainage challenges at any particular home site may require collaborative and coordinated actions on the part of both Hometown and the affected homeowners. For example, some drainage issues can be substantially mitigated without any alteration to the home site, by the simple expedient of a homeowner’s installation of a missing roof gutter and/or a properly-directed downspout extension for their home. Other situations may call for the re-grading of portions of a yard, the installation of new subsurface drainage features, or the pursuit of other strategies. Often, a combination of remedial efforts undertaken by Hometown and by the homeowners, respectively, is most effective.

Third, stormwater management challenges are typically exacerbated by extreme weather events. The effects of climate change are generally expected to worsen the frequency, intensity, and impacts of some types of extreme weather events, and indeed, they have already done so, to some extent, in recent years. This impacts the performance of existing stormwater management systems and best management practices at Oak Point, as elsewhere. The existence of an organized and disciplined method for responding to new

or changing drainage concerns, if, when, and as they may arise, is a matter of increasing value to Oak Point residents.

The SWIP is a community-specific plan that is designed to be both rigorous and flexible. It involves a logically-sequenced deployment of professional resources to address stormwater management and drainage issues as they pertain to individual home sites at Oak Point, according to a standard protocol. In the first instance, the SWIP provides for the initial investigation of resident reports of drainage issues at individual home sites. Second, the SWIP entails the performance of necessary and appropriate work to identify, diagnose, and respond to stormwater management problems. Third, the SWIP provides for the systematic tracking of and reporting on the work of the program.

In its current form, the SWIP includes the following elements, each of which is detailed below: (A) periodic community-wide program outreach communications; (B) a simple and convenient process for the initiation of resident participation in the program; (C) an initial home site visit and basic fact-gathering by Hometown staff upon receipt of a drainage complaint or inspection request; (D) a home site visit and drainage assessment by a licensed professional civil engineer qualified in stormwater management; (E) the preparation and delivery of a written report and recommendation(s) by the inspecting engineer; (F) the implementation of a site-specific plan for corrective action by qualified construction contractors, if and as necessary; (G) follow-up confirmation and close-out by Hometown staff upon the successful completion of any necessary corrective action; (H) program tracking, documentation, and periodic status reporting, with site-specific follow-up, as needed; and (I) annual reporting on the program implementation.

II. THE SWIP PROTOCOL

A. Community-Wide SWIP Outreach Communications

Hometown makes periodic community-wide announcements about the SWIP. These communications are intended to enhance resident awareness of the program and its availability to residents, at no charge, to facilitate the identification, investigation, and remediation of home site drainage concerns. Following the effective date of any judicially-approved agreement that so requires, and during the effective period of any such agreement, Hometown shall make community-wide announcements about the SWIP, at least once a year, in the following manner:

- Through emails and direct mailings to all Oak Point residents;

- Through the posting of notices on the Oak Point clubhouse bulletin board and television display; and
- Through the inclusion of information about the SWIP in the Oak Point Community newsletter.

B. Initiation of SWIP Participation

Oak Point residents, as the tenants of leased home sites within the community, may avail themselves of the SWIP. Residents may participate in the SWIP upon request to the SWIP Liaison (described in Section III-A, below), or to any other staff member assigned to the Oak Point Community Office. Requests can be made by email, by telephone, or by visiting the Community Office in person.

Once a SWIP request is received, Hometown may ask that requesting resident provide information about the home site and for further information regarding any concerns the resident may have to better understand the nature of the request and to focus Hometown's investigation of the issue. A resident's inability, failure, or refusal to provide this information will not affect Hometown's commitment to inspect the resident's home site and follow the SWIP's processes and procedures, but it may cause delays or confusion during the inspection process.

In general, Hometown responds to SWIP requests in the order they are received. In some cases, however, Hometown may prioritize the handling of certain SWIP requests based on perceived severity and risk, or for reasons of practical efficiency. For example, Hometown may prioritize the performance of corrective work at one home site, in response to a later-submitted SWIP request, where it considers that work to be of greater practical urgency than the corrective work planned for another site pursuant to an earlier-submitted SWIP request. Similarly, Hometown may schedule a construction contractor to perform corrective work contemporaneously at two adjacent or nearby home sites for reasons of convenience and efficiency, regardless of the respective timing of the residents' initial SWIP requests, or the timing of intervening requests by others. This approach is intended to provide an appropriate balance of systemic rigor and procedural fairness to all residents, while still affording the necessary practical flexibility to address individual site-specific issues, as warranted by the circumstances and in an efficient way.

If you are an Oak Point resident but are not the tenant-of-record of the leased home site where you live, to submit a SWIP request you must first obtain the tenant-of-record's express written joinder to your request, or obtain an express waiver or assignment of the tenant-of-record's rights with respect to your request.

C. Initial Home Site Visits

The initial response to any resident request for participation in the SWIP is a home-site visit by a member of the Hometown staff. During the initial site visit, the Hometown staff member will take photographs of any drainage-related home site conditions and document pertinent observations of the home site and crawl space conditions. If the requesting resident identifies a specific condition or area of the home site that causes the resident's concern, the staff member should take photographs of the area and document the relevant conditions at the time of the site visit, regardless of whether the complained-of issue or concern is observable during the visit.

D. Site Assessments By a Licensed Civil Engineer

Following the initial site visit and fact gathering by a Hometown staff member, Hometown will send any information provided by the requesting resident and the information gathered by the staff member during the initial site visit to the independent licensed engineering consultant then serving as the Principal SWIP Engineer (as explained in Section III-C, below). The Principal SWIP Engineer will arrange for the prompt performance of an engineering assessment of stormwater management and drainage conditions at the home site, with specific attention to and consideration of any known or expressed concerns.

E. Engineer's Reports and Recommendations

The Principal SWIP Engineer will assess the home site's stormwater management systems, structures, and processes – in combination with the existing topography of the home site (and, if and as appropriate, the surrounding topography) – and recommend appropriate corrective work, if any. The Principal SWIP Engineer will then prepare a written report to document the results of his/her assessment of surface water conditions at and affecting the home site. If the Principal SWIP Engineer determines that corrective action is warranted, the engineer is expected to include specific recommendations for appropriate corrective work in the report for that home site. The Principal SWIP Engineer is required to deliver each report to Hometown, and Hometown, in turn, will forward a copy of the report to the pertinent resident.

F. Implementation of Site-Specific Recommended Corrective Action

If the Principal SWIP Engineer's report recommends corrective action at a home site, the next step for Hometown, after sharing the report with the pertinent resident, is to determine whether it considers each recommended corrective action to be the

responsibility of Hometown or the homeowner. That is, in each case, Hometown will make a good-faith judgment (which in no way binds the pertinent resident) as to whether and to what extent (a) the proposed corrective action is intended to address site conditions that fall within the scope of the community owner/operator's home site maintenance responsibilities, and/or (b) the proposed corrective action is intended to eliminate or mitigate a cause or substantial contribution to a drainage problem for which the homeowner is responsible. In light of Hometown's good-faith judgment on that point, Hometown will proceed as follows:

1. Where the recommended corrective action is something that Hometown understands to lie within the scope of the community owner/operator's home site maintenance responsibilities, Hometown will proceed to schedule a SWIP construction contractor to perform the recommended corrective action at its own expense, or utilize its own staff to perform the recommended corrective action.
2. Where the recommended corrective action is something that Hometown understands to lie within the scope of the homeowner's responsibilities as a property owner, Hometown generally will not perform such corrective action, except as follows: Hometown, in its sole discretion, may choose to schedule a SWIP contractor to perform such corrective action at its own expense, or utilize its own staff to perform such corrective action. This will be done by Hometown, if at all, only on a voluntary basis, as a courtesy, with the homeowner's permission, without any waiver of defenses, and without any assumption of liability. For example, Hometown may choose to proceed in this manner where (a) the Principal SWIP Engineer has recommended multiple corrective actions, some of which are deemed to be Hometown's responsibility and others of which are deemed to be the homeowner's responsibility, and (b) the work deemed to be the homeowner's responsibility is a minor repair or alteration (*e.g.*, the addition of a downspout extender to a home) that can be handled easily, efficiently, and without undue expense by personnel working under Hometown's direction to implement other recommended corrective actions at the home site.
3. Where multiple corrective actions are recommended, and Hometown deems some recommendations to lie within the scope of the community owner/operator's responsibilities and others to lie within the scope of the homeowner's responsibilities, Hometown will generally expect the homeowner to complete the recommended actions that it deems to be the homeowner's responsibility first, before Hometown proceeds with the

remaining recommended actions. Hometown will depart from this general rule if and when (a) site-specific considerations so warrant, or (b) the law otherwise requires.

In all cases, Hometown will promptly inform the resident whether Hometown will or will not perform each and all of the recommended corrective actions set forth in the Principal SWIP Engineer's report for that resident's home site. If Hometown declines to perform any recommended corrective action, Hometown will also inform the resident of the reason for that decision, and the SWIP Liaison will be available to discuss the matter with the resident, upon request. In the event of any dispute about which party should implement any recommended corrective action, Hometown will confer with the resident in a good-faith attempt to reach a reasonable and mutually-acceptable resolution of the matter. Based on experience, Hometown generally expects to be able to reach an amicable and mutually-satisfactory resolution of most disputes of this nature.

G. Site Close-Outs

After all engineer-recommended corrective actions to be performed by Hometown have been done at a particular home site, Hometown will confirm the completion of the work and then close the home site out of the SWIP. If any resident thereafter reports that the completed corrective action did not resolve the previously-reported drainage problem, Hometown will arrange for the Principal SWIP Engineer or a secondary engineering consultant to conduct a follow-up inspection of the home site, re-assess the home site conditions, and, if warranted, recommend new or further remedial action to be undertaken, in accordance with the process described above. Any new or further remedial recommendations will then be implemented in accordance with the process described above.

III. SWIP RESOURCES AND PERSONNEL

To implement the SWIP, Hometown relies on three sets of professionals. First, Hometown uses its in-house staff to administratively oversee the program and to maintain program records and reports, and to serve as the primary point of contact for all Oak Point residents who participate in the SWIP. Second, Hometown uses the services of independent licensed civil engineering consultants with substantial experience in stormwater management, to evaluate existing home site conditions and make recommendations for remedial work. Third, Hometown relies on experienced and qualified independent construction contractors, to build and install the engineer-recommended remedial responses to drainage challenges affecting particular home sites. Hometown staff also assist the above-referenced independent consultants and contractors, where and when appropriate, for reasons of efficiency.

A. SWIP Liaison

A Hometown staff member, designated from time to time by Hometown in its sole discretion, serves as the SWIP Liaison. This is the primary contact person for all Oak Point residents with respect to the SWIP. The SWIP Liaison is tasked with facilitating effective and timely communications with Oak Point residents and with the SWIP engineering consultants and construction contractors. The SWIP Liaison will provide the residents with regular updates concerning the status of SWIP inspections, evaluations, and recommendations, and, if necessary, will coordinate construction.

As of July 2022, Oak Point General Manager Eric Hurt serves as the SWIP Liaison. Oak Point residents can reach Eric by email at eric.hurt@hometownamerica.com, by telephone at (508) 947-3535, or by stopping by the business office in the Oak Point clubhouse at 200 Oak Point Drive to leave a message or schedule an appointment.

B. SWIP Construction Project Manager

A Hometown staff member, designated from time to time by Hometown in its sole discretion, serves as the SWIP Construction Project Manager. The Construction Project Manager is tasked with coordinating and tracking the activities and schedules of the various construction contractors that are engaged to implement corrective actions at individual Oak Point home sites through the SWIP.

As of July 2022, Oak Point Construction Manager Peter Conant serves as the SWIP Construction Project Manager.

C. Engineering Consultants

Hometown relies on two well-qualified and experienced independent civil engineering consulting firms chosen by Hometown to provide stormwater management consulting services in connection with the SWIP. Like the Hometown SWIP staff, the outside engineering consultants will be designated from time to time by Hometown in its sole discretion.

The first engineering firm employs the individual who serves as the Principal SWIP Engineer. This person is tasked by Hometown with the principal responsibility for (1) conducting SWIP inspections of individual home sites in response to Oak Point resident complaints or requests, (2) assessing the functionality of existing stormwater management and drainage arrangements at particular home sites, diagnosing drainage

problems, and identifying proposed corrective actions, where necessary and appropriate, and (3) preparing SWIP inspection reports to present findings and appropriate recommendations to Hometown (which will, in turn, share such reports with the pertinent residents).

The second engineering firm employs an individual who is tasked with providing supplementary civil engineering consulting services to Hometown, including second opinions and peer reviews of remedial design plans prepared by the Principal SWIP Engineer or others, if and as appropriate from time to time and on an as-needed basis, as determined by Hometown in its sole discretion.

As of July 2022, Phil Cordeiro, P.E., of Allen & Major Associates, Inc. in Lakeville, Massachusetts, serves as the Principal SWIP Engineer. David N. Kelly, P.E., of Kelly Engineering Group, Inc. in Braintree, Massachusetts, has provided all of the supplementary civil engineering consulting services that Hometown has required in connection with the SWIP to date.

D. Construction Contractors

Hometown typically relies on the services of well-qualified and experienced construction firms, as needed, to effectuate engineer-recommended SWIP corrective actions at Oak Point home sites. Hometown, in its sole discretion, determines which construction firms it considers to be eligible to perform SWIP construction projects at any given time, and selects the construction firm(s) to perform SWIP-related services at any particular home site. The identity of the construction firm tasked with SWIP work at any particular home site will be shared by Hometown, upon request, with the residents at the affected home site. Additionally, in some cases, Hometown relies on its own staff to implement engineer-recommended SWIP corrective actions at Oak Point home sites.

IV. SWIP TRACKING AND REPORTING

A. SWIP Tracking and Status Updates

Hometown maintains an internal tracking system to document the following SWIP-related information: (a) the date of each resident's initial SWIP request and position in the inspection or repair queue; (b) the date of initial site visit by a member of Hometown's staff; (c) the date of completion of the Principal SWIP Engineer's site assessment for each home site; (d) the date of receipt of the Principal SWIP Engineer's report and recommendations for each home site; and (e) the date of completion of all recommended

work at each home site. In addition, Hometown will maintain an internal, forward-looking estimated schedule for upcoming corrective work at each home site.

B. Annual SWIP Reports

Following the effective date of any judicially-approved agreement that so requires, and during the effective period of any such agreement, Hometown will prepare an annual report to summarize the status and results of its implementation of the SWIP. The first annual SWIP report will specify the number of resident requests for participation in the SWIP from the inception of the program to date, the number of home sites addressed through SWIP and closed out of the program to date, and the number of home sites for which the SWIP protocol is then in process and not yet completed. Subsequent annual reports will provide the same information for the applicable reporting period. Hometown will make its annual SWIP reports publicly available in the manner specified by any applicable judicially-approved agreement.

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