

**DELAWARE MANUFACTURED HOME OWNERS ASSOCIATION, INC  
BY-LAWS**

**24832 John J Williams Highway  
Unit 1  
Millsboro, DE 19966**

**ARTICLE I - Name**

The Association shall be known as the Delaware Manufactured Home Owners Association; incorporated in the State of Delaware February 6, 2002 as a Non-Profit Organization, hereinafter, referred to as DMHOA.

Any mention/reference to Manufactured Home Owners on Leased Land will appear as home owners.

**ARTICLE II – Mission**

To educate and inform our members, our public servants and the public, and to work for legislative and legal remedies to protect and strengthen the rights of everyone who lives in manufactured housing on leased land in Delaware.

**ARTICLE III – Purpose**

- A) Represent member's issues by attending hearings and meetings, with state, national and local levels of government.
- B) Propose and develop legislation to remove inequities affecting manufactured homes on leased land and secure the legal expertise of the National Consumer Law Center; provide advocacy to promote legislation on behalf of home owners.
- C) Work with state and local governments and departments that enforce laws and regulations dealing with our communities, as well as other like-minded organizations to preserve affordable housing.
- D) Provide training and educational support so that home owners will be prepared to purchase their communities should they become available.
- E) Keep membership informed by holding monthly meetings, regular emails, a newsletter, a website, various pamphlets and publications, and presenting guest speakers.

F) Participate in meetings with individual communities to address specific problems that they are experiencing, and educate and advise home owners of their rights under Delaware's Chapter 70.

## **ARTICLE IV - Membership**

A) **Eligibility:** A person is eligible for membership if they are the owner of a manufactured home, or a past owner of a manufactured home, which is or was situated on leased land as defined in Delaware Title 25, chapter 70 -s 7003.

### **B) Types of Membership:**

1. **Community membership** – a community association is a formal home owners association, organized to represent only one manufactured home community, and consists of officers and members, which has been accepted and their dues are current.

#### **2. Individual membership:**

a) **Regular Member:** includes all members of each community association in good standing.

b) **Member at Large:** a home owner in a community that is not a member of DMHOA.

c) **Manufactured Home Owner:** owner of a manufactured home, which is situated on leased land but is not located in a manufactured home community.

(C) **Restrictions of Membership** - DMHOA reserves the right to deny to any individual and/or group, the privilege of membership, by a majority vote of the Executive Committee present and voting.

### **D) Dues & Fees**

1. Community associations shall pay:

a) A one-time application fee to be determined by the Executive Committee.

b) Annual community dues shall be in an amount determined by the Executive Committee, due March 1st and October 1st of each year, to

allow for changes or additions occurring after March 1st, per HOA member. A complete list of paid members and total membership count shall be included with dues submission. It is the responsibility of the President / Secretary of every member HOA to notify DMHOA of the name of the current officers of their association.

c)Members at Large shall pay annual dues as determined by the Executive Committee and are payable in January of each year.

2. Dues are non-refundable.

#### **E) Termination of Membership**

1. A community association may voluntarily terminate its membership in DMHOA at any time in accordance with its own by-laws by notifying the President of DMHOA in writing.

2. Members at Large and Manufactured Home Owners may voluntarily terminate their membership at any time.

3. DMHOA reserves the right to terminate a community association or an individual membership for failure to pay annual dues. Termination for "just cause" may also be determined by a majority vote of the Executive Committee present and voting, an appeal may be made consistent with Roberts Rules of Order.

#### **F) Voting**

1. **General Membership Meetings:** Members in good standing are afforded one vote per household membership.

2. **Election of Executive Board (Officers):** Votes will be taken during the General Membership meeting in November, each member household present and in good standing will be allowed one vote.

3. **Executive Committee Meeting:** Each member in good standing is afforded one vote.

4. **Quorum and Action:** To conduct its business at the Annual and/or the General Membership meetings, the number of voting members present must be at least equal to the number of Executive Committee members in attendance.

To conduct its business at the Executive Committee meeting, the number of voting members present must be at least five (5). There must be a minimum of one member of the Executive Board in attendance.

**ARTICLE V – Executive Board (elected) / Board of Directors (appointed) Members**

**A) Elected Executive Board, and appointed Board Members:**

The Executive Committee is comprised of the Executive Board (elected) and the Board of Directors (appointed).

1. Executive Board is comprised of the President, Vice President, Secretary(s), and Treasurer(s).

a. The President of DMHOA must have held elected office in their own community HOA or in DMHOA.

b. The Vice-President, Secretary(s) and Treasurer(s) must hold current membership in DMHOA.

2. The President shall have the authority, with the approval of the Executive Committee, to appoint members to the Board of Directors and Special Assistants, to conduct the day by day affairs of DMHOA.

Each Board of Directors member shall be a Manufactured Home Owner on Leased Land of that region or area, an elected officer of their local association whenever possible, or a member at large, and a member in good standing of DMHOA.

The President has the authority to appoint Special Assistants with the approval of the Executive Committee.

The term of office shall be concurrent with the President's, and they may be re-appointed.

Executive Committee meetings are opened unless otherwise stated by the President.

## B) Term of Office

1. The term of office for the Executive Board shall be two (2) years. Without term limitations.
  2. Any Executive Board or Board of Director member may be removed with due cause, by a majority vote of the members of the Executive Committee members present. An appeal may be made consistent with Roberts Rules of Order.
  3. Any vacancy occurring on the Executive Board shall be filled by a member in good standing, appointed by the President or presiding officer with the approval of the Executive Committee members until the next election cycle.
- Any vacancy occurring on the Board of Directors shall be filled by a member in good standing, temporarily appointed by the President with the approval of the Executive Committee members

## B) Nominations / Elections

1. The election of officers is held every two years. Nominations and elections are held in November. Beginning with the 2019 election cycle, the President and Treasurer positions will be on the ballot. In 2021 the Vice President and Secretary positions will be on the ballot. This method will continue the two-year cycle.
2. Installations take place at the annual meeting.
3. Roberts Rules of Order shall govern when there is no challenger to the incumbent position.
4. Should newly elected officers not be present; the incumbent officer shall continue in office until the newly elected officer is able to assume office.

## ARTICLE VI - Duties of Executive Board Members

### A) **President** - the chief executive officer of DMHOA and has a duty to:

1. Preside over General Membership meetings and the Executive Committee.
2. Have general and active management of the business of DMHOA to see that all orders and resolutions of the Executive Committee are carried into effect and that

all agreements and other instruments in the name of DMHOA are properly executed.

3. Oversee the duties of the Executive Board to ensure that their duties are properly performed.
4. Appoint chairpersons to Specialty Committees such as By-Laws and Nominations/Elections.
5. Serve as member of all committees except the Nominating Committee.
6. Make recommendations to the Executive Committee.
7. Represent DMHOA on all matters of interest to the membership and promote the good and wellbeing of the Association.
8. Call for meeting of Standing Committees and Special Committees when necessary.
9. The President of the Association may appoint from its members a committee or committees, temporary or permanent, and designate the duties, powers, and authority of such committees. The President may also create and/or remove Board of Directors positions.

**B) Vice President:**

1. Act with the authority of the President when the President is absent.
2. Perform duties as assigned by the President

**C) Secretary(s):**

1. Serve as the Association recorder and keeper of the Association's records
2. Notify all members of meeting times, places, and agenda.
3. Receive, send, record, and distribute all Association mail or other forms of communication and correspondence.
4. Serve as next in line of authority to the President and Vice President and act in their stead when both are unavailable.

**D) Treasurer(s):**

1. Receive and record all financial transactions and back-up all records on a separate computer system at least once a month.
2. Maintain Association checking account(s), prepare checks, and obtain signatures prior to disbursement. All payment checks must be signed by two Association officers.
3. Maintain financial records accurately to reflect the financial status of the Association and have the association books audited annually and when first taking office.
4. Maintain the financial records in historical format enough to facilitate preparation of annual budgets, if mandated by the Executive Committee and make financial records available for audit and review by the President or members of the Executive Committee upon written request and submit a financial report at each general meeting.
5. Conduct a continuing review of revenues and expenditures and provide pertinent information on expenditures to the Executive Committee.

**ARTICLE VII - Board of Directors**

1. The Board of Directors shall be comprised of the immediate past President, in an advisory capacity for one year and appointed members.
2. The duties of the Board of Directors entails conducting the daily business of each standing committee i.e. Fund Raising, Grants, News Media etc. (See Appendix 1)

**ARTICLE VIII– Committees****A) General committee responsibilities are:**

1. Each committee is expected to submit a budget request to the Executive Committee to fund appropriate activities. When a committee needs to spend Association funds, the must submit a request outlining the purpose of the activity, the anticipated expenditure, and the revenue anticipated to be generated from the event.
2. All Committees will present an oral report on Committee activities at the monthly General Membership meeting and a written report at the next scheduled Executive Committee meeting.

3. The duties listed are the Basic responsibilities of the Committee. Any additional responsibilities are outlined in the Standard Operating Procedures/Guidelines Manual.
4. All Committee meetings are open unless otherwise stated.

**B) Standing Committees shall include, but not be limited to:**

**1. Fund Raising / Grant Committees –**

Chairperson: Member in Good Standing

This Fund Raising/Grant committees leads the Association's participation in the development of the long-term financial stability of DMHOA through fundraising. This includes, but is not limited to, individual donor management, sponsorships, and grant writing.

Additional responsibilities include:

- a) Create and implement a Fund-Raising / Grant Strategic Plan
- b) Report to Executive Committee monthly on the lead generation and cultivation of sponsors, private donators, etc.
- c) Manage donor relations, including timely and accurate reports on partnership opportunities, grant reporting and partnership tracking.

**C) Research, solicit and secure funding opportunities for:**

1. General Operating Revenues
2. Home Owners and community assistance Fairs
3. Scholarship and Awards Dinner
4. Grants

**D) Work strategically with Membership to coordinate and execute fundraising events.**

**2. Communication Committee (News and Social) –**

Chairperson: Member in Good Standing

The Communications Committees ensures effective communications with internal and external audiences. Provides oversight and guidance for the association Web Site and Facebook page, and is responsible for preparing the periodic association newsletter. Additional responsibilities include:



- a) Develop alternative methods of communication including use of new technology.
- b) Provide oversight and guidance for the Web Site.
- c. Maintain current knowledge about the Association's mission, goals, and objectives.
- d) Forward information prior to posting on the web site to the Executive Committee.
- e) Suggest ways to update the design or expand information on the web site to attract new and repeat users.
- f) Provide reports regarding the web site to the Executive Committee as requested.
- g) Update the website with current news and informational content.
- h) Responds to other Association Committees related to any communications functions including the website, promotions, advertisement, etc.

### **3. Legislation Committee –**

Chairperson: Member in Good Standing

The Legislation Committee is the official voice of the Association with regards to legislation affecting Manufactured Housing, and more specifically chapter 70 of the Delaware Code. The committee exists to speak with one voice on all legislative and regulatory matters that affect all aspects of Manufactured Housing and Manufactured Housing Communities. The committee keeps members informed of regulatory issues and developments which affect Manufactured Housing and Manufactured Housing Communities.

### **4. Membership Committee –**

Chairperson: Member in Good Standing

The Membership Committee is responsible for creating and implementing plans for the growth and development of DMHOA's membership from the three Delaware Counties. Additionally, the Committee has the responsibility of

notifying all current members of membership renewal due dates and renewal fees as well as contacting lapsed members to evaluate and respond to unmet needs.

### **C) Special Committees -**

#### **1) Nominating Committee –**

Chairperson: Member in Good Standing

The Nominating Committee is comprised of Association members in good standing either volunteers or appointed by the President. The mission of the Committee is to recommend to the Membership those people whom the Committee believes would best serve the Membership as officers of the Executive Board. The committee is established outside the purview of the Board of Directors and has full autonomy to act independently and in the best interest of the Association. The Chairperson and the members of the committee will have voting privileges as members of the Association. The committee's responsibilities end once the committee's recommendations are presented at the November Meeting.

#### **2) By-Laws Committee –**

Chairperson: Member in Good Standing

The By-Laws Committee is responsible for the creation and maintenance of the Association's By-Laws. The President, or by a majority vote of the Executive Committee members present and voting, can activate the By-Laws Committee to address any issues or required amendments to the By-Laws.

#### **3) Counties Committees**

Chairpersons: Members in Good Standing

The committees will represent DMHOA at their respective county level. The chairpersons of the respective committee will make a full report at the next scheduled General Membership meeting. The committees shall include but not be limited to:

- a) Kent County
- b) New Castle County
- c) Sussex County

## **ARTICLE IX - Advisory Council**

An advisory Council is a group of talented, experienced, or otherwise influential individuals who are invited by the President to provide ongoing advice and support to the Executive Committee. Members of an advisory council are not typically current members of the Board of Directors but are volunteers who can provide valuable assistance and advice to the Executive Committee. The Advisory Council may be created, maintained or disbanded at the discretion of the President.

### **A) General Function**

The function of the members of the Advisory Council shall be to advise and make non-binding recommendations to the Executive Committee of DMHOA with respect to matters within the areas of their experience and expertise.

### **B) Membership**

The members shall be selected by the President with approval by the Executive Committee. The term of service for members of the Advisory Council will be perpetual or until their resignation, death, or removal by President or a majority vote of the Executive Committee members present and voting.

### **C) Mode of Operation**

The Advisory Council members shall meet with the Executive Committee as required either singly or as a group. If a Council member is unable to attend the meeting physically, provision will be made to address the Executive Committee via electronic media. The sole responsibility of the members of the Advisory Council shall be to meet and make recommendations to the Executive Committee on matters within the areas of their experience and expertise.

## **ARTICLE X - Compensation**

Members of the Executive Committee may not receive compensation for serving on the Executive Committee of the Association. However, they may be reimbursed for certain expenses incurred in the performance of their duties in the business of the Association with the approval of the Executive Committee.

## **ARTICLE XI - Meetings of the General Membership**

### **A) Annual Meeting**

The annual meeting shall take place on or about the fourth (4th) Monday of January, concurrent with the usual monthly meeting. Annual written reports will be given at this meeting by the President, Treasurer, and committee chairpersons.

### **B) Regular Meetings**

1. Monthly membership meetings shall be held on or about the fourth (4th) Monday of each month.

2. Monthly meetings are considered business meetings and after any guest speaker or public program, non-members will be expected to leave. The President has the authority to allow the speaker to remain.

### **C) Special Meetings and/or Emergency meetings of the Association**

Special and/or Emergency meetings may be called at the discretion of the President. No other business shall be discussed or acted upon. Whenever possible, the subject matter will be publicized in advance.

## **ARTICLE XII– Fiscal Year**

The fiscal year begins on the first day of January of each year.

## **ARTICLE XIII– Financial Policy**

A) An internal audit will be done once a year. The Treasurer will call for an audit once the books are complete for the year. If the Treasurer's position is vacated for whatever reason, the Association's financial books will be audited prior to the new Treasurer taking responsibility for the position.

E) The audit may be performed by a member HOA that is in good standing with DMHOA. The HOA will be rotated each year. The audit should be completed in one month. A report before the Executive Committee and a written report shall be done at the next available meeting of the Executive Committee. A written report will be available at the next scheduled General Membership meeting.

- F) The Executive Committee shall select the HOA to perform the audit. The HOA will selected qualified members with the necessary skills to perform such audits. In the event no HOA is available an outside accountant will be selected to perform the audit.

#### **ARTICLE XIV– Books and Records**

##### **A) Availability of accounting books and records**

The books, records and papers are subject to inspection in accordance with non-profit laws, rules and regulations.

##### **B) Use of information**

1) The accounting books, records and the minutes of proceedings of DMHOA, and any information from them, may not be sold, used for commercial purposes, or used for any other purposes not reasonably related to a member’s interest as a member. DMHOA may bring an action against any person who violates this section for injunctive relief and for actual damages to DMHOA caused by the violation.

2) This section may not be construed to limit the right of DMHOA to damages for misuse of information obtained from the accounting books and records and the minutes of proceedings pursuant to this section or to limit the right of DMHOA to injunctive relief to stop the misuse of this information.

3) DMHOA shall be entitled to recover reasonable costs and expenses, including reasonable attorney’s fees, in a successful action to enforce its rights under this section.

#### **ARTICLE XV- Parliamentary Authority**

A) Robert’s Rule of Order (Newly Revised) shall govern meetings of the Association in all cases for which they are applicable and in which they are not inconsistent with these By-Laws, and any specific rules of order DMHOA may adopt.

B) The Parliamentarian shall be a person appointed by the President.

**ARTICLE XVI – Indemnification**

All officers, committee members and others who work for DMHOA on a voluntary basis shall do so without personal liability, and DMHOA shall indemnify such persons from all claims or courses of actions whatever.

**ARTICLE XVII- Non-Discrimination Policy**

The Delaware Manufactured Home Owners Association shall not discriminate based on race, creed, color, national origin, sex, sexual orientation, political affiliation or beliefs.

**ARTICLE XVIII- Duration**

The duration for DMHOA shall be perpetual or until such time as the Executive Committee shall adopt a resolution recommending that DMHOA be dissolved pursuant to Title 8 Chapter 1, Subchapter XI of Delaware law.

**ARTICLE XIX– Dissolution**

In the event of Dissolution of the corporation, the assets of DMHOA shall be distributed to other organizations operated exclusively for charitable purposes or for social welfare purposes as described under section 501(c)(3) of the Internal Revenue Code of 1986 (as amended) or the corresponding provisions of any future United States internal revenue law.

**ARTICLE XX – Saving Clause**

If any clause, sentence, paragraph, section or portion of these By-Laws for any reason shall be determined to be invalid by a court having jurisdiction, such judgment shall not affect, impair or invalidate the remaining parts of these By-Laws not directly involved in the controversy in which judgment is rendered.

**ARTICLE XXI- Miscellaneous**

All reference herein to the masculine is deemed to include the feminine or neuter genders, and vice versa, as appropriate. All reference herein to the singular is deemed to include the plural, and vice versa, as appropriate.

**ARTICLE XXII – Amendment of By-Laws**

A) The powers to amend, alter, or repeal these By-Laws and to adopt new By-Laws shall be vested in the Membership. Any such action shall be carried out by a majority of the Membership present and voting, and all amendments shall be made available to member associations and members-at-large by:

1. DMHOA Web site – [www.dmhoa.org](http://www.dmhoa.org) and Facebook
2. Regular monthly General Membership meetings, following any changes

3. Email or USPS when determined to be necessary

B) Chronological order of By-Law events

- 1. Adopted - 02/06/2002
- 2. Revised - 04/10/2013
- 3. Revised - 01/16/2014
- 4. Rewrite - 05/14/2015
- 5. Revised - 07/25/2016
- 6. Revised -

**ARTICLE XXIII- Adoption of By-laws**

These By-Laws shall be adopted and become effective upon the affirmative vote of the majority of the eligible members present and upon the signatures of the authorized Executive Committee.

Approved and ratified at the membership meeting of the \_\_\_\_ day of \_\_\_\_\_, 9

IN WITNESS WHEREOF, the undersigned, being members of the Executive Committee of the Association, have hereunto set their hand this \_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

Witnessed by:  
(Printed Name and Address and sign)

\_\_\_\_\_

\_\_\_\_\_, President

\_\_\_\_\_

\_\_\_\_\_, Vice President

\_\_\_\_\_

\_\_\_\_\_, Treasurer

\_\_\_\_\_

\_\_\_\_\_, Director

\_\_\_\_\_

DMHOA **DRAFT** BY-LAWS

AS OF AUGUST 2019

\_\_\_\_\_, Director

\_\_\_\_\_

\_\_\_\_\_, Director

\_\_\_\_\_

\_\_\_\_\_, Director

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\_\_\_\_\_, Director

\_\_\_\_\_

\_\_\_\_\_, Director

\_\_\_\_\_

**CERTIFICATION:**

I, the undersigned, do hereby certify that I am the Secretary of the Delaware Manufactured Home Owners Association, a Delaware nonprofit corporation, and that the foregoing By-Laws constitute the original By-laws of the Association as adopted at a meeting of the General Membership meeting thereof, held on the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

IN WITNESS WHEREOF, I have hereunto subscribed my name and affixed the seal this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

\_\_\_\_\_

\_\_\_\_\_, Secretary



APPENDIX 1  
EXECUTIVE COMMITTEE

<i>EXECUTIVE BOARD (elected)</i>	<i>VOTING MEMBER Y/N</i>
President	Yes
Vice President	Yes
Secretary	Yes
Treasurer	Yes
<i>BOARD OF DIRECTORS (appointed)</i>	<i>VOTING MEMBER Y/N</i>
Fund Raising	Yes
Grants	Yes
News Media	Yes
Social Media	Yes
Legislation Information	Yes
Membership	Yes
Veterans Activities	Yes
Delaware Manufactured Housing Relocation Authority (DEMHRA)	Yes
Special Assistants	Yes
County Representative - Kent	Yes
County Representative – New Castle	Yes
County Representative - Sussex	Yes
Advisory Council	No

DMHOA **DRAFT** BY-LAWS

AS OF AUGUST 2019

<i><b>SPECIALTY COMMITTEES</b></i>	<i><b>VOTING MEMBER Y/N</b></i>
Nominating/Elections	No
By-Laws	No

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