

### **Reminder: May 24th - DMHOA General Membership meeting conference call**

DMHOA General Membership physical meetings have been cancelled and replaced with electronic telephone conference calls until further notice. We invite anyone living in manufactured housing on leased land and to join us for the next telephonic conference call.

We recommend using a land line for better reception and to avoid any charges from your cell phone service (T Mobile and Magic Jack).

**Day/Date:** Monday / May 24th

**Time:** Meeting begins promptly at 6:30pm

**Dial in number:** 978-990-5000

**Access Code:** 907460 #

#### **Agenda:**

Treasury report

Secretary report

Grant reporting

Fund raising

DEMHRA report

Social Media report

News media report

Vice President updates

President updates:

1. New Bills being worked

2. Community updates

3. Arbitration updates

4. Court cases

5. Attorney Fund update

New business

### **Significant Court Case:**

Per CLASI the recent Delaware Supreme Court ruling given on May 7<sup>th</sup>, 2021, impacts Capital Improvements:

- The Delaware Supreme Court ruled that a community owner cannot get a permanent rent increase based upon a capital improvement. Once the cost of the improvement is recovered, the “increase”, which now is really an assessment, is removed from the base rent.
- This is a big win and will affect future rent increases.
- The Court overruled Judge Clark’s disastrous decision *in December Corp. v. Wild Meadows HOA*.
- Attached pdf is the Supreme Court’s decision.

### **2021 Legislative update on DMHOA Sponsored Bills– as of 13 May 2021:**

To find information and status of all Bills, go to: <https://legis.delaware.gov/> put the Bill number in the **Find A Bill** box on the page.

**Senate Bill 110** is in the **Senate Housing Committee**.

**SB110 Synopsis:**

This Act clarifies when a manufactured home community owner can recover the cost of a capital improvement from the homeowners in the community and makes the amount the community owner collects a capital improvement assessment fee that ends when the cost of the capital improvement is recovered, instead of a permanent rent increase. A homeowner or homeowner association may dispute a capital improvement assessment fee under the existing rent increase dispute resolution process. This Act also repeals the definition of “market rent” because that term is not a factor considered for justifying a rent increase under current law. This Act also clarifies when a capital improvement assessment fee or rent increase takes effect. This Act also makes technical corrections to conform existing law to the standards of the Delaware Legislative Drafting Manual.

**Senate Bill 132** is in the **Senate Housing Committee**.

**SB 132 Synopsis:**

This Act revises Chapter 70 of Title 25, which governs manufactured homes on rented lots in manufactured home communities, by doing all of the following: 1. Adds definitions and clarifies how often a rent increase may occur or be requested. 2. Revises the requirements for when rent may be increased above the Consumer Price Index for All Urban Consumers. 3. Adds disclosure requirements to the rent increase dispute resolution process. 4. Clarifies the legal standard and scope of a court’s review of an arbitrator’s decision. 5. Clarifies when rent increases take effect. This Act also makes technical corrections to conform existing law to the standards of the Delaware Legislative Drafting Manual.

**House Bill 5** passed the full House and is now in the **Senate Housing Committee**.

**HB5 Synopsis:**

If a community owner proposes a rent increase that exceeds the Consumer Price Index (CPI-U), then the Delaware Manufactured Home Relocation Authority is mandated to hold a final meeting between the community owner and the affected homeowners, and the homeowners’ association to discuss the reasons for the proposed increase. This Act allows the following to attend the final meeting: (1) The homeowners’ designee; (2) The homeowner’s attorney; (3) The attorney for the homeowners’ association; (4) A representative from the Delaware Manufactured Home Owners Association; and (5) Elected Delaware officials. The amendment added: A representative from the Delaware Manufactured Home Relocation Authority Board to the list of individuals who may attend the meeting.

**House Bill 180** is in the **House Manufactured Housing Committee**.

**HB180 Synopsis:**

This Act revises Chapter 70 of Title 25, which governs manufactured homes on rented lots in manufactured home communities, by adding disclosure requirements to the right of first offer process when the community owner decides to sell, transfer, or convey all or part of the community.

**House Bill 179** is in the **House Manufactured Housing Committee**.

**HB179 Synopsis:**

This Act revises Chapter 70 of Title 25, which governs manufactured homes on rented lots in manufactured home communities, by revising the eligibility criteria for the lot rental assistance program by expanding the sources of income that qualify a homeowner for the program and making a homeowner eligible after living in the community for 5 years. This Act also creates a new eligibility category for lot rental assistance after rent increases. This Act also makes technical corrections to conform existing law to the standards of the Delaware Legislative Drafting Manual.

**House Bill 127** is in the **House Manufactured Housing Committee**

**HB 127 Synopsis:**

This Act determines when and how a landlord must provide a tenant notice of the use of the tenant's security deposit. This revision clarifies the specification of "such address" to relate back to the "forwarding address". This revision mirrors the revision in the Manufactured Housing Code.

**House Bill 176** is in the **House Manufactured Housing Committee**

**HB 176 Synopsis:**

This Act clarifies the responsibilities of manufactured home community owners and homeowners for maintenance. This Act also makes technical corrections to conform existing law to the standards of the Delaware Legislative Drafting Manual

**DMHOA DOES NOT SUPPORT House Bill 14** in the **House Manufactured Housing Committee**

**HB 14 Synopsis:** This bill clarifies the requirements for Lot Rental Assistance as intended by the original language in the statute. Also, the bill changes the date from July 1, 2006 to July 1, 2009 the homeowner or tenant must have owned the manufactured home or resided in the home in the manufactured home community in order to be eligible for lot rental assistance.

**List of DE House and Senate Housing Committee members with their contact information – see attached.**

- We encourage you to ask these legislators to **VOTE YES** on all the Bills listed above except for HB 14.
- The DE Legislative Session **ENDS June 30, 2021**
- From May 18 – June 30 the Legislature will only meet 17 days to vote on all pending Bills.

**Watch and listen to the Delaware Legislature session from your home:**

- Stream live legislative chamber proceedings and committee meetings on demand anytime, anywhere. Archived live streams are available as well.
- Click on: <https://legis.delaware.gov/WatchAndListen?view=1>

**June 28<sup>th</sup> DMHOA meeting IN PERSON:**

- **Date / Day:** June 28<sup>th</sup> / Monday
- **Location:** Outside pavilion (picnic tables) at American Legion Post 28,

- **Address:** 31768 Legion Rd. Millsboro, DE 19966
- **Time:** Meeting starts promptly at 6:30 pm

### **No July DMHOA General Membership meeting**

### **Brian Eng - Delaware's Office of the Manufactured Housing Ombudsman (MHO) has a new phone number: 302-683-8830**

- The MHO assists home owners, home owners' associations ("HOAs") representing home owners, and community owners in manufactured home communities in understanding their rights and responsibilities, investigates complaints, and attempts to resolve disputes fairly.

**Immediate need for DMHOA Treasurer** – If you have the interest and some time to spare, we need your help.

- This position is Volunteer, an elected position on the DMHOA Executive Board.
- For complete job description go to DMHOA website, By-Laws dated February 28, 2021 page 8: <http://www.dmhoa.org/by-laws.html>
- If interested email Bill Kinnick: [williamkinnick@verizon.net](mailto:williamkinnick@verizon.net) or **call:** 302-245-2122 for more information.

### **HOA Officers – DMHOA will come to YOUR community to teach your homeowners their rights.**

DMHOA's Training Sessions teach homeowners what they need to know to protect themselves and their homes.

**Know Your Rights Training:** Explains homeowners rights on leased land, agencies that support homeowners, Title 25 Chapter 70 - the Landlord Tenant Code in Delaware, ins and outs of arbitration, how DMHOA gets laws passed thru the Delaware legislature, assistance in forming and managing an HOA and other vital information to help you.

**Knowledge is POWER.** DMHOA provides **KNOWLEDGE**, giving you **POWER**. Get your community on the DMHOA training schedule calendar now. Contact Bill Kinnick at: [williamkinnick@verizon.net](mailto:williamkinnick@verizon.net) to make this happen for your community.

### **DMHOA is on TV:**

We have 2 ads: 4 minutes and a 30 second ad on TV to promote DMHOA.

- Check out both TV ads on the DMHOA website HOME page: [www.dmhoa.org](http://www.dmhoa.org)
- Give us your feedback on these ads at: [www.dmhoa](http://www.dmhoa.org) **CONTACT** page.

### **DMHOA fundraisers:**

#### **Amazon.com:**

DMHOA will receive \$0.5% of your sales through **Smile.Amazon.com** just pick DMHOA as your charity. Go to: <https://smile.amazon.com/ch/34-1975388>

Questions contact Ron Amadio: **Email:** [umpron@verizon.net](mailto:umpron@verizon.net) **Call:** 302-258-3067

**March 2022** – We are looking forward to participating in the **Do More 24 Delaware** Fundraiser next year. We will need your help – more to follow as we get closer to the start date.

### **DEMHRA's next meeting – June 3rd**

DEMHRA, or the Delaware Manufactured Home Relocation Authority, is a state authority, whose purpose is directed by Delaware Title 25 Chapter 70. They meet monthly with the Board members appointed by the various leaders of the State. **Meetings are open to the public.** We encourage anyone interested to attend these meetings. Because of Covid-19 restrictions, attendance by the public is only available via Zoom access. See access information below.

- **Date / Day:** June 3rd / Thursday
- **Time:** 1:30 pm
- **Agenda:** Only posted 1 week prior to the meeting date on the DEMHRA website <https://demhra.delaware.gov/>. Go to "Information" then click on **Calendar of Events** for the agenda, Meeting ID and Passcode for the Zoom call.
- **Zoom call:** Please state your name so they can be recorded in the minutes.

For additional information contact DEMHRA:

**Phone:** 302-674-7768 **Email:** [demhra@gmail.com](mailto:demhra@gmail.com) or contact DMHOA POC Richard Hrycyshyn at [rhrycyshyn@gmail.com](mailto:rhrycyshyn@gmail.com)

### **Partnership provides help to those looking for a job or seeking assistance:**

A partnership between the Delaware Division of Libraries and the Department of Health & Social Services may be able to help you find a job or much more. Social workers and job search coaches are available to aid state residents, free of charge with the following:

- Completing the ASSIST application
- Applying for food benefits and locating food pantries
- Medicaid sign-up and solving issues
- Finding long-term nursing care
- Finding and paying for childcare
- Home energy assistance

Go to: <https://delawarelibraries.libcal.com/appointments/> to make an appointment to speak with the Community Partner Support Unit for help.

### **Find out what is happening in YOUR area:**

Your elected representatives email out Newsletters that provide valuable time sensitive information of events occurring in their area. These include, **COVID vaccine updates, Food Pantry locations** and much more. Just go to their website and sign up.

- If you do not know who your elected representatives are in the DE House of Representatives and DE Senate just go to: <https://legis.delaware.gov/> put your address in the **WHO is MY Legislator** box and click **Find My Legislator**.

### **Delaware Senate and House Manufactured Housing Committee Members Contact Information**

**Senate Housing Committee Members and their Legislative Hall Email and Phone#:**

Chair: Bryan Townsend **Email:** Bryan.Townsend@delaware.gov **Phone:** 302-744-4059

Vice-Chair: Marie Pinkney **Email:** Marie.Pinkney@delaware.gov **Phone:** 302-744-4056

S. Elizabeth Lockman **Email:** Elizabeth.Lockman@delaware.gov **Phone:** 302-744-4105

Sarah McBride **Email:** Sarah.McBride@delaware.gov **Phone:** 302-744-4035

Dave G. Lawson **Email:** Dave.Lawson@delaware.gov **Phone :** 302-744-4078

Brian Pettyjohn **Email:** Brian.Pettyjohn@delaware.gov **Phone:** 302-744-4256

**House Manufactured Housing Committee members and their Legislative Hall Email and Phone# :**

Chair: John Kowalko **Email:** John.Kowalko@delaware.gov **Phone:** 302-744-4086

Vice Chair: William Carson **Email:** William.Carson@delaware.gov **Phone:** 302-744-4193

Kimberly Williams **Email:** Kimberly.Williams@delaware.gov **Phone:** 302-744-4198

Valerie Longhurst **Email:** Valerie.Longhurst@delaware.gov **Phone:** 302-744-4047

Madinah Wilson-Anton **Email:** Madinah.Wilson-Anton@delaware.gov **Phone:** 302-744-4349

Ruth Briggs King **Email:** Ruth.BriggsKing@delaware.gov **Phone:** 302-744-4267

Lyndon Yearick **Email:** Lyndon.Yearick@delaware.gov **Phone:** 302-744-4033