



# NMHOA Across America

[www.nmhoa.org](http://www.nmhoa.org)

Winter 2017 Edition

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## Message from NMHOA President, Tim Sheahan



As we say goodbye to winter and welcome the longer and warmer days of spring, the start of Daylight Saving time is also a reminder to check our smoke alarms and replace batteries, if necessary. If you need another smoke alarm, visit the Red Cross website at <https://americanredcross.wufoo.com/forms/s1d1yifw1rx6vf2/> for a form to order an alarm. The [www.redcross.org](http://www.redcross.org) website has other valuable information regarding a variety of topics on how to prevent disasters or react when emergencies do arise.

On February 11, I was pleased to be in Mesa, AZ to join NMHOA member, **Arizona Association of Manufactured Home and RV Owners (AAMHO)**, in celebrating its 30<sup>th</sup> anniversary of advocacy. I was impressed by the large number of attendees and accomplishments AAMHO has achieved over the years. Arizona, like a few other sunbelt states, is unique in that many of the residents of manufactured home communities are seasonal, so some communities notice a dramatic “ebb and flow” of activities between summer and winter months.

On behalf of the NMHOA Board of Directors, I want to thank each of you who has been of support to our organization, whether through membership, contributions, volunteer service and/or letting others know about our work. We hope we can continue to count on your support and that you consider yourself a “NMHOA ambassador” to forward our information to others and encourage them to support the important work we do on behalf of fellow MH owners. With the new Administration and Congress in Washington, D.C., some of our Federal consumer protections are at significant risk of being weakened or even abolished. While it would be great to get new protections passed, it looks like this will be another year of “playing defense” in trying to kill bad legislation that would have a negative impact on our way of life. It will be important for MH owners to communicate closely with their Federal Representatives and Senators to educate them on our issues.

### FHFA “Duty to Serve” Rule

Public Comments accept through March 21, 2017



Learn more and submit comments at:  
<https://www.fhfa.gov/duty-to-serve>

### **Table of Contents**

Message from the President.....	P.1
From Where I Sit.....	P.2
I’M HOME Conference & Network.....	P.3
FHFA Duty to Serve Rule,,,,.....	P.4
NMHOA Board Retreat.....	P.4
HUD Manufactured Housing Committee.....	P.4
NMHOA Members at Work.....	P.5
NMHOA Membership Form.....	P.7

## From Where I Sit

### **NMHOA Executive Director, Dave Anderson**



Federal law requires the Federal Housing Finance Agency (FHFA) to issue “Duty to Serve” requirements that direct Fannie Mae and Freddie Mac (the Enterprises) to provide leadership on financing for very low-, low-, and moderate-income families living in manufactured housing, rural housing, and affordable housing. The final rule issued by the agency includes facilitating a secondary market for loans on manufactured homes titled as personal property. While FHFA expects the Enterprises to serve manufactured homes titled as real estate, FHFA has also determined that they should be eligible to receive Duty to Serve credit, subject to FHFA approval, for pursuing chattel pilot initiatives, in a safe and sound manner.

The market for residential financing on manufactured homes is a sizeable one with over 17 million Americans living in manufactured homes. If anything, manufactured housing has the potential to serve an even larger market given that the cost of purchasing a manufactured home is far below the cost of purchasing a site-built home – \$68,000 versus \$276,000, in 2015. In fact, serving the manufactured housing market also has the effect of serving the rural housing and affordable housing preservation markets given both the level of affordability as well as broad use in rural America of manufactured housing.

The four regulatory activities related to manufactured housing that are outlined in the final rule do identify the critical issues confronting the market: support for manufactured homes titled as real property; support for manufactured homes titled as personal property; support for manufactured housing communities owned by government instrumentalities, nonprofits, or residents; and support for manufactured housing communities with specified tenant pad lease protections. However, to address these issues, the activities must be pursued in a truly robust manner that brings full parity to produce results.

For example, 88 percent of new manufactured homes are titled as chattel even though 66 percent are located on privately-owned land and only 34 percent in manufactured home communities. Despite presenting the same collateral assets as site-built housing, most manufactured homes sited on private land are considered chattel and are subject to the terms of traditional chattel loans, which include rates as high as 9-10 percent and terms as short as 7-18 years.

The Enterprises should be required to take reasonable steps to increase support for manufactured homes whether titled as real property or personal property, such as: (1) cooperating with the U.S. Department of Agriculture’s 502 Energy Efficiency Manufactured Home Pilot Program, which replaces older homes in manufactured housing communities and is operating in California, Minnesota, New Hampshire, Oregon, and Vermont; (2) supporting home loans in manufactured housing communities with mission-oriented owners that offer long-term security, such as resident-owned cooperatives, community land trusts, nonprofit organizations, and public housing authorities; and (3) covering both single- and double-width homes.

With more than 2.9 million households that own their own homes but rent a pad in 50,000 manufactured home communities, the Enterprises should be required to support blanket loans for community purchases by residents, nonprofits, and government instrumentalities as well as purchases of communities that provide sufficient tenant pad lease protections. The proposed rule creates a good basic framework with protections that address renewable lease terms, rent increases and payments, unit sale and sublease rights, and advance notice of a planned sale of the community. However, the 30-day notice of rent increases and the 60-day notice of a community closure are both inadequately short. Many states mandate by statute notice periods and most require a minimum of 60-days for rent increases and 12-months for a community closure.

In addition, there should be a system established for home owners in these communities to report violations of these pad lease requirements without fear of retaliation for addressing these violations with the community owner and others, including affirmative protections for home owners to speak and associate in furtherance of their rights under these requirements. Working with All Parks Alliance for Change (APAC) for ten years, I witnessed many attempts by community owners to avoid legal requirements of other kinds that were imposed on them and the important role home owners can play in promoting accountability when their actions as “whistle blowers” are explicitly protected.

## Report on CFED's 2016 I'M HOME Conference



More than 160 homeowners, community organizers, policymakers, developers, lenders, and industry experts affiliated with manufactured homes from 30 different states attended CFED's 2016 I'M HOME (Innovations in Manufactured Homes) Conference in San Antonio, Texas, from November 14- 16.

The goal of I'M HOME is to transform manufactured homes into valuable family assets offering the opportunity to build equity and achieve economic security. The basic assumption of I'M HOME is that manufactured homes offer both affordability and the opportunity to build wealth if improvements can be made in four areas: home quality and installation; long-term control of the land; improved mortgages and other key financial products; and changes to state and federal public policy.

This year, over the course of 12 concurrent sessions and three plenaries, the conference produced collective agreement on several points. Our work must aim to reduce the stigma of manufactured housing and its residents and promote a greater understanding of its potential for affordable homeownership. Homeownership and quality housing produce a range of effects that contribute to resident well-being. There is a growing need for new development approaches for “hot real estate markets” including land re-adjustment and density planning. We must continue discussions and to work together to advance the goals of I'M HOME and manufactured housing initiatives.

Moving forward, the I'M HOME network aims to:

- Ensure Duty to Serve financing meets the needs of manufactured home buyers
- Increase the number of USDA 502 Energy Efficiency Manufactured Home Pilot Program pilots and work to fund loans
- Engage state housing finance agencies
- Build local and regional foundation support
- Engage a homeownership counseling network and provider
- Engage with HUD and USDA on planning HUD 184 Section 4 capacity grants and 504
- Support robust homeowner advocacy

Check out the session presentations, handouts, reports and other materials shared at the 2016 I'M HOME Conference at the link below and mark your calendars for the 2017 I'M HOME Conference on October 2-4 in Providence, Rhode Island!

[http://cfed.org/programs/innovations\\_manufactured\\_homes/2016\\_im\\_home\\_conference/](http://cfed.org/programs/innovations_manufactured_homes/2016_im_home_conference/)

## I'M HOME Network Expands and Changes

In 2017, CFED is changing the structure of the I'M HOME Network by launching five working groups to support and expand the work of the Network. These working groups focus on five critical issue areas: Policy; Communications; Single-Family Finance; Resident Engagement; and Community Preservation.

The working groups provide members of the I'M HOME Network with an opportunity to share their expertise and join with other members to tackle important problems in the manufactured housing field. Working group members are also eligible to serve on the I'M HOME Network Steering Committee, which helps inform the priorities and operations of the Network as a whole.

Those of you who attended the I'M HOME conference have probably already been contacted about different working groups. If you are a homeowner who is interested in learning more or becoming involved, you can contact Dave Anderson at NMHOA at [admin@nmhoa.org](mailto:admin@nmhoa.org) or 202-800-7975.



## **NMHOA and State Members Participate in “Duty to Serve” Listening Sessions**



Federal law requires the Federal Housing Finance Agency (FHFA) to issue Duty to Serve requirements for very low-, low-, and moderate-income families in manufactured housing. The four activities outlined in the final rule are: support for manufactured homes titled as real property; support for manufactured homes titled as personal property; support for manufactured housing communities owned by government instrumentalities, nonprofits, or residents; and support for manufactured housing communities with specified tenant pad lease protections.

FHFA held four public listening sessions with 350 total participants and over 90 different speakers, including Tim Sheahan, Lori Dibble, and Dave Anderson. NMHOA representatives spoke to the benefits of manufactured housing as well as the challenges, particularly as they relate to inadequate financing options and lack of consumer protections for home owners in many parts of the country. These speakers also argued that serving the manufactured housing market also provided service to affordable housing preservation, rural housing, and the increasing need for senior housing as the baby boomers become a demographic tsunami.

FHFA is still accepting public input until March 21. FHFA also published Proposed Evaluation Guidance and will accept public input through May 15. You can get background, see listening session transcripts, and share your own input at: <https://www.fhfa.gov/duty-to-serve>.

## **Home Owners Join HUD’s Manufactured Housing Consensus Committee**

As of January 1, 2017, there are several new people serving on HUD's Manufactured Housing Consensus Committee (MHCC). MHCC is a 21-member committee that equally to three categories: Producers/Retailers, Users/Consumers, and General Interest/Public Officials. Members are appointed to serve for a three-year term. In part, MHCC works through subcommittees focused on Regulatory Enforcement, Structure & Design, and Technical Systems.



Seven new people have been appointed, including Arizona home owner DeAnna Mireau, Washington home owner Kylin Parks, and NMHOA executive director Dave Anderson. They join two home owners from New Jersey, Gary Miller and Lori Dibble. In addition, “user” member Timothy O’Leary is the new MHCC chair; possibly the first time a user has been chair.

MHCC provides recommendations to the HUD Secretary on revisions and interpretations of HUD’s manufactured home construction and safety standards and related procedural and enforcement regulations. MHCC is charged with developing proposed model installation standards and is part of revising the Manufactured Home Model Installation Standards, Installation Program Regulations, and Dispute Resolution Program regulations. You can learn more at: [https://portal.hud.gov/hudportal/HUD?src=/program\\_offices/housing/rmra/mhs/cc1](https://portal.hud.gov/hudportal/HUD?src=/program_offices/housing/rmra/mhs/cc1)

## **NMHOA Holds Board Retreat**

NMHOA held its biennial board retreat in November in conjunction with the I’M HOME conference in San Antonio, TX. The retreat was planned as a way to explore four goals set by NMHOA for the upcoming year: building powerful and effective state association members; developing national influence, brand, and recognition as a national advocate; achieving financial sustainability; and promoting ongoing board development

A series of sessions were held from November 14-16 that focused on organizational development (formal office space, new financial policies and practices, etc.), expanding into new states (recruiting unaffiliated state home owner associations or





HOAs, organizing new state HOAs, etc.), developing more relationships between HOAs and resident-owned communities or ROCs, and implementation plans for the year's major goals and activities.

One immediate result of the retreat was a decision to follow up the establishment of new office space in July 2016 with a new phone number (202-800-9795) in December 2016.

## **NMHOA Members at Work**

### **Manufactured Home Owners attend World Meeting of Popular Movements**

Anne Sadler, At Large Board Member

An event called the World Meeting of Popular Movements was held in Modesto, CA on February 16 - 19, 2017. This regional meeting of US based social justice organizations was an offshoot of three World Meetings of Popular Movements (WMPM), which have taken place in Rome in 2014, Bolivia in 2015, and in Rome again in 2016. These meetings were in response to an initiative by Pope Francis to develop bonds of collaboration among people across the world who are struggling to attain basic rights to Land, Work and Housing and for the organizations that help them. There were approximately 700 attendees (50 of which were Catholic Bishops).

We started arriving on Thursday with registration, dinner and keynote speakers that afternoon and evening. Friday, a Plenary Panel addressed racism in the morning session and another that afternoon on migration. Saturday morning, the Plenary Panel addressed work and housing as well as land and the environment in the afternoon. After each Plenary we broke out into our assigned small groups to discuss the information we were given and how it applied to each of our grassroots organizations. As a NMHOA Board Member I found this gathering to be a profound experience, in that there were so many faith based social justice organizations represented, and that the need is to great.

### **City code ruled discriminatory toward manufactured home owners**

In Minnesota, a district judge ruled the city of Burnsville violated residents' rights under state and federal laws when it enforced city code violations at a Burnsville mobile home park. District Judge Colleen G. King found that the city's crackdown on carports, awnings and visible garbage cans at the Rambush Estates Mobile Home Park was motivated by prejudice against poor people and minorities, violated the residents' constitutional due-process rights and ran afoul of extensive federal and state rules related to mobile homes. "Burnsville made an intentional decision to establish a proactive code enforcement process because of the number of 'ethnically diverse' people moving into the city and that they 'do not know how to take care of their property' because it is 'not in their culture,'" King wrote in her 45-page decision.

In addition, the city failed to cite correct or current codes, or it cited codes that had previously been found to be unconstitutional. When residents were issued citations, it was unclear which rules residents had violated, and the building codes were found to be so vague that the general public could not understand them. And the city failed to provide notice of the residents' appellate rights or ways they could contest the citations. In short, she found that federal and state law "pre-empts" the city from enforcing its own codes. A new trial will be held to determine damages.

## Colorado bill proposes tax benefits to park owners selling to home owners

A bill has been introduced in the Colorado legislature to encourage owners of manufactured homes to form associations and offers incentives to park owners that sell their properties to homeowners' associations, housing authorities, or other nonprofits that would preserve them. While previous iterations of the bill were resisted because lawmakers feared impinging on owners' property rights, this version provides tax incentives for selling to residents. Under the bill, profits from park sales would be tax-exempt for properties with 50 or fewer lots, and those with more would be taxed at 50%. According to State Senate author John Kefalas, "Manufactured housing is an important component of housing, but over the past several years this form of unsubsidized, affordable housing is being lost," he said. "We're trying to focus on the voluntary preservation of mobile home parks and advance resident-owned communities."

## Utah home owners propose a bill to strengthen their legal rights

Connie Hill, At Large Board Member

Utah has a bill H.B. 236 in committee now that will hopefully will move on to the Senate floor later for final passage votes. This bill gives our homeowners the right to sue a landowner and if successful collect attorney's fees and court cost and possibly damages. It also give them the right to ask for a copy of their lease. It has to been done in writing and the landowner will have 7 days to comply at no cost except for copy charges. We are working this really hard right now. This is a bill that the landowners lobbyists and representatives are in agreement on. There is also a piece there that will allow them to evict someone if they have not signed a lease. We have had problems in Utah of late with squatters taking over empty homes and destroying them in the process.

## North Dakota residents introduce "good cause" eviction bill

A bill was heard in the Senate Judiciary Committee to protect the property rights of those who own manufactured homes located on rented ground by ensuring that they will only be asked to endure the complicated and costly process of moving their homes for good cause. The rules governing mobile home communities – leases, the rights of community owners and homeowners, eviction law, remedies – are the prerogative of the states. Thirty-five states currently have some statutory provision establishing the reasonable grounds for eviction of a resident from a mobile home park, including neighboring states such as Idaho, Iowa, Minnesota, Montana, and Wisconsin.

The bill would require good cause for eviction and prohibit park owners from citing arbitrary reasons or no reasons at all. It would prohibit termination or nonrenewal of a lease except for good cause such as nonpayment of rent, rule violations, disorderly conduct, or criminal activity. It would require the community owner to give the resident fair notice of the problem and, where appropriate, an opportunity to correct it. The bill did move forward this session, but the home owners will continue to push for fair protection for manufactured home owners property rights.

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### News Items?

If you have news items from your state or HOA that may be of interest to other readers and could be included in *NMHOA Across America* please forward them to *Dave Anderson* at: [admin@nmhoa.org](mailto:admin@nmhoa.org). All items will be considered. If you have found value and items of interest in this newsletter, please pass it on to your neighbors and friends. Spread the word about NMHOA. Thank you!

### Why does NMHOA need my email address?

We often have important information on issues that affect manufactured home owners. Getting out a NMHOA Alert is the fastest way for us to notify you of items that may need your immediate attention.



**Individual, Household & Non-Manufactured Home Owner Membership Form**

**A. Today's Date**  **New**  **Renewal**  **Other**

Individual  Household  Non-Manufactured Homeowner

**B. Name(s) of homeowner(s)**  
**(eighteen years of age or older):**

**Address:**  **City:**

**State:**  **Zip:**  **Preferred Phone Number:**

**Email Address:**

**State Association Name:**

**Community Association Name:**

**C. Individual Home Owner Fees:**

- \$15 Individual/Household living in a manufactured home community:
- \$25 Individual/Household living in a manufactured home on their own land.
- \$50 Manufactured homeowner **NOT** living in the community where the home is sited. (Not eligible for stipends or to vote)
- \$100 Non-Manufactured Homeowner (Not eligible for stipends or to vote.)

**Check Number:**  **Pay Pal:**

**D. Other:** Contributions: \$  Check Number:  Pay Pal:

**E. Involvement: I/We want to become involved with NMHOA by:**

- Having a voice in the future of NMHOA and serve on NMHOA Board of Director (non-officers preferred)?
- Having my voice heard and serving on a NMHOA Committee. (non-officers preferred)?
- Receive Monthly E-Blast & *i'mPOWERED* educational information; Qtrly Newsletter; alerts on homeowner issues.

**F. Questions:**

If you do not have a State or Community Association -- May NMHOA help organize your state and/or community?

YES  NO

**Please make checks payable to: NMHOA Mail to the above address:**

**Please Note:** NMHOA is a 501(c)(3) non-profit organization. Memberships; Donations; Contributions are tax deductible.

*The mission of NMHOA is to promote, represent, preserve and enhance the rights and interests of  
 Manufactured Home Owners throughout the United States.*