



APAC's 2021 Annual Meeting

OCTOBER 16, 2021
10:00 A.M. TO 12:00 P.M.

Overview of the Meeting

1. Welcome
2. APAC Bylaws Changes
3. Your Legal Rights & Financial Resources
4. How to Become a Resident-Owned Community
5. Planning for 2022 at the State Capitol
6. Next Steps

Welcome

- ▶ **All Parks Alliance for Change (APAC)**

- ▶ What is APAC?
- ▶ What does it do?
- ▶ How does it work?
- ▶ Opportunities for involvement (membership, committees, board, etc.)

- ▶ **Introductions**

- ▶ Your name
- ▶ Your park
- ▶ How long have you lived in a manufactured home

Proposed Changes to APAC's Bylaws

- ▶ **Overall:** replace use of “park” with “community” and “board of directors” with “board”
- ▶ **Membership:** individual rather than household memberships, eliminate absentee voting, eliminate at-large memberships
- ▶ **Chapters:** based on supporting APAC's goals rather than paying membership dues, changes to required number of households
- ▶ **Board of Directors:** change timing of Annual Meeting, rephrase meeting notice requirements
- ▶ **Board Responsibilities:** simplify the descriptions
- ▶ **Executive Officers:** eliminate the Second Vice-President position, rephrase the impeachment language, clarify officers cannot receive salaried compensation, eliminate Executive Board meetings with Special Board meetings
- ▶ **Other Changes:** in Rules of Order (online participation, timing of resignation, meeting rules), in Books and Records (payment signature requirements), eliminate restriction on issue Endorsements, in Non-Discrimination (added “gender identity”)

Your Legal Rights & Financial Resources

1. Overview of Legal Rights
2. The Eviction Process
3. Rental & Housing Assistance Programs
4. Manufactured Home Rehab Funds
5. MH Relocation Trust Fund
6. MH Community Redevelopment Program

Overview of Legal Rights

Park Rules – Parks must provide 60 days' written notice before changes take effect. A new rule cannot "substantially modify" the established rules for current residents only new residents. It cannot significantly reduce the responsibilities of the park or significantly increase the responsibilities or costs of the residents.

Rent Increases – Parks cannot increase rent more than twice in 12 months, the increase must be "reasonable," and the park must provide 60 days' written notice of any increase

Storm Shelters & Evacuation Plans – Parks with 10 or fewer homes are not required to have a shelter, but must have an evacuation plan. Parks with more than 10 homes licensed after March 1, 1988 must have a shelter; either a shelter or evacuation plan before that date.

Park Closings – Parks must provide 12 month closure notices. Residents can receive relocation compensation and can attempt to purchase the park through the "right of first refusal."

Right of First Refusal – If there park is being sold for redevelopment, residents are given 45 days to match the sale price, terms and conditions.

Resident Associations – Residents can form a legally-recognized association if 51% of households approve.

Minnesota Eviction Moratorium

- ▶ **March 24, 2020** – Gov. Tim Walz established the state's eviction moratorium as part of a series of executive orders.
- ▶ **June 29, 2021** – The Minnesota Legislature established the process for phasing out the moratorium.
- ▶ **October 12, 2021** – Evictions are allowed for all legal reasons EXCEPT for non-payment of rent if residents have applied for the COVID-19 emergency rental assistance program and are waiting on a response.
- ▶ **June 1, 2022** – Evictions are allowed for any legal reason.
- ▶ If you believe your rights have been violated, you can file a complaint with the **Attorney General's Office** online at:
<https://www.ag.state.mn.us/Office/Forms/TenantEvictionComplaint.asp>

Eviction Process

- ▶ **Court Filing** – A park must file for eviction with the court.
- ▶ **Court Summons** – At least 7 days before the court hearing date, the park must have someone else serve you with a summons to appear in court.
- ▶ **Court Hearing** – The hearing must take place within 7 to 14 days after the court issues the summons.
- ▶ **Decision** – If the judge decides you have no legal defense against eviction, you will be ordered to vacate. If leaving immediately will cause substantial hardship, you can be provided additional time.
- ▶ **Pay and Stay** – If the eviction action was brought only because of unpaid rent and the park wins, you can still “pay and stay”, if you pay the rent with interest, cost of the eviction action, and attorney’s fees of \$5.00.
- ▶ **Serving an Eviction** – A park cannot physically evict you. Only a law enforcement officer can. A “writ of recovery” – which is issued at the same time as the decision – must be provided at least 24 hours before the actual eviction. The law enforcement officer can show up to perform the eviction any time after the 24 hours have expired.

Reasons for “Good Cause” Eviction

1. Late paying **rent or utility charges** owed to the park
2. Failure to comply with **a law or government rule** relating to manufactured home parks
3. Breaking the terms of **the lease or the park’s rules**
4. **Repeatedly breaking** important terms of the lease or park rules, or laws or government rules
5. **Endangering** other residents or park personnel, **seriously damage** park property, or **substantially annoy** other residents
6. All or part of the manufactured home **park is going to close**
7. **Park improvements** that will substantially benefit the health and safety of the residents requires removing resident home(s) to complete work
8. **False information** given in the lease application

Eviction Notice Requirements

- ▶ Resident must pay **rent or utilities** within 10 days of notice
- ▶ Resident must comply with **lease or rules** within 30-days' notice of alleged violation
- ▶ Resident may not commit a **new violation** within 6-months' notice of repeated violations
- ▶ Resident may not **again endanger, annoy, or cause damage** within 30-days' notice of alleged violation
- ▶ Park must provide at least 12-months' notice before all or part of manufactured home park may close (there are several other steps involved in a **park closure**)
- ▶ Park must act within one year from when a resident started to first pay rent, if alleging the resident provided **false information** on a lease application

Illegal Park Actions

- ▶ **Unlawful Exclusions** – A park cannot lock you out of your home or otherwise prevent you from living there without a court order. You can petition the court and the court can order a law enforcement officer to help you get back in. The court can also order the park owner to pay triple damages or \$500, whichever is greater, plus reasonable attorney's fees.
- ▶ **Property Confiscation** – A park cannot cart away or keep your belongings for nonpayment of rent or other charges.
- ▶ **Utility Shut-offs** – A park cannot intentionally shut off a tenant's utilities. If a park has unlawfully shut off utility services, the court can order the park owner to pay triple damages or \$500, whichever is greater, plus reasonable attorney's fees.
- ▶ **Retaliation** – The park cannot evict a resident in response to a resident making a good faith effort to exercise their rights. Within 90 days of any of these actions by a resident, the park must prove to the court that the eviction is not retaliation.

Rental & Housing Assistance Programs

- ▶ The **Minnesota Housing Finance Agency** launched **RentHelpMN.org** to help Minnesotans who have fallen behind on their rent or fear that could happen.
- ▶ Eligible Minnesota renters can receive help with costs dated on or after March 13, 2020. You can receive up to 15 months total assistance.
- ▶ Eligible costs, include **rent** (past due rent and upcoming), **utilities** (gas, electric, water/sewer, garbage/recycling, and other utilities), and **other housing costs**.
- ▶ To start an application:
 - ▶ **Call** – 211 (Toll Free: 1-800-543-7709; Local: 651-291-0211)
 - ▶ **Visit** – **www.211unitedway.org**
 - ▶ **Text** – “MNRENT” or “MNHOME” to 898-211

Manufactured Home Rehab Funds

- ▶ **Rehabilitation Loans** – Minnesota Housing has a rehab loan program for owner-occupied homes that includes manufactured homes:
 - ▶ The loan program is available for basic improvements related to safety, habitability, energy efficiency, and accessibility.
 - ▶ The maximum loan is \$37,500, the maximum loan length is 10 years, and is forgiven if you continue to occupy the home.
 - ▶ In 2021, the Minnesota Legislature also approved using these funds to replace a home by allowing the funds to be used for down-payment assistance and closing costs.

MH Relocation Trust Fund

- ▶ The **Minnesota Manufactured Home Relocation Trust Fund** provides residents with up to \$8,000 to move or replace a “single wide” and up to \$14,500 to move or replace a “double wide” in the event that all or part of a park is closed.
- ▶ The trust fund is supported by an \$15 fee from home owners and, if a park is closed, the park owner contributes \$3,250 per “single wide” and \$6,000 per “double wide.”
- ▶ There are four steps in the annual fee collection:
 - ▶ **By July 31** – The state mails information to park owners about the collection.
 - ▶ **By September 15** – Park owners distribute notices to residents.
 - ▶ **By October 31** – Residents must pay the \$15 fee to their park owner.
 - ▶ **By December 15** – Park owners must pay the \$15 fees to the state.

MH Community Redevelopment Program

- ▶ The **Manufactured Home Community Redevelopment** grant program was established by the Minnesota Legislature in 2017 to deal with serious health and safety issues and make critical improvements:
 - ▶ For 2020-2021, the program gave \$2 million in grants to six park communities, including two resident-owned and three privately-owned communities.
 - ▶ For 2022-2023, the program has \$3.75 million and could fund improvements in nearly twice as many communities.
- ▶ The program not only makes the communities healthier but more secure and affordable. Parks that receive grants must:
 - ▶ Currently have affordable lot rents
 - ▶ Limit rent increases to no more than 5% per year
 - ▶ Continue to operate as a park for at least 25 years.

Questions?

Resident-Owned Communities



Resident-Owned Communities (part 2)

▶ **What are the advantages?**

- ▶ Maintain the roads, utilities, and other systems that serve your home
- ▶ Keep your lot rent stable
- ▶ Screen potential neighbors when they want to move in
- ▶ Operate your neighborhood as a manufactured home community and not sell or redevelop the land.

Resident-Owned Communities (part 3)

▶ **Minnesota Resident-Owned Communities:**

- ▶ Bennett Park Cooperative
- ▶ Five Lakes Cooperative
- ▶ Hillcrest Community Cooperative
- ▶ Madelia Mobile Village
- ▶ Park Plaza Cooperative
- ▶ Stonegate Cooperative
- ▶ Sungold Heights
- ▶ Sunrise Villa Cooperative
- ▶ Zumbro Ridge Estates

Resident-Owned Communities (part 4)

▶ Who can help you purchase your community?

- ▶ NorthCountry Cooperative Foundation (financer)

<http://northcountryfoundation.org/>

- ▶ ROC USA

rocusa.org

Questions?

2022 at the State Capitol

1. The Legislative Process
2. Recap of Victories from 2019, 2020, and 2021
3. Proposed Bills
4. Discussion & Vote on APAC's 2022 Legislative Agenda

The Legislative Process

- ▶ **Session begins** – January 31, 2021
- ▶ **First committee deadline** – March 2021
- ▶ **Second committee deadline** – March 2021
- ▶ **Third committee deadline** – April 2021
- ▶ **Easter/Passover break** – April 2-9, 2021
- ▶ **Constitutional date for adjournment** – May 23, 2021

Recap of Victories from 2019, 2020 & 2021

- ▶ **Right of First Refusal** – closed loopholes, and strengthened and clarified the process residents can use to buy their parks
- ▶ **Manufactured Home Relocation Trust Fund** – increased funds for relocation benefits, and simplified and speeds up the benefits process
- ▶ **Park Closing Process** – increased the closure notice from 9 to 12 months and speeds up scheduling of the closure public hearing
- ▶ **Housing Assistance** – made park lot rental and manufactured home loan payments eligible for state housing assistance
- ▶ **Park Infrastructure Grants** – established grant program to deal with serious health and safety problems, and provided \$2 million in 2019 and \$3.75 million in 2021
- ▶ **Home Rehab & Replacement Loans** – increased the size of the state's rehab loan program from \$27,000 to \$37,500 and approved use of funds to replace a home

Proposed Bills: Opportunity to Purchase

▶ **Current Law**

- ▶ Minnesota is one of 19 states that encourage or require park owners to sell their communities to the home owners.
- ▶ In Minnesota, if a park is being sold for redevelopment, residents, or an authorized nonprofit, are given 45 days to meet the same terms and conditions as the developer.

Proposed Bills: Opportunity to Purchase

▶ **Proposed Changes**

- ▶ Require park owners to provide residents with 60-days advance notice of any intended sale
- ▶ Consider any reasonable offer that has the support of 51% of resident households
- ▶ Negotiate with the residents in good faith
- ▶ If the residents' offer is rejected, provide written notice within 5 days.

Proposed Bills: Rent Stabilization

▶ **Current Law**

- ▶ Since 1982, Minnesota limited rent increases by requiring rent increases be “reasonable,” uniform throughout the park (except under certain conditions), limited to two increases per year, and cannot be based on the number of people residing or staying in the home.
- ▶ Unfortunately, the “reasonable-ness” standard has proven too vague to be useful.

Proposed Bills: Rent Stabilization

▶ **Proposed Changes**

- ▶ Require park owners to provide a five-year rent history to applicants
- ▶ Limit rent increases to once a year
- ▶ Limit rent increases to the Consumer Price Index (CPI), unless they can be justified by either additional expenses directly related to operating, maintaining or improving the park, or rents charged by other comparable parks
- ▶ These policies are working at the state (DE, NY, OR, RI) and local levels (CA, MD, NJ, NY, OR, etc.)

Proposed Bills: Alternative for Dispute Resolution

▶ **Current Law**

- ▶ Legal Aid will often accept eviction cases and Conciliation Court provides an option for monetary issues under \$15,000.
- ▶ However, a violation of a home owner's lease or legal rights requires the time and expense of going to court, which is unrealistic for most home owners.

Proposed Bills: Alternative for Dispute Resolution

▶ Proposed Changes

- ▶ Establish a program through the Minnesota Offices of Administrative Hearings that can provide either mediation or a legal ruling on a dispute, other than eviction, as an alternative to pursuing a case in court.
- ▶ Either park owner or home owner can use this system and neither is barred from pursuing additional legal action.
- ▶ Another similar program conducted by the OAH for neighborhood issues in South St. Paul is able to resolve issues within 30 days at a cost of only a couple hundred dollars.

Discussion & Vote on APAC's 2022 Legislative Agenda

- ▶ Please complete the ballot by the end of the day on October 16th!
- ▶ Find the ballot by:
 - ▶ Filling out the form on our website, or
 - ▶ Checking your email

Questions?

Next Steps

- ▶ Commitment Sheet
- ▶ Evaluations

Thank you!

▶ **Contact Information:**

▶ **E-Mail:** info@allparksallianceforchange.org

▶ **Phone:** 651-644-5525 or 855-361-2722

▶ **Fax:** 651-523-0173