

NORTH DAKOTA MANUFACTURED HOME OWNERS ASSOCIATION

MEETING ON STATEWIDE ORGANIZING

OCTOBER 10, 2022

7:00 P.M.

WELCOME & INTRODUCTIONS

- What is the North Dakota Manufactured Home Owners Association?
- Review Agenda
- Meeting Ground Rules
- Introductions

WHAT IS THE NORTH DAKOTA MANUFACTURED HOME OWNERS ASSOCIATION?

- Residents began organizing in 2016
- Formed the Fargo Area Park Residents Association (FAPRA)
- FAPRA worked with the Fargo Cass Public Health to get problems in the city's parks addressed, to draft a legal rights handbook, and to introduce state legislation
- Formed the North Dakota Manufactured Home Owners Association (NDMHOA)
- NDMHOA supported passage of new state laws protecting residents



REVIEW AGENDA

- **Legal Rights** -- Brief review from last meeting. We posted a copy of last month's presentation about your legal rights as a resident home owner.
- **State Legislation** -- Brief review from last meeting. The next legislative session starts in January. We also posted a copy of the possible 2023 legislative session proposals.
- **State Association or Chapter** -- Residents organized an informal state association. Discuss how to make it more formal:
 - 1) incorporate as a nonprofit organization,
 - 2) becoming a state chapter of the National Manufactured Home Owners Association, or
 - 3) both.

MEETING GROUND RULES

- **Be respectful of others:** Raise your hand before speaking and do not interrupt.
- **Stay on topic:** Wait until the matter at hand has been resolved before switching to a new topic.
- **Keep statements brief:** To keep meetings short, please try to be concise.

INTRODUCTIONS

- Please share your name, park, and years in your park

LEGAL RIGHTS DISCUSSION

- Overview of residents' legal rights
- Resources available to residents
- Questions & answers about problems

OVERVIEW OF RESIDENTS' LEGAL RIGHTS

North Dakota Mobile & Manufactured Home Park Handbook

<http://allparksallianceforchange.org/?q=northdakota>

- Purchasing
- Duties of the Park Owner or Manager
- Park Conditions
- Fees, Security Deposits, and Rent
- Eviction
- Rental Agreement
- Taxes
- Discrimination
- Tenant Duties

GENERAL RESOURCES

North Dakota Attorney General's Office

600 E. Boulevard Ave Dept. 125

Bismarck ND 58505

Phone: 701-328-2210

<http://attorneygeneral.nd.gov>

North Dakota Dept. of Health, Environmental Health Section

918 East Divide Avenue

Bismarck, ND 58501-1947

Phone: 701-328-5150

<http://www.ndhealth.gov>

North Dakota Dept. of Labor and Human Rights

600 E Boulevard Ave Department 406, Room 107

Bismarck, ND 58505

Phone: 701-328-2660

Concerning Housing Discrimination

<http://www.nd.gov/labor/human-rights/housing>

North Dakota Dept. of Transportation Motor Vehicles

Phone: 701-328-2725

Toll Free: 1-800-582-8032

Concerning Dealer Regulations and Licensing

<http://www.dot.nd.gov/divisions/mv/vehicle.htm#dealerrequirements>

North Dakota Dept. of Commerce

1600 E. Century Ave., Suite 2, PO Box 2057

Bismarck, ND 58503

Phone: 701-328-5300

Concerning Inspections and Building Codes of Manufactured Homes:

<https://communityservices.nd.gov/buildingcode/>

Legal Services of North Dakota

Offices in Bismarck, Fargo, and Minot

Phone (Age 60+): 1-866-621-9886

Phone (Under age 60): 1-800-634-5263

<http://www.legalassist.org/>

DISCUSSION & QUESTIONS



RESIDENT PUSH STATE LEGISLATION

- Residents have identified changes needed in state law and proposed changes in 2017, 2019, and 2021. Residents were able to pass some legislative changes in 2021.
- The North Dakota Legislative Assembly meets every other year. The next legislative session starts in January.
- NDMHOA has fully drafted proposals that have not yet been acted on that could be introduced for the 2023 legislative session, including:
 - Ability to Pay and Avoid Eviction
 - Longer Notice of Lease Non-Renewals
 - Notice and Disclosure of Liens Placed on Mobile Homes
 - Protection from Retaliation

POSSIBLE PROPOSALS

- **Opportunity to Pay and Stay** – If a court orders the eviction from a mobile home park, the court shall specify the amount the resident owes the park in rent and other costs, including court costs and reasonable attorney fees. If the resident pays the park the full amount within 30 days of the eviction order, the order will be rescinded and the resident may remain in the park.
- **Lease Non-Renewal** – If the park decides, without a specific cause, not to renew an at-will lease agreement with a resident, the park will provide at least 180 days written notice of the non-renewal decision to the resident. This will uphold the park's authority over who resides within the mobile home park while preventing homeowners who have not committed an evictable offense from losing their homes as a result of inadequate time to prepare for a move.
- **Mobile Home Liens** – Require the lien notice include an itemization of the costs owed by the homeowner and a notice that explicitly states the park will sell the home if the lien is not paid. Require notice also be sent to the homeowner's last known address by first class mail. Allow residents 60 days to pay the lien and remove the home. Require sending a post-sale notice to the former homeowner with basic information about the sale of the home and the proceeds of the sale. Treat excess proceeds as abandoned only if the notice is returned as undeliverable.
- **Retaliation Protection** – A park may not initiate or threaten to initiate an eviction, rent increase, decrease in services, change in lease, non-renewal of lease, or otherwise retaliate against a resident in response to a resident:
 - Making a complaint in writing in good faith to the park or a public official regarding the conditions, utility services, park rules and regulations, rent, charges, or fees related to the mobile home park;
 - Attempting in good faith to exercise the resident's legal rights or remedies; or
 - Attending meetings or public hearings related to the conditions, utility services, park rules and regulations, rent, charges, or fees related to the mobile home park.

DISCUSSION & QUESTIONS



HOME OWNERS ORGANIZING STATEWIDE

WHY ORGANIZE STATEWIDE?

- Share useful information & resources
- Provide mutual support
- Act together using power of numbers
- Counter park owners disinformation
- Provide a statewide park resident voice (when we need to respond to park owners, state legislators, or the media)

WHAT ARE THE CHALLENGES?

- It's a big task if only a few people are interested.
- It's a big state to cover, if it's only a few people.
- The costs are very small, but they can add up if only a few people are paying them.
- Any progress made can be lost if a few people are doing everything and if, at some point, they stop.
- Can residents have a statewide voice, if only a few people are interested?

HOME OWNERS ORGANIZING STATEWIDE

- In 2019-2020, residents did start organizing an informal state association, which was slowed down by the pandemic.
- We discussed, but made no decision about, a couple options for making it a more formal one, including:
 - 1) Incorporating as a nonprofit organization
 - 2) Becoming a state chapter of the National Manufactured Home Owners Association
 - 3) Or both

HOME OWNERS ORGANIZING STATEWIDE

Option 1: Set Up a Nonprofit State Association

PROS

- It creates a formal, legal structure.
- It makes a lot of simple tasks easier, such as reserving meeting space or renting a P.O. Box.
- It puts the organization into official listings that make it easier for residents and potential allies to find.
- A nonprofit can apply for grants and request donations.
- A majority of states have set up associations, which provides plenty of examples to learn from.

CONS

- It means filing forms and paying some filing fees, in order to set it up.
- It means submitting a few required reports each year.
- It requires raising and spending at least a little bit of money each year.
- It is more formal and requires adopting written bylaws and electing a board of directors.
- It means some time is spent on managing the organization rather than dealing with residents' issues and concerns.



STEPS TO ESTABLISHING A NONPROFIT

- ✓ Draft nonprofit bylaws
- ✓ Make sure the name you want is available (ND Secretary of State, \$10 filing fee)
- Identify your initial board of directors, officers, and a primary contact person
- File articles on incorporation (ND Secretary of State, \$40 filing fee)
- Request an Employer Identification Number (IRS)
- Request tax exempt status (IRS, \$400 filing fee)
- Register as a charitable organization (ND Secretary of State, \$25 filing fee, \$10 annual fee)

HOME OWNERS ORGANIZING STATEWIDE

Option 2: Become a State Chapter of the National Group

PROS

- It provides a connection to residents involved with the national association and other state groups, and information about issues and events taking place nationally and in other states.
- Residents will be listed with other state chapters making it easier for national allies to find them.
- Residents can run for the national group's board of directors and serve on its committees.
- It creates an official structure with a minimum number of required steps.
- It doesn't require spending time managing an organization.

CONS

- It may not be viewed as "official" as a nonprofit organization, and will not appear in certain types of official listings that may make it harder to find.
- It doesn't necessarily make certain tasks, such as reserving meeting space or renting a P.O. Box, easier.
- It doesn't make residents eligible to apply for grants and request donations.
- Becoming a state chapter does require paying a small annual membership fee, which requires raising and spending at least a little bit of money.



STEPS TO ESTABLISHING A STATE CHAPTER

- ✓ Draft state chapter bylaws
- Select your initial board of directors, officers, and a primary contact person
- Establish method for engaging additional residents (such as web site or Facebook page)
- Submit NMHOA state membership application and dues (\$75 for 1st year, \$150 for 1 year, \$250 for 2 years, \$350 for 3 years)
- Support NMHOA's goals and participate in its activities, such as legislative campaigns and committees

BYLAWS DRAFT

- Purpose – The purpose shall be to protect, represent, and strengthen the rights of manufactured home owners and residents in the state of North Dakota through communication, education, negotiation, and preservation of our communities.
- Membership – Manufactured home owners and manufactured home park residents are eligible for regular membership, which applies to an entire household and every adult (person over 18 years of age) residing in a household is considered a member.
- Membership Meetings – Membership meetings will be called to elect the Board of Directors, elect board officers, receive reports on activities of the association, approve amendments to the bylaws, and determine direction of the association for the coming year. The Annual Meeting of the membership shall be held in September.

BYLAWS DRAFT

- Board of Directors – The board shall have 9 members: 5 executive officers, and 4 quadrant representatives, each representing a different geographic quadrant of the state.
- The 5 executive officers serve 2-year terms: President, Eastern Vice President, Western Vice President, Treasurer, and Secretary. The 4 quadrant representatives 1-year terms.
- Regular Board Meetings will be held monthly or as often as needed to conduct such business as is determined necessary.
- The Board has some standing committees. Other ad hoc committees may be established as needed. The members are appointed by the President. The standing committees include: Executive Committee (the 5 executive officers); Finance Committee (treasurer and 2 quadrant representatives); Nominations Committee; and Bylaws Committee.

DISCUSSION & QUESTIONS



NEXT STEPS

- What do we want to do next?
- When do want to meet?
- Who wants to help plan it?

CONTACT INFORMATION

- **North Dakota Manufactured Home Owners Association (ND-MHOA)**
E-Mail: North.Dakota.MHOA@gmail.com | <http://www.allparksallianceforchange.org/?q=northdakota>
- **National Manufactured Home Owners Association (NMHOA) – Dave Anderson**
Phone: (202) 800-9795 | E-Mail: dave@nmhoa.org | www.nmhoa.org
Facebook: <https://www.facebook.com/NationalManufacturedHomeOwnersAssociation>
- **All Parks Alliance for Change (APAC) – Dave Anderson**
Phone: (651) 644-5525 | E-Mail: dave@allparksallianceforchange.org | www.allparksallianceforchange.org
Facebook: <https://www.facebook.com/pages/All-Parks-Alliance-for-Change/195851170447968?ref=hl>