

**DELAWARE MANUFACTURED HOME RELOCATION AUTHORITY**  
**1979 S. State St.**  
**Dover, DE 19901**

**Minutes of October 1, 2020 Board Meeting**

**IN-ATTENDANCE:**

Authority:	Mitch Crane William Dunn George Meldrum Richard Hrycyshyn Andy Strine Pat Malone (Non-Voting Member)  Gregg Sutton (Executive Director)  Lorraine Hrycyshyn (Office Assistant)
Legal Counsel:	Melissa Rhoads
Other:	Jennifer Allen – First State Manufactured Housing Association  William Kinnick, DMHOA

**I. Call to Order:**

Mr. Crane called the meeting to order at 1:30 p.m. All members were present.

**II. Review and Approval of Minutes:**

A motion to approve the August 27, 2020 minutes was made by Mr. Meldrum and seconded by Mr. Strine. The motion carried 5-0.

**III. Chair's Report:**

- Mr. Crane announced that Mr. George Meldrum has been re-appointed to the Board for another two years and thanked him for his many years of dedication.
- Mr. Crane wants to have a discussion on legislature issues. He stated that some members of the legislature had expressed interest in serving on the Manufactured Housing Committee. He opined that this interest might get people to better understand the needs of the manufactured housing community which would in turn make our job at DEMHRA easier.
- Mr. Crane also wants more clarification of Chapter 70 (The Code). He stated that there are issues in the law which need clarification. He further stated that the job of DEMHRA (the Authority), in reading Chapter 70, is interpreting and applying the code, not doing what we think we should do. Although there are individuals on the Board who are representatives of homeowners and community owners, Mr. Crane stated that the Board cannot let personal interests and beliefs impact our decisions. In other words, the Authority cannot do anything which may be perceived as being partial to either side. As an example, Mr. Crane referred to a community that had not registered with the Authority, yet one of the residents accused his landlord of charging him a monthly

assessment fee. This same tenant was given a notice that he must move his manufactured home and was upset when he was told that he was not eligible for relocation assistance.

- Mr. Strine noted going into new session we need to clarify and interpret codes that are already in place and approach the legislature with them for possible changes. He stated that maybe we should look into things that are unclear from our perspective.
- Mr. Crane wants all members of the Board to look through the Code and note clarifications where needed so we can go to the legislature and request areas that we need to be interpreted and clarified. A suggestion was made to have a workshop on Chapter 70 during the November board meeting.

#### **IV. Executive Director's Report**

Mr. Sutton stated that since the last board meeting, the office has:

- Purchased a new recorder for board meetings
- Provided new chapter 70 spiral binders for board members
- Provided a copy of the Executive Director's Handbook to Mr. Crane and Ms. Rhoads.
- Received the exact figure in the Attorney Fund and as of September of 2020 there is \$64, 283.74,00 (managed by the DOJ).
- Updated the new monthly assessment of \$4.50 on the DEMHRA website.

#### **V. Legal Counsel Report:**

Board attorney, Ms. Rhoads provided an update of 27 delinquent properties referred for legal action. The first step was to send out a legal demand letter, giving them a specific time to pay and/or refute. Several of them have promised to pay and have reached out to either Mr. Sutton or Christine Hamilton at the Division of Revenue to get payment coupons. Ms. Rhoads provided the Board a list of those accounts and their status.

Ongoing matters from previous meeting are:

1. J & J - lawsuit still pending, due to lack of payment as agreed in settlement agreement. Next steps, proceed with hearing on Motion for Default Judgment
2. Appleby- Motion for Default Judgment pending before the Court, hearing date moved 3 times by the Court. Next hearing date is scheduled for October 19 at 2pm
3. Minquadale - refiled praecipe, awaiting action by CCP and Sheriff
4. Woodland - filed suit, awaiting service
5. Forest Park - filed suit, awaiting service

Other Non-Litigation Matters

1. Glasgow Court - analysis and response to Mr. William Kinnick's letter
2. FOIA Request by Christian Davis/Fieldwood - Mr. Sutton responded to Mr. Davis' request.

#### **VI. Approval of Financial Matters**

##### **A. Recent Financial Activity & Report (Information Only)**

Mr. Sutton reviewed the Financial Report for August 2020. This report was for informational purposes only and has been posted on the DEMHRA website.

**B. Legal Counsel Invoice:**

The Board reviewed the August legal counsel invoices in the amount of \$5,243.60. A motion was made to approve the invoices by Mr. Dunn and seconded by Mr. Meldrum. The motion passed 5-0.

**C. Arbitrator Invoices:**

The Board reviewed the invoice from Moore & Rutt for legal fees for Docket 07-2018 (Writ of Prohibition, Wild Meadows) in the amount of \$490.00. A motion to approve the above invoice was made by Mr. Hrycyshyn and seconded by Mr. Strine. The motion carried 5-0.

- D. **WSFS Credit Card Invoice:** Proof of purchases were provided totaling \$561.53. A motion to approve the invoice was made by Mr. Strine and seconded by Mr. Hrycyshyn. The motion carried 5-0.

- F. **Computerization 1 on 1 Invoice:** Install telephone and services for conference room. A motion to approve the invoice was made by Mr. Strine and seconded by Mr. Meldrum. The motion 0 carried 5-0.

- G. **BDO Invoice** – was discussed, Mr. Strine made a motion not to pay the invoice due to lack of a contractual agreement. Mr. Crane suggested a letter be sent to BDO of the Board's decision. A motion was made not to pay this invoice due to the absence of a contractual agreement by Mr. Strine and seconded by Mr. Meldrum. The motion carried 5-0.

**VII. Reports:**

**A. Compliance Matters (Executive Director):**

**1. Delinquent Parks Report:**

Mr. Sutton noted that this report was already discussed by Ms. Rhoads.

Mr. Sutton wanted to add Pine Haven regarding nonpayment of quarters 1 and 2. A motion was made by Mr. Strine and seconded by Mr. Dunn to forward the matter to legal. The motion carried 5-0.

**2. Compliance Investigator Report:**

Mason-Dixon MHP: Work order was issued. There are two parks in one and Mason-Dixon is owned by two separate entities. On the north side of Route 54 are 14 manufactured homes, eight (8) of which are seasonal. The owner pays an assessment on those six (6). On the south side, there are 32 manufactured homes bearing the same name but owned by another family member. The son manages it and contends that all 32 are seasonal. He provided the lease of a tenant whose primary residence is in Bowie, MD. Mr. Sutton will send a compliance investigator back in November to verify that the south side of Mason Dixon is a seasonal park.

## **B. Arbitration:**

### **1. Open Dockets for Arbitration Matters and Status:**

Mr. Crane noted we need to know the attorneys for these dockets.

#### **Docket 07-2016 & 08-2016 (Combined), Rehoboth Bay**

This docket was re-opened and has been appealed to Superior Court., trial date Nov. 18, 2020 at 12:45 P.M.

#### **Docket 10-2017 & 04-2019 (Combined), Wild Meadows**

This docket has been appealed to Superior Court December 18, 2020.

#### **Docket 07-2018, Wild Meadows Writ of Prohibition**

This docket is appealed to Supreme Court.

#### **Docket 03-2019, Murray Manor**

This docket still pending and has been appealed to Superior Court.

#### **Docket 01-2020, Winterset Farms**

Pending, arbitration has been completed and attorneys are conferring.

#### **Docket 02-2020 Canterbury Crossing**

Settled as of September 30, 2020. Arbitration is closed.

### **2. Open Dockets for Arbitration Costs:**

Mr. Sutton reviewed costs incurred to date.

## **VIII. Unfinished Business:**

- A. FOIA Request (Christian Davis)** – We answered Mr. Davis FOIA request but he still was not satisfied. Mr. Crane noted that we have tried everything we could to comply with his requests, and be cooperative with him. Therefore, no further replies from us will be made, as he is not entitled to relocation assistance.

### **B. Sales Closings, Change in Use of Land**

Dover Air Park ROFO was made as of July 1, 2020.

Minch's Mobile Park ROFO was sent beginning of June of last year, park had been sold, lawyers are working on it at this time.

Magnolia Crossing – not in violation – discovered it was sold within a large entity group and the owner provided the code - if a company sells to another company within the entity a ROFO is not needed, however, a new account number is to be provided to us.

Malones's Bayside Marina - ROFO sent on January 7, 2020, was pushed back due to COVID restrictions.

Ridgewood Manor – they have a buyer.

Silver Oak – Mr. Kinnick notified us that it was listed for sale, however emails have been sent and no one has responded. If the property is listed, it falls under ROFO, and homeowners must be contacted. Listing must be verified by the owner. Mr. Kinnick noted there are 11 homes and no HOA. The owner of property must comply, so ROFO can be sent.

Vanessa MHP is in the Court of Chancery - Mr. Gibbs is the owner – this has been going on for two years. A court docket number and name of attorney must be obtained.

### **C. Old Business (Glasgow Court)**

Glasgow Court – Ms. Rhoads was asked to follow-up on public comments from Mr. Bill Kinnick regarding the status of the Glasgow Court change in use. There is a change of use filed in New Castle County and the information and status is readily available to anyone on line and is still in the works. The most recent item on August 12, 2020 indicated that the plan extension fee of \$100.00 was paid. Ms. Rhoads' concern was that if there is a change of use, the plan is submitted to DEMHRA and the plan is updated periodically, but that deals with when the relocation of the homes is happening. Mr. Sutton provided a timeline and history summary of the events. As of now, there are no homeowners that need to be relocated. In the letter she received, there seems to be a rumor that there are to be more relocations but no plans have been formally provided to us that anyone has to be moved a second or a third time.

Although a decision was made in the Court of Chancery referring to change of land use, Mr. Strine wants to know what are our responsibilities. Ms. Rhoads asked what are they doing in regards to land use in New Castle County?

The second issue was in regard to the 7-year timeline in Chapter 70, of which they have 2 years to go.

Lastly, if there is a change, exactly what is our job or our role? No tenant has come forward with a complaint, although homes were moved within the park by the property by owner.

Mr. Sutton noted that if there is a violation of the CPI-U or Chapter 70, the DOJ must enforce it; DEMHRA does not. Ms. Rhoads was concerned that the homeowners feel they are locked into a situation where they are unable to sell, etc.

With regard to this change of land use, Mr. Kinnick now knows that DEMHRA has no role Or responsibility whatsoever under Chapter 70.

## **IX. New Business:**

**A. Mason-Dixon** - already discussed.

**B. Towers Park** - is not registered with DEMHRA – understanding was made in writing it would be given to Legal. Mr. Crane asked Ms. Rhoads to handle it.

**C. Mr. George Meldrum's Re-Appointment** – already discussed above.

**D. CPI-U** – As of September 11, it is 1.461% - effective date will be posted on website, it will contain the effective date of the CPI-U at the bottom of the posting.

**E. Rent Notices** – Mr. Strine verified rent increase instructions for landowners. Mr. Sutton noted that we require a copy of the rent increase and a sample letter to the tenants. Mr. Strine made reference to Chapter 70, Section 7053 - Paragraph A(1), Rent

Increase Dispute Resolution, and feels it should be clarified when a landowner has multiple increase amounts because of homeowner locations.

**F. Action Items:**

Magnolia Crossing-discussed previously  
Annual Community Registration is in progress.  
Malone's Bayside has been discussed  
Towers and Glasgow Court have been discussed  
Kyocera Copier -Service contract cancelled

**X. Public Comments:**

Mr. Kinnick discussed his public comments regarding Glasgow Court

**XI. Executive Session:** As there were no further items to discuss, the Board did not go into Executive Session.

**XII. Next Meeting Date: Adjournment**

The Board set the next meeting date for November 12, 2020 at 1:30 PM, a short meeting will be held and then go directly into a Working Session on (Chapter 70). No one will be excluded.  
The meeting was adjourned at 2:52 PM.

Respectfully submitted,

Gregg Sutton  
Executive Director