

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

This hybrid meeting was held via Zoom. Those who physically attended followed the Governor's COVID-19 restrictions in place by wearing face masks, socially distancing, and not having more than 10 participants in the meeting room.

Minutes of January 28, 2021 Board Meeting

IN-ATTENDANCE:

Authority: Mitch Crane
William Dunn
George Meldrum
Richard Hrycyshyn – Via Zoom
Andy Strine
Pat Malone (Non-Voting Member) – Via Zoom

Gregg Sutton (Executive Director)
Lorraine Hrycyshyn (Office Assistant)

Legal Counsel: Melissa Rhoads

Other: Brian Eng – DOJ - Via Zoom
Jennifer Allen – First State Manufactured Housing Association

I. Call to Order:

Mr. Crane called the hybrid Zoom meeting to order at 1:30 p.m. and called the roll.

II. Review and Approval of Minutes:

A motion to approve the December 17, 2020 minutes was made by Mr. Dunn and seconded by Mr. Hrycyshyn. The motion carried 5-0.

III. Chair's Report:

- Mr. Crane sent email to every member of the Senate Housing Committee and House Manufacturing Housing Committee informing them of the results of the DEMHRA Work Session that was held in December to address possible legislative changes and/or revisions to Title 25, Chapter 70. There was minimal response to his email.

IV. Executive Director's Report:

Mr. Sutton noted that since the last regular Board Meeting on December 17, 2020, the following has occurred:

- Speakers were installed for a web camera and camera angle was adjusted for the Zoom meetings in the conference room. Mr. Sutton thanked Mr. Strine for contracting this work for us.
- Mr. Crane noticed that DEMHRA's address was wrong on the website. This has been corrected.
- The Policies and Procedures manual needs to be updated on the DEMHRA website. This will be discussed at the next meeting.
- All arbitrator invoices are being scrutinized and are challenged if questionable items and/or charges are discovered.
- The December electric bill was almost triple the amount of the previous one. Mr. Sutton contacted the City of Dover and another meter reading will be taken.

V. Legal Counsel Report:

Ms. Rhoads provided an update of accounts as follows:

Demand letters were sent to the communities listed below.

Bowers Mobile Home Park – No response.

County Seat Gardens – No response.

Flying Dutchman Trailer Park – Ms. Holleger was contacted by DEMHRA and said she mailed checks on 12/15 and 12/21 and they have not cleared yet.

Kings Cliffe – No response.

Naaman's Mobile Home Park – No response.

Riverdale Park – Mr. Clark spoke with Mr. Sutton and will personally make arrangements for payment.

Sussex Manor – DEMHRA contacted Ms. Justice and was told that she hadn't realized she missed a quarter. She was to call Ms. Rhoads regarding this but to date Ms. Rhoads has heard nothing from her.

Towers MHP - Mr. Towers was given 10 days to comply with registering the community with DEMHRA and to date, he has not responded.

Update on pending lawsuits:

1. Appleby – Motion for Default Judgment pending before the Court, hearing date moved 3 times by the Court. This motion was heard on October 19 at 2:00 p.m. The Court, citing COVID concerns and the moratorium on evictions, stated on the record, sympathy for those impacted by the economy. It was further noted that there was a specific financial impact on both those that reside in these types of homes and communities, as well as the owners of such communities. As a result of these concerns, the motion was passed for 30 days to give the park the time and opportunity to correct the deficiency. No payment has been made. Due to technology issues, the Court cut short motion hearings on December 28 and this motion is

now scheduled to be heard on Monday January 25. Ms. Rhoads will report back after the hearing.

2. Forest Park – pending before the Court.
3. Pine Haven – Suit filed, awaiting service.

VI. Approval of Financial Matters

A. Recent Financial Activity & Report (Information Only):

There was no report available for December as our accountant had not received the Information from the Division of Revenue due to ongoing software integration issues.

B. Legal Counsel Invoice:

The Board reviewed the December invoice from Tighe and Cottrell in the amount of \$1,814.70 and agreed to review the rest of the invoices collectively before casting a vote.

C. DOJ Legal Fund Transfer Totals (Information Only):

- D.** There was no report available for December as our accountant had not received the Information from the Division of Revenue due to ongoing software integration issues.

E. Moore & Rutt – (Docket 07-2018 Wild Meadows Writ of Prohibition):

The Board reviewed this invoice in the amount of \$334.30.

F. Ronald Stoner – (Docket 02-2020 Winterset Farms):

The Board reviewed the December invoice in the amount of \$7,814.50 which included two court reporter invoices that had previously been sent to the wrong parties. Mr. Crane suggested looking into DEMHRA hiring court reports directly. Ms. Rhoads will look into the feasibility of DEMHRA negotiating contracts with court reporters.

G. L&W Insurance - Invoice for Liability Insurance in the amount of \$561.00.

A motion to approve the above invoices collectively was made by Mr. Hrycyshyn and seconded by Mr. Meldrum. The motion carried 5-0.

VII. Reports:

A. Compliance Matters (Executive Director):

1. Delinquency Report:

There was no report available for December as the report was not received from The Division of Revenue due to ongoing software integration issues.

2. Compliance Investigator Report:

Nine (9) parks were audited by compliance investigators in January. An error was found whereby a community reported 68 unimproved lots that should not have been counted.

B. Arbitration:

1. Open Dockets for Arbitration Matters and Status:

Rehoboth Bay vs. Hometown America (Docket 07-2016 & 08-2016 Combined)

Mr. Young sent an email notifying DEMHRA that there was a pre-trial conference, and the Supreme Court hearing is stayed, pending review of some relevant issues. A briefing will be completed by February 12th and he expects a decision about a week after that.

Wild Meadows HOA vs. Wild Meadows MHC (Docket 10-2017 & 04-2019 Combined).

Pending awaiting the outcome of decision on other similar cases.

Wild Meadows HOA vs. Wild Meadows MHC (Docket 07-2018)

Pending. Should hear something sometime in February.

Murray Manor vs. RHP Properties (Docket 03-2019)

1/19/21 Stayed pending decision by the Court.

Winterset Farms HOA vs. Winterset Farms (Docket 01-2020)

Appealed to Superior Court. HOA filed a civil action in the Newcastle County Court. There was a delay in the Prothonotary's office and summons will be sent out shortly.

Murray Manor HOA vs. RHP Properties (Docket 03-2020)

Stayed pending a decision by the Supreme Court on a similar case.

Wild Meadows HOA vs. Wild Meadows LLC (Docket 04-2020)

Stayed by the Court.

Shady Park HOA vs Shady Park MHC LLC (Docket 01-2021)

New arbitration. Pending.

2. Open Dockets for Arbitration Costs:

Mr. Sutton reviewed costs incurred to date which was for informational purposes only.

VIII. Unfinished Business:

A. Update on Right of First Offer (Sales, Closings, Change in Use of Land):

Lynch's Mobile Home Park – Numerous attempts to contact the owner have been unsuccessful. Ms. Rhoads was asked to follow-up.

Malone's Bayside Marina – Park sold 12/29/20 and new owner was advised they must set up their Trust Fund Account with the Division of Revenue.

Ridgewood Manor – Sold 11/3/20. New owner must set up their Trust Fund Account with the Division of Revenue.

Silver Oak Trailer Park – Per Attorney Rago, still in the negotiating stage.

Vanessa MHP – Pending. Park will be put up for auction.

Mr. Strine heard that Pine Point Park may be going through a change in use. There are about 12 homes in the community.

B. Update on Work Session on Clarification of Chapter 70.

Mr. Crane suggested going over the items and prioritize which ones we want to push through legislation. See attached worksheet.

IX. New Business:

A. Malone's Bayside Marina:

This was previously discussed.

B. DEMHRA Policies & Procedures:

When the Board decided to review changes to Chapter 70, Mr. Sutton thought DEMHRA Policies and Procedures should be reviewed also. Policies and Procedure changes only require approval by the DEMHRA Board.

C. FOIA Request – Montana Legislature

Mr. Sutton received a request for information from a legislative aide in Montana regarding how DEMHRA handles rent Justification and the number of rent justifications (arbitration petitions) there have been since the inception of DEMHRA. A FOIA request was prepared for our records only. There have been 59 arbitration petitions since 2013 which averages out to about 7.3 per year since inception. The information was sent to her and she was not charged a fee since she was from another State agency.

D. Lynch's Sale of Park – Difficulty Obtaining Updates of Sale from Owner:

This was previously discussed.

E. DOJ Legal Fund Expenditures Email from B. Eng:

Mr. Crane requested this information resulting from an inquiry at last month's meeting. Mr. Eng indicated that once the money is transferred from the Trust Fund to the Attorney Fund, it is no longer part of the Trust Fund and that the DOJ is the agency that controls the Attorney Fund. He noted that the DOJ entered into a contract for provision of services under the fund with CLASI. He agreed to providing DEMHRA with a quarterly report of all invoices paid to CLASI.

F. New Mileage Reimbursement for 2021:

The new rate for 2021 is \$0.56 per mile.

G. CPI-U:

The new CPI-U effective 1/15/21 is \$1.504%. This has been posted on the DEMHRA website.

H. Action Items:

Meet with Legislature to Update Statute – To be scheduled.

Towers MHP – previously discussed.

DEMHRA Policies & Procedures – previously discussed.

Shady Acres – Pending.

Kings Cliffe – Did not respond to demand letter from legal counsel. Other communities who did not respond were Bowers Mobile Home Park, County Seat Gardens, Naaman's Mobile Home Park and Towers Mobile Home Park.

Mr. Meldrum made a motion to sue the above parks which was seconded by Mr. Strine. The motion carried 5-0.

X. Public Comments:

There were no public comments.

XI. Executive Session: The Board went into Executive Session from 3:00 p.m. to 3:30 p.m. to discuss personnel matters and did not return to the regular session.

XII. Next Meeting Date: Adjournment

The Board set the next meeting date as March 11, 2021 1:30 p.m.

The regular meeting was adjourned at 2:59 p.m.

Respectfully submitted,

Gregg Sutton
Executive Director