

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

**Minutes of the December 7, 2023 Board Meeting**

**IN-ATTENDANCE:**

Authority:                   Andy Strine (Acting Chair)  
                                  Richard Hrycyshyn  
                                  William Dunn  
                                  Jerome Rogers  
                                  Gregory Sutton (Executive Director)  
                                  Jane Sabo (Assistant to the Executive Director)

Other:                        Jen Allen - FSMHA  
                                  Dietmar Panzig – Southern Meadow Community

**I. Call to Order – 1:30 P.M.**

Mr. Strine called the meeting to order at 1:30 p.m. Mr. Meldrum was absent. There was a quorum.

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

The October 31, 2023 minutes were reviewed. A motion was made and seconded to approve the minutes. The motion carried 4-0, with one absent. The minutes will be posted on the DEMHRA website.

**III. Chair's Report:**

- Mr. Strine reported that later in the meeting we will discuss Mr. Rogers' role as chairman.

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

Since the last meeting, the following has occurred:

- The Board was given a document listing the current board's contact information, and another listing the DEMHRA board and staff birthdates. Mr. Sutton recognized those having birthdays in October, November, and December.
- The community annual registration letters were sent on December 1, 2023. The letters included information on annual registration and sale of parks (right of first offer), as well as the 2024 annual registration form. The letter informed the community owners that we will be sending them an orientation packet that will give them information on procedures to follow regarding trust fund payments, change in use, right of first offer, and rent increases. This will be discussed later in this meeting.
- The share drive on our computers is inaccessible as the license of the company that handled this software is no longer valid. Many documents were lost. A recovery drive was created, and most were recovered. The IT person we used in the past can no longer provide his support services. Mr. Sutton proposed contacting the Delaware IT department to determine if we can enter into a service contract with them to handle our IT support. Mr. Sutton will work with our legal counsel to prepare proposed documents if this can be accomplished. The payment for the IT support services would come out of the Trust Fund. Also, the office staff cannot print from the HP copier. This is not covered by our copier lease, and it would have cost \$150 for every 15 minutes to resolve this issue. This is a software problem and requires IT support.

## V. Legal Counsel Report:

Ms. Rhoads reported that all legal issues referred to her have been resolved except for Countryside Mobile Estates. The community owner has been working with Ms. Hambleton at the Division of Revenue to set up his online account.

## VI. Approval of Financial Matters:

### A. Recent Financial Activity & Report:

The November report was reviewed by Mr. Sutton. This report was for informational purposes only, and it will be posted on the DEMHRA website.

### B. Approval of Invoices:

Mr. Sutton presented the following invoices to the Board for approval:

Tighe & Cottrell for legal services for October and November in the amounts of \$1,050.00 and \$910.00 respectively.

The Spanish Group invoice for translation services in the amount of \$268.40.

Moore & Rutt invoice for arbitration services for Ridgewood Manor in the amount of \$450.00.

A motion was made and seconded to collectively approve the above invoices. The motion carried 4-0, with one absent.

Mr. Rogers discussed the possibility of DEMHRA utilizing software to do the Spanish translations instead of the current vendor who handles this for us. After discussion it was determined that it would not be feasible for DEMHRA to take on this responsibility as there would be no guarantee of accuracy.

## VII. Reports:

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

#### 1. Compliance Investigator Report:

Nothing to report.

#### 2. Delinquent Parks Report:

As of the December 1, 2023, the following communities are now two quarters late: Bowers Beach, Changing Fates Equine Rescue, County Seat Gardens, Lakeside Homes, Laurel Village, and Sussex Manor.

A motion was made and seconded to refer these communities for legal action. The motion carried 4-1, with one absent.

### B. Arbitration (Update on Status of Open Dockets):

**Docket 04-2019 (Wild Meadows):** As of 11/30/23, we are still awaiting the decision of the Superior Court pending the results of the Shady Park 2021 appeal.

**Docket 04-2020 (Wild Meadows):** As of 11/30/23, case is fully briefed, and arguments were held before the Superior Court on 9/22/23. The matter is now under submission.

**Docket 01-2021 (Shady Park):** As of 11/16/23, the Supreme Court upheld arbitrator decision and rent increase was denied. This arbitration is now closed.

**Docket 02-2021 (Ridgewood Manor):** As of 11/16/23 the attorneys recommended the arbitrator seek clarity from the court on the scope of the remand. The arbitrator suggested that both parties confer with each other on procedural steps and report back to them. Ms. Rhoads was asked to explain what this means. She clarified that it was referred to the Supreme Court and the decision was made that it needs to go back for an actual hearing before the arbitrator. The arbitrator who initially handled the case was no longer available and a new arbitrator was assigned. Apparently, at this point there is still further clarification needed from the court as to what legal issues are to be addressed by the arbitrator at the hearing.

**Docket 03-2021 (Canterbury Crossing):** As of 12/1/23, the case is still in Superior Court with briefings scheduled from January into June of 2024. Ms. Rhoads added that this process takes time, and that this could go on for months.

**Docket 04-2021 (Pot-Nets Lakeside):** As of 12/1/23, case is in Superior court with briefings scheduled from January into June of 2024. Ms. Rhoads added that this process takes time, and that this could go on for months.

Mr. Strine added that the above arbitrations are 4-5 years old. We are not notified of the court decisions since this is public knowledge, and it is available for anyone to view. He added that in some cases, the rent increases were put through, pending a final decision. Once an arbitration is appealed, the rent increase amount remains until a final decision is reached. If the courts deny the rent increase, it must be rolled back, and the money the homeowners money paid for that increase in rent would be returned to them. The open dockets remain under our purview awaiting final decisions.

Those arbitrations that were held up while waiting for the Shady Park arbitration decision can now move forward.

**C. Rent Increase Certification Requests:**

There were 29 violation letters and rent certifications in November. Ms. Rhoads noticed that Winterset Farms did not have a checkmark in either of the two columns that indicate what was certified. This will be corrected. Mr. Strine added that the two choices reflect the increase to be below the 7 % cap and are within the bounds of the law. Mr. Sutton explained that when rent increases are certified in accordance with Chapter 70042A, the community owner cannot date the notification to their residents until 20 days after the date that DEMHRA is notified. The certification letter now includes that date. Mr. Sutton was contacted by a community owner indicating they were unable to meet the date of notification to their residents within the 20-day window. As a result, they decided to forego the rent increase until next year.

Mr. Strine added that from an operational standpoint, and for those community owners with a large number of affected tenants, the time involved in the preparation of the rent increase notifications in the time allotted is unmanageable. It is possible that the 90-day notice of rent increase and the 20-day window may not be able to be met. DEMHRA returns the certification letters (usually within two business days). If corrective action in the law regarding rent increases is warranted, he would propose that the 20 days from the initial notification to DEMHRA, be reduced to 10 days, which would allow ample time to process the rent increase letters.

Going forward, Mr. Sutton will be notifying the communities via email whenever a new CPI-U is published. This will give them a day or two earlier to begin their process of rent increases.

**VIII. Unfinished Business:**

**A. Update on Parks for Sale:**

**Country Acres:** No change in status

**Daltons MHP:** No change in status

**B. Update on Parks Going Through Change in Use:**

1. **Timberlane** – No new applications received, 18 remaining that are eligible to apply.

2. **Lynch's MHP** – The owner has decided not to charge two of the four remaining tenants lot rent. The other two are being evicted, leaving 0 remaining after evictions are complete.

3. **Pine Haven** – One new application received. 26 remain, 7 of which are RV's.

**C. Approval of Applications:**

1. **Timberlane** – None

2. **Pine Haven:**

**Lynda Christine Lucido, B-23 Weakfish Drive, Lincoln, DE 19971**

Non-Relocatable RV.

A motion made and seconded to approve non-relocatable RV benefits in the amount of \$3,000. The motion carried 4-0, with one absent.

**D. New Community Owner Orientation Update:**

The annual community registration letters and 2024 registration forms were sent on December 1, 2023. The letter informed the community owners that they will be receiving an orientation packet that will include information on the procedures to follow for right of first offer, change in use of land, and rent increases. At the suggestion of Mr. Strine, the appropriate Chapter 70 section(s) will be cited, where applicable, in the orientation packet. This information will be added to our Policies and Procedures.

**IX. New Business:**

**A. CPI-U Update:**

The November 14, 2023 CPI-U is 5.623%. Mr. Strine clarified that the two-year average divided by two plus 3.5%, is the formula utilized to arrive at the 6.2%.

**B. FOIA Policy and Procedures Update:**

Mr. Sutton attended a FOIA workshop recently. Per State law, as a DEMHRA public entity, we are required to have a FOIA coordinator, a FOIA log, and FOIA policies and procedures. He added that a formal FOIA request form is not necessary. Email requests are acceptable. Also, it is not mandatory for DEMHRA to process out-of-state FOIA requests. Our Policies and Procedures will be updated to include this information and will be posted on the DEMHRA website.

**C. Re-Appointment for Mr. Strine and Mr. Rogers:**

Mr. Strine was re-appointed to a new term that expires on November 16, 2025. Mr. Rogers was appointed to a 2-year term that expires on September 29, 2025. We also received Mr. Dunn's re-appointment that expires on December 1, 2025. Our website will be updated with the new appointments.

**D. Timeline for choosing Permanent Chair:**

Mr. Strine and Mr. Sutton met with Mr. Rogers on numerous occasions to provide him with a general overview of DEMHRA and the duties of the chair. Mr. Strine is confident that Mr. Rogers feels that he is comfortable with taking over as chair. Mr. Strine asked for a motion to nominate Mr. Rogers to become the permanent chair. A motion was made and seconded to make Mr. Rogers the permanent chair. The motion carried 4-0, with one absent. This will be effective at the next meeting.

**E. Orientation for New Board Member:**

This was previously discussed.

**X Public Comments:**

There were no public comments.

**XI. Executive Session:**

As there were no items to discuss, the Board did not convene an executive session.

**XII. Next Meeting:**

The Board set the next meeting for Thursday, January 25, 2024, at 1:30 PM.

**XIII. Adjournment:**

The meeting was adjourned at 2:17 p.m.

Respectfully submitted,



Gregory Sutton  
Executive Director

Pursuant to 29 Del. Code Section 10004(e), this agenda may be changed to include additional items (including executive sessions) or the deletions of items (including executive sessions) which arise at the time of the Authority's meeting.