

DELAWARE MANUFACTURED HOME RELOCATION AUTHORITY

POLICIES AND PROCEDURES

ADOPTED: May 2004

REVISED: January 2020

REVISED: May 2021

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REVISED: September 2021

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LEGISLATIVE INTENT

The Delaware Manufactured Home Relocation Authority (“Authority”) was established by the Delaware Legislature pursuant to 25 Del. C. §7041. The primary purpose of the Authority is to: (a) provide financial assistance to manufactured home owners who are tenants in a manufactured home community where the community owner changes the use of the land or converts the manufactured home community to a condominium or cooperative community; (b) to provide financial assistance to manufactured home community owners for the removal and/or disposal of non-relocatable or abandoned manufactured homes when there is a change in use or a conversion; (c) appointing an attorney to serve as an arbitrator for rent increase dispute resolution; and notifying tenants of their right of first offer (ROFO) before the sale of a manufactured home community in accordance with 25 Del. C. §7027.

PROGRAM INTENT

The Authority was established by the Legislature to administer the Trust Fund. To carry out its regulatory responsibilities, the Authority -was - directed to adopt a plan of operation and articles, by-laws, and operating rules, and to establish procedures under which applications for payment from the Authority could be approved. The Authority has adopted a comprehensive set of bylaws (which are included herein under Part A) and Organizational Regulations and Rules of Procedure (which are included herein under Part B). Guidelines and Procedures for use in the administration of the Trust Fund and processing applications for assistance are included herein under Part C.

The Authority, pursuant to 25 Del. C. §7042(g)(1)a,b,c,d,(g)(2)a1,2, originally set an initial \$3.00 monthly assessment for deposit into the Delaware Manufactured Relocation Trust Fund ("Trust Fund"), which is now \$4.50 per month. This assessment became effective January 1, 2020. The lot's owner will be responsible for \$2.00 for each lot. The lot's tenant will be responsible for a monthly assessment of \$2.50, which is to be collected by the landlord (community owner) each month as additional rent. Fifty cents (\$0.50) of the \$2.50 will be placed in an "attorney fund" for the tenant and managed by the Department of Justice.

When a community has 2 or more residents signing 12-month leases, they are required to pay monthly assessments. These community owners will be required to complete a Community Registration Form for those residents with 12-month leases.
(See Appendix H) (EFFECTIVE DATE: DECEMBER 7, 2023)

As of January 1, 2021, the Department of Finance launched a new Delaware Taxpayer Portal. This portal allows for ACH online payments of the monthly assessments by visiting <https://tax.delaware.gov//rtpp/portal/home>.

PART A
BY-LAWS
OF
THE DELAWARE MANUFACTURED HOME RELOCATION AUTHORITY

ARTICLE I
FORMATION

1. Formation of Authority. The Delaware Manufactured Home Relocation Authority ("Authority") established pursuant to 25 Del. Code Section 7041 et. seq. for purposes of the administration and operation of The Delaware Manufactured Home Relocation Trust Fund (the "Fund"), accepts and assumes its responsibilities to administer the Fund and carry out the goals outlined in the aforesaid statute, and hereby adopts these By-Laws..

2. Powers of Authority. The Authority, acting through its Board of Directors (the "Board"), shall have the power to employ or retain such persons as are reasonable and necessary in the business judgment of the Board to perform the administrative and financial transactions and fiduciary responsibilities of the Authority, and to perform other necessary and proper functions not prohibited by law.

3. Revenues and Expenditures. The Authority shall be responsible for all direct and indirect costs for its operations, including but not limited to, receipts and disbursements, personnel, rental of facilities, and reimbursement to other State agencies for services -rendered, and must be fiscally revenue-neutral.

4. Borrowing of Funds. The Authority shall have the right to borrow from private finance sources and issue notes or vouchers in order to meet the objectives of the Authority and those of the Fund.

ARTICLE II

DIRECTORS

1. FUNCTIONS AND DEFINITION. The business of the Authority shall be managed by the Board. The use of the term "Board" herein refers to the total number of directors which the Authority would have if there were no vacancies.

2. QUALIFICATION AND NUMBER. The Board shall consist of five (5) voting, and one (1) non-voting member. One (1) member of the Board shall be appointed by the Governor of the State of Delaware (the "Governor"). That person shall serve as Chair. One member shall be appointed by the Governor from the largest not-

for-profit association representing manufactured homeowners in the State of Delaware. One member shall be appointed by the Governor from the largest not-for-profit association representing the manufactured home industry in the State of Delaware. One (1) member is appointed by President Pro Tempore of the Senate, and one (1) member is appointed by the Speaker of the House. One non-voting member is appointed by the Attorney General as a representative of the Consumer Protection Unit of the Department of Justice. All board members must reside in the State of Delaware.

3. TERM. All members of the Board shall serve two (2) year terms, which can be renewed by the appointing authority.

4. MEETINGS.

TIME: Meetings shall be held at such time as the Board shall fix, but shall be held at least quarterly. All meetings of the Board shall be subject to the provisions of the Delaware Freedom of Information Act, Chapter 100 of Title 29, and except for executive sessions, shall be open to the public and advance notice will be given in accordance with applicable statutory requirements.

PLACE: Meetings shall be held at a central location in the State of Delaware unless a different location is agreed to by 75% of the Board members.

SPECIAL MEETINGS: Special meetings may be called by or at the direction of the Chairperson, or at the direction of a majority of the directors in office.

PUBLIC NOTICE OR ACTUAL OR CONSTRUCTIVE WAIVER: Written notice of the time and place shall be given for meetings in sufficient time for the convenient assembly of the directors, and shall be issued in compliance with Delaware law, including the provisions of 29 Del. Code Section 10004(e). An agenda will be sent to each director no less than seven (7) days before the next scheduled meeting, if feasible, provided however that the agenda may be modified as necessary in advance of a meeting in which case the maximum period of notice will be required. Any requirement of furnishing a notice shall be waived by any director who signs a written waiver of such notice before or after the time stated therein.

QUORUM AND ACTION: -Three (3) directors shall constitute a quorum. A majority of the directors present, whether or not a quorum is present, may adjourn a meeting to another time and place. Except as herein otherwise provided, and except as otherwise provided by the provisions of 25 Del. Code Section 7041 et. seq., the act of the Board shall be the act by vote of a majority of the directors present at a meeting, a quorum being present. A Director is not entitled to vote on any matter before the Authority if such Director knowingly has a financial interest in the outcome of such matter, and in such case, the Director shall inform the Chairperson of his or her conflict and said information shall be recorded in the minutes of the meeting.

CHAIRPERSON OF THE MEETING: The Chairperson of the Board, who shall be appointed by the Governor, shall preside at all meetings. If, however the

Chairperson is unable to attend the meeting, the meeting shall be presided over by any other director chosen by the Board.

5. COMMITTEES. The Board may, by resolution passed by a majority of the whole Board, designate one or more committees, each committee to consist of two or more of the directors of the Authority. The Board may designate one or more directors as alternate members of any committee, who may replace any absent or disqualified member at any meeting of the committee. Any such committee, to the extent provided in the resolution of the Board, shall have and may exercise the powers of the Board in the management of the business and affairs of the Authority, and may authorize the seal of the Authority to be affixed to all papers which may require it. In the absence of disqualification of any member of any such committee or committees, the member or members thereof present at any meeting and not disqualified from voting, whether or not they constitute a quorum, may unanimously appoint another member of the Board to act at the meeting in the place of any such absent or disqualified member.

6. GENERAL POWERS OF DIRECTORS. The Board of Directors shall have the power and authority to manage the affairs of the Authority and to carry out the management of the business of the Authority, to the fullest extent allowable by law, and as authorized by the Authority's enabling legislation and the amendments thereto.

7. SPECIFIC POWERS OF DIRECTORS. Without prejudice to such general powers it is hereby expressly declared that the Directors shall have the following powers, to-wit:

- (1) To adopt and alter a common seal of the Authority;
- (2) To make and change regulations, not consistent with these By-Laws, for the management of the Authority's business and affairs;
- (3) To purchase or otherwise acquire for the Authority any property, rights or privileges which the Authority is authorized to acquire;
- (4) To pay for any property purchased for the Authority;
- (5) To borrow money from private finance sources and to make and issue notes, bonds, vouchers and other negotiable and transferable instruments in order to meet the objectives of the Authority and those of the Fund established pursuant to 25 Del. Code Section 7042;
- (6) To appoint an Executive Director, and such subordinate officers, employees, or agents as the Board may deem necessary to perform the administrative and financial transactions and responsibilities of the Authority and to perform such other necessary and proper functions not prohibited by law, and to determine their duties, and fix, and from time-to-time change, their salaries or remuneration;

(7) To adopt a plan of operation and articles, bylaws, operating rules, rules of practice and procedure and regulations to govern how the internal affairs of the Authority are conducted, which shall include a general description of the Authority's organization, its methods of operations, and the manner, including addresses and telephone numbers, whereby the public may obtain information and otherwise deal with the Authority, and a statement of the nature and requirements of all rules of practice and procedure used by the Authority to exercise its statutory authority in compliance with the Delaware Administrative Procedures Act;

(8) To establish procedures under which applicants for payments from the Authority, as authorized under 25 Del. Code Sections 7042-7045, may be approved;

(9) To determine who shall be authorized on the Authority's behalf to make and sign bills, notes, acceptances, endorsements, checks, releases, receipts, contracts and other instruments;

(10) To delegate any of the powers of the Board in relation to the ordinary business of the Authority to any standing or special committee, or to any officer or agent (with power to sub-delegate), upon such terms as the Board deems proper;

(12) To authorize payments and adjust, eliminate, or reinstate the Fund assessment established pursuant to 25 Del. Code Section 7042 only if a minimum of 75% of the members of the Board approve the payments or assessments;

(13) To set the monthly assessment to be paid by manufactured home tenants and manufactured home community landlords, as required by 25 Del. Code Section 7042(g)(1)a-d, (2)a-d;

(14) To establish the maximum relocation payment to be made by the Authority pursuant to 25 Del. Code Section 7043(a)(b);

(15) To establish the criteria for determining whether or not it is feasible to relocate a manufactured home, as required by 25 Del. Code Section 7043(d)(1)(2);

(16) To approve certified manufactured home appraisers pursuant to 25 Del. Code Section 7043(d)(2);

(17) To authorize agents and representatives to issue on behalf of the Authority promissory notes pursuant to 25 Del. Code Section 7044(c) and 7045(b); and

(18) To retain by contract auditors, accountants, appraisers, legal counsel, private consultants, financial advisors, or other contractual services required by the Authority.

8. COMPENSATION OF DIRECTORS. Directors, with the approval of a majority of disinterested directors, may be reimbursed from monies of the Authority for

actual and necessary expenses incurred by them as directors, but otherwise directors shall not receive any compensation for their services as directors.

ARTICLE III

EXECUTIVE DIRECTOR

1. Appointment of Executive Director. The Board shall elect an Executive Director of the Authority who shall be an employee of the Authority. The Executive Director of the Authority shall be a resident of Delaware, and shall possess such skills and experience as the Board deems appropriate.
2. Term. Unless otherwise provided in the resolution of election or appointment, the Executive Director serves at the pleasure of the Board - - and - -and shall be subject to removal at any time by the Board, with or without cause.
3. Duties. The Executive Director shall be responsible for developing and recommending a plan of operation for the Authority and for implementing the statutory duties of the Authority. The Executive Director shall be responsible for appointing, subject to the approval of the Board, employees and agents of the Authority as staff members and fixing their compensation. The Executive Director shall be responsible for the general management and control of the business and affairs of the Authority, and - - shall see that the books, reports, statements and certificates required by the statute under which the Authority is organized or any other laws applicable thereto are properly kept, made and filed according to law.
4. Evaluations. Evaluations shall be administered once a year, no later than July 1st. Observation of the Executive Director's performance shall be conduct by the Board Chair with input from the other board members. The Board Chair shall rate the performance of the Executive Director as Exemplary, Satisfactory or Needs Improvement. (Approved October 31, 2023) If the Board Chair determines that the Executive Director's overall performance may lead to an unsatisfactory rating or disciplinary action, the Chair will discuss the situation with the other board members. The Board has the right to terminate employment with or without cause.
5. Salaries. Salaries are determined by the Board of Directors.
6. Benefits. The Executive Director receives 15 days of annual leave, 10 days of sick leave, and all State holidays off. Sick leave days cannot be carried over into the next year.

ARTICLE IV (A)

DEMHRA ASSISTANT TO THE EXECUTIVE DIRECTOR

1. Appointment. The Board shall appoint a person, who does not need be a member of the Board, to act as the DEMHRA Assistant to the Executive Director.

(Approved by the Board October 31, 2023).

2. Duties. At the direction of the Executive Director, the DEMHRA Assistant to the Executive Director shall give, or cause to be given, notice of all meetings of the of the Board of Directors; record such proceedings; preparing drafts of the minutes of such meeting; perform all general and clerical duties to include filing, record-keeping, faxing, mailing, and copying. Monitor and assist with updating the organization's website; arrange for the repair, maintenance and inventory of office equipment, purchases office supplies and in case of his or her absence, such duties shall be performed by the DEMHRA Assistant, as directed by to do so by the Executive Director, The DEMHRA Assistant to the Executive Director shall also serve in the position of Executive Director in his/her absence. (Approved by the Board October 31, 2023)

3. Evaluations. Evaluations for the DEMHRA Assistant to the Executive Director shall be administered once a year on his/her anniversary date. Observation of his/her performance shall be conducted by the Executive Director. The performance of the DEMHRA Assistant to the Executive Director shall be rated as: Exemplary, Satisfactory, or Needs Improvement. If the performance is rated as Needs Improvement, the employee will be placed on a Performance Improvement Plan (PIP) for a period not to exceed three (3) months. If after three (3) months, the performance has not improved, the Executive Director may recommend to the Board that their employment be terminated. The Director also reserves the right to recommend termination for conduct unbecoming of a person occupying that position.

(Approved October 31, 2023)

4. Salaries. Salaries for all employees are determined by the Board of Directors.

5. Benefits. All full-time employees receive 15 days per year of annual leave and 10 days per year of sick leave and cannot carryover sick leave days. Part-time employees will be granted up to three (3) days of annual leave and three (3) sick leave days per year as well as up to five (5) paid holidays off per year after six (6) months of continuous employment.

ARTICLE IV (B)

DEMHRA Assistant

1. Appointment. The Board shall appoint a person, who does not need be a member of the Board, to act as the DEMHRA Assistant. (Approved by the Board October 31, 2023).

2. Duties. At the direction of the Executive Director, the DEMHRA Assistant shall perform all general and clerical duties, to include filing, record-keeping, faxing, mailing, and copying. Monitor and assist with updating the organization's , or cause to be given, notice of all meetings of the of the Board of Directors; record such proceedings; preparing drafts of the minutes of such meeting; perform all general and clerical duties to include filing, record-keeping, faxing, mailing, and copying. Monitor and assist with updating the organization's website; arrange for the repair, maintenance and inventory of office equipment, purchases office supplies and in case of his or her absence, such duties shall be performed by the DEMHRA Assistant, as directed by to do so by the Executive Director. The DEMHRA Assistant shall also serve in the position of DEMHRA Assistant to the Executive Director in his/her absence. (Approved by the Board October 31, 2023)

3. Evaluations. Evaluations for the DEMHRA Assistant shall be administered once a year on his/her anniversary date. Observation of his/her performance shall be conducted by the Executive Director. The performance of the DEMHRA Assistant shall be rated as: Exemplary, Satisfactory, or Needs Improvement. If the performance is rated as Needs Improvement, the employee will be placed on a Performance Improvement Plan (PIP) for a period not to exceed three (3) months. If after three (3) months, the performance has not improved, the Executive Director may recommend to the Board that their employment be terminated. The Director also reserves the right to recommend termination for conduct unbecoming of a person occupying that position. (Approved October 31, 2023)

4. Salaries. Salaries for all employees are determined by the Board of Directors.

5. Benefits. All full-time employees receive 15 days per year of annual leave and 10 days per year of sick leave and cannot carryover sick leave days. Part-time employees will be granted up to three (3) days of annual leave and three (3) sick leave days per year as well as up to five (5) paid holidays off per year after six (6) months of continuous employment.

ARTICLE IV (C)
(Entire Article V Effective May 2024)

COMPLIANCE INVESTIGATOR DUTIES AND RESPONSIBILITIES

Compliance investigators are independent contractors. The Contractor's services are part-time on an as-needed basis and shall not work more than twenty (20) hours per week without the express advance written consent of the Executive Director.

1. The Contractor shall be required to provide, at his/her expense (except for the mileage reimbursement rate provided for herein) an automobile for use in connection with the performance of his/her duties hereunder, a computer, cell phone, and related office supplies

2. Duties: The Contractor shall perform all of the duties and responsibilities listed below, and other duties and responsibilities as assigned by the Board of Directors of DEMHRA and/or the Executive Director.

General Duties of a Compliance Investigator include the following:

- a) Investigate and verify the existence of any manufactured home communities in the State of Delaware containing two or more rental lots that are not making payments to the Relocation Trust Fund.
- b) Assist, on an as needed basis, the Authority's administrator, in the preparation and maintenance of accurate records of all verified land leased communities by mailing address, physical location, number of lots, and number of occupied lots.
- c) Cross-reference this information with the Delaware Division of Revenue to verify that the Delaware Manufactured Home Relocation Authority ("Authority") assessment is paid on all occupied lots.
- d) Maintain a daily log of all hours in the performance of your duties hereunder and all work performed on the behalf of the Authority and related traveling miles.
- e) Perform on site compliance audits, on a random basis and as requested by the Authority's administrator, by verifying the number and size of manufactured homes located within a community and comparing said count with the information provided by the community owner in the quarterly assessment reports filed with the Authority.
- f) Upon the filing of a Change of Use Notice with the Authority, verifying the number of manufactured homes on site, the size of each home, the occupancy of each home, and the owner of each home, and comparing the same to the information contained within the quarterly reports submitted to the Authority during the preceding four (4) quarters.
- g) Prior to disbursement of funds to applicants, verify the abandonment or relocation of each applicant's manufactured home.
- h) Verify the number of non-relocatable homes.
- i) Verify the number & condition of abandoned homes

3. **Compensation:** DEMHRA shall pay the Contractor the sum of \$25.00 per hour and the state mandated mileage rate.

4. **Benefits:** Other than the compensation provided for, the Contractor will not be entitled to any vacation pay, holiday pay or sick pay during his/her term.

5. **Deductions:** As an independent contractor, the individual will be responsible for social security and withholding taxes.

ARTICLE V

HOA REGISTRATION ELIGIBILITY REQUIRMENTS

To be in good standing, HOA's are required to register annually with DEMHRA.

The HOA registration will include the following:

- Copy of most recent bylaws
- Proof of incorporation with the State of Delaware for the current year
- Complete list of current officers and contact information
- Proof of payment of annual State of Delaware Franchise Tax

Update: April 5, 2022

ARTICLE VI

CONTROL OVER BY-LAWS

The power to amend, alter, and repeal these By-Laws and to adopt new By-Laws shall be vested in the Board.

ARTICLE VII

ANNUAL AUDIT

By law, the Authority's financial records must be audited annually. Del Code 25 Section 7042 5(i) gives the Authority the option of paying the State Auditor's Office to perform the audit, or solicit an independent auditor through the competitive bid process. In 2012 the Board decided to solicit bids and selected Raymond F. Book and Associates to audit the Authority's records on an annual basis. The contract for auditing is renewable every three years from 2012. The completed audit shall be made available to the public for inspection by either placing it on **the DEMHRA website**, or by a FOIA Request. (Effective May 2024)

ARTICLE VIII

PARLIMENTARY MATTERS

(Approved April 8, 2022)

In all matters not covered under 25 De. Code Chapter 70 or these By-Laws, Roberts Rules of Order shall apply.

PART B

ORGANIZATIONAL REGULATIONS AND RULES OF PROCEDURE

1. General Description of the Authority's Organization.

The business of the Authority is managed by the Board of Directors. The Board consists of five voting members and one non-voting member. All actions taken by the Board shall be taken pursuant to the by-laws of the Authority, as heretofore adopted, or as the same may be amended from time to time.

2. Authority Contact Information.

The Authority's principal headquarters shall be located at 1979 S. State Street, Dover, Delaware 19901. Members of the public may obtain information regarding the Authority by writing to the Authority at that address or they may contact the Authority at the following telephone number: 302-674-7768.

3. Executive Director

The day-to-day affairs of the Authority shall be managed by an Executive Director who shall be appointed by the Board of Directors pursuant to the by-laws.

4. Accounting for Funds.

Assessments collected by the Authority shall, pursuant to 25 Del. C. §7042(a), be deposited into the Delaware Manufactured Home Relocation Trust Fund ("Trust Fund") established with the Delaware Division of Revenue of the Department of Finance. The Trust Fund shall be for the exclusive use by the Authority to fund the Authority's administration and operations. Interest earned from the monies in the Trust Fund shall be deposited into the Trust Fund. The Authority shall maintain an operating account at a bank selected by the Board of Directors for use by the Authority in paying the day-to-day administrative costs of the Authority. All disbursements out of the Authority's operating account shall require the signature of at least two members of the Board of Directors, unless the Board, by resolution, determines otherwise.

5. **Effective 5/9/2024, by copy of this resolution, the Board authorized the following procedures with regard to the accounting of funds in the approval of disbursements:**

- (a) **Recurring invoices such as Sharon Collins (Cleaning Services), City of Dover (Utility Bill), Comcast, First Citizens Bank (Copier Lease), and Keller Williams (Office Rent), do not require prior authorization/approval from the Board of Directors.**

- (b) Legal Counsel Invoices, Spanish Translation Services Invoices, Bits and Bytes (I.T. Services invoices), and any purchases over \$500.00 require the approval of at least two Board members and can be ratified at the subsequent board meeting.
- (c) Other disbursements under \$500.00 can be submitted without approval of the Board of Directors.

I hereby authorize consent to the above resolution.

Jerome Rogers, Chairman
 Andy Strine
 William Dunn
 George Meldrum
 Richard Hrycshyn

1. Jerome Rogers
Andy Strine
William Dunn
George Meldrum
Richard Hrycshyn

5. Delaware Manufactured Home Relocation Trust Fund

Pursuant to Chapter 70 of Title 25 of the Delaware Code the owner of each manufactured home community must remit a monthly assessment for each rented lot to the Delaware Manufactured Home Relocation Trust Fund. Effective as of January 1, 2020, the monthly assessment will be \$4.50 per lot. The lot's owner will be responsible for \$2.00 for each lot. The lot's tenant will be responsible for a monthly assessment of \$2.50, which is to be collected by the landlord each month as additional rent. An assessment is not due or collectable for a vacant lot. If a lot is rented for any portion of a month, the full monthly assessment must be paid to the Trust Fund by both the tenant and the owner.

The relocation Trust Fund has been created to financially assist manufactured-home owners forced to relocate due to land-use changes. The fund will pay for the relocation and non-relocation expenses of the affected homeowners, as well as for the removal and/or disposal of abandoned homes left in a community.

Included with the MHR-TAX Form is a listing for delinquent tenants who have failed to pay their portion of the monthly Trust Fund assessment. Owners are required to report all delinquent tenants each quarter. Please photocopy if you need additional pages. Owners still responsible for their portion of the assessment (\$2.00) for each month even if a tenant has failed to pay. **If a delinquent tenant pays for a prior quarter, please report it on Line 4, Column B.**

The assessment documents and payments are due the twentieth day of the month after the close of each calendar quarter. Should you have any questions regarding the assessment form, please call the Division of Revenue at (302) 577-8681. For questions regarding the Authority, please call the Delaware Manufactured Home Relocation Authority at (302) 674-7768.

Every owner and/or landlord of a manufactured-home community who falls under Chapter 70, must complete the MHR-Tax Form on a quarterly basis. (In those instances of "mixed-use" communities, only residents in those communities with 12-month leases are subject to paying assessment payments. Seasonal residents are exempt.) Please remit assessment form with payment to the following address: Delaware Division of Revenue, P.O. Box 2340, Wilmington, DE 19899-2340. (Approved by board September 28, 2023)

Please include the community name and address on each return. The community address (no P.O. boxes) of the community in which the Manufactured Home Relocation Trust Fund payments were collected.

The MHR-TAX Form can be found in Appendix C, DEMHRA Tax Form Completion Instructions in Appendix C – Page 1, and on the Delaware Manufactured Home Relocation Authority Website: demhra.delaware.gov.

6. Operating Procedures for Proper Control of Disbursements of Authority Funds.

In order to effectively disburse funds while complying with the financial reporting requirements of the Authority, the Authority shall comply with the "Operating Procedures for Proper Control of Disbursements", as approved by the Board of Directors.

7. Conduct of Directors, and Employees of the Authority.

In carrying out their respective responsibilities and duties, the board, and employees of the Authority shall comply with the provisions of Subchapter I, of Title 29, Chapter 58 relating to conflicts of interest. No board member, or employee of the Authority may participate on behalf of the Authority in the review or disposition of any matter pending before the Authority in which said person has a personal or private interest. A personal or private interest in a matter is an interest which tends to impair a person's independence of judgment in the performance of the person's duties with respect to that matter. No board member, or employee may represent or otherwise assist any private enterprise with respect to any matter before the Authority with which the director, or employee is associated by employment or appointment. Each director, and employee of the Authority shall endeavor to pursue a course of conduct which will not raise suspicion among the public that he or she is engaging in any acts which are in violation of the public trust and which will not reflect unfavorably upon the Authority. No director, or employee of the Authority shall accept any compensation, gift, payment of expenses or any other thing of monetary value under circumstances in which such acceptance may result in impairment of independence of judgment in the exercise of said person's duties or have any adverse effect on the confidence of the public in the integrity of the Authority. Any board member, or employee of the Authority who has a financial interest in any private enterprise that does business with the Authority shall file with the State Public Integrity Commission a written statement fully disclosing the same. No board member, or employee shall use his position with the Authority to secure unwarranted privileges, private advancement or gain. No board member, or employee of the Authority shall, beyond the scope of such person's position with the Authority, disclose

confidential information gained by reason of such position with the Authority nor shall such individual otherwise use such information for personal gain or benefit.

8. Reimbursement of Expenses.

Members of the Board of Directors, and employees of the Authority shall be reimbursed from monies of the Authority for actual and necessary expenses incurred by them on behalf of the Authority provided that the type of expense incurred is approved in advance by the Board of Directors. Each member of the Board of Directors shall be entitled to a mileage reimbursement at the rate set forth in 29 Delaware Code Section 7012 (or such future reimbursement rate that may be promulgated) for travel to and from meetings of the Board of Directors of the Authority. Any employee of the Authority shall be entitled to mileage reimbursement at the same rate for travel related activities on behalf of the Authority, exclusive of travel to and from their respective place of employment.

9. Borrowing Funds.

Pursuant to 25 Del. C. §7041(d), the Authority, acting through its Board of Directors, may borrow from private finance sources and issue notes or vouchers in order to meet the objectives of the Authority and those of the Trust Fund, on such terms and conditions as deemed appropriate by the Board of Directors. No individual member of the Board of Directors shall be personally liable for any funds borrowed by the Authority.

10. Meetings of the Authority.

The Board of Directors of the Authority shall hold regular meetings on at least every six (6) weeks at a location in Kent County, Delaware as designated by the Board, or such other location as approved by 75% of the Board members.

11. Staff Members.

The Staff Members employed by the Authority, including the Executive Director, shall be responsible for reviewing applications for financial assistance under the Act and making recommendations to the Board of Directors with respect to such applications. In reviewing applications, the Staff Members shall comply with the Policies and Procedures of the Authority.

12. Proof of Mailing Notification

The purpose of the proof of mailing notification is to verify the date of actual mailing.

When sending any correspondence to homeowners, the community owner shall complete a proof of mailing form indicating the names, addresses, and date that the correspondence was mailed to the homeowners.

PART C

GUIDELINES USED FOR THE ADMINISTRATION OF THE DELAWARE MANUFACTURED HOME RELOCATION TRUST FUND

The Authority is granted authority to establish rules and regulations and establish criteria for the disbursement of benefits available to landlords and tenants under the provisions of 25 Del. C. §7011-7045 et. seq. (the "Act"). The regulations set forth below establish criteria for benefits eligibility, pursuant to the statute, application procedures, application review procedures, and payment procedures.

1. Change In Land Use (Approved by Board March 14, 2023)

1.1 Landlord provides all affected tenants with at least one (1) year termination of non-renewal notice.

1.2 Landlord cannot increase lot rent after giving notice of change in use.

1.3 Landlord provides a relocation plan to each affected tenant. The plan must include the following:

- (a) The location, telephone number, and contact person of other manufactured home communities, known to the landlord after reasonable effort, within a 25-mile radius of the manufactured home community where the change of land use is intended.
- (b) The location, telephone number, and contact person of housing for tenants with disabilities and for older tenants, known to the landlord after reasonable effort, with a 25-mile radius of the manufactured home community where the change of land use is intended.
- (c) A listing, known to the landlord after reasonable effort, of government and community agencies available to assist tenants with disabilities and older tenants.
- (d) A basic description of relocation and abandonment procedures and requirements.
- (e) A preliminary indication of whether a tenant's manufactured home can or cannot be relocated.
- (f) A copy of this section of the Code.

1.4 Plan must be submitted to DEMHRA at the same time it is submitted tenants.

1.5 Distribute updated plan to affected tenants and DEMHRA every three (3) months. The date of the termination of the tenants rental agreement will be extended by one (1) month for each month the quarterly update is not submitted.

2. Criteria for Tenant Benefits

2.1 Only "Tenants" as defined under the Act are entitled to benefits. A Tenant is defined to mean an owner of a manufactured home who has tenancy of a lot in a manufactured home community. A Tenant is entitled to relocation benefits under the Act if the following conditions apply: (Entire Section 2.1 - Approved by Board August 17, 2023)

- (a) Tenant receives a change-in-use notice from landlord.
- (b) Landlord failed to collect tenant's assessments.
- (c) Tenant moves in prior to change in use and has not been given the opportunity to pay assessments.
- (d) Tenant abandons home after change in use is given and informs landlord.

2.2 To apply for relocation benefits, the Tenant must get a quote from a certified mover. Upon approval and removal of the home, the tenant must provide the following: (Entire Section 2.2 Approved by Board August 17, 2023)

- (a) A waiver letter authorizing payment to the mover.
- (b) Notification to DEMHRA that the home has been moved.
- (c) A Certificate Of Occupancy has been issued.

2.3 Interim Housing Stipend for Tenants Being Relocated

An Interim housing stipend is a reimbursement to displaced tenants while their home is relocated to another community. DEMHRA will reimburse displaced tenants for the cost of lodging up to seven (7) days in an amount not to exceed \$1,000.00. A confirmation with the mover that the home has been moved and set-up and verification that the hotel stay matches the dates the home was moved and set-up must be presented to DEMHRA within 30 days to be reimbursed. (Entire Section 2.3 – approved by board September 28, 2023)

2.4 A Tenant is not entitled for compensation for relocation if:
(Entire Section 2.4 - Approved by Board July 18, 2023)

- (a) The Landlord (at the Landlord's expense) moves the Tenant's manufactured home by mutual consent to another lot in the manufactured home community or to another manufactured home community.
- (b) The Tenant is vacating the manufactured home community and so informed the Landlord before notice of the change in use was given by the Landlord.
- (c) The Tenant abandons the manufactured home.
- (d) The Tenant receives an eviction notice prior to change in use.

2.5 If a Tenant's manufactured home is determined by a certified mobile home mover to be non-relocatable, a tenant must provide an appraisal prepared by a certified mobile home appraiser. (Approved by board August 17, 2023)

2.6 To be eligible for compensation for a non-relocatable home, the Tenant must deliver to the Authority a current State of Delaware title to the home, duly endorsed by the owner or owners of record, with valid releases of all liens shown on the title, and a tax release indicating all taxes are paid and up to date. (Approved by board August 17, 2023)

2.7 In lieu of the foregoing benefits, a tenant may elect to abandon the manufactured home in the manufactured home community and collect from the Trust Fund, in lieu of any other benefits available under the Act, the sum of \$3,000 for a single section home or a multi-section home. To qualify for this payment, the Tenant must deliver to the Authority a current State of Delaware title to the manufactured home duly endorsed by the owner or owners of record, valid releases of all liens shown on the title, and a tax release. (Approved by board August 17, 2023)

2.8 The maximum allowable non-relocation payment is the appraised value of the home not to exceed \$12,000 for a single section home or \$16,000 for a double-wide home. (Approved by board August 17, 2023)

3. Criteria for Landlord Benefits

3.1 If pursuant to the Act and these regulations, a manufactured home is determined to be non-relocatable or a Tenant abandons the home, upon application by the Landlord duly submitted to the Authority, a Landlord of a manufactured home community is entitled to receive from the Relocation Trust Fund payment in an amount determined by the Authority to be sufficient to remove and/or dispose of the manufactured home. The maximum relocation payment available to a Landlord is capped at **\$5,000.00** for a single section home or **\$7,000** for a multi-section home. To qualify for this benefit, the Landlord must submit an application pursuant to the provisions of Section 3. A Landlord shall not be entitled to any of the benefits described herein, if the Landlord has failed to pay or has failed to remit the tenant's share as required under §7052(g)(2) of this Title. (Approved by board August 17, 2023)

3.2 Upon receipt of the title documents from the Tenant for the manufactured home that is considered to be non-relocatable or abandoned pursuant to the Act, and **after approval of the application benefits, the Authority will release the title documents to the Landlord within ten (10) calendar days.** (Effective May 1, 2024)

3.3 Within thirty (30) days after receipt of the information and documents required under the Act and these regulations, the Authority shall cause a voucher to be issued to the Division of Revenue of the Department of Finance, directing the Division to issue a check in a designated amount to the Landlord. (Approved by board August 17, 2023)

3.4 A Landlord shall not be entitled to any payment from the Trust Fund if the Landlord has failed to pay the Landlord's share of the total Trust Fund assessment during the course of the tenancies relating to the manufactured home community or if the Landlord has failed to remit the Tenant's share of said assessment.

3.5 If a landlord stops accepting lot rent as a result of change in land use, the landlord is no longer obligated to make trust fund assessment payments. (Effective May 1, 2024)

4. Application Procedures

4.1 The Authority will provide application forms (Appendix A and Appendix B) on which applicants for benefits under the Act may apply for benefits.

4.2 In the case of an application for benefits under the Act by a Tenant, the application shall be in the form of Appendix A and shall contain the following information:

- (a) name of the Tenant;
- (b) mailing address of the Tenant;

- (c) telephone number of the Tenant;
- (d) manufactured home community park name and address;
- (e) space number for the manufactured home;
- (f) a description of the manufactured home, including its size, year, manufacturer, and whether the manufactured home is a single-wide or a double-wide;
- (g) a copy of the title or ownership documents relating to the manufactured home;
- (h) a copy of the notice of termination or non-renewal of the Tenant's rental agreement due to a change in use of land;
- (i) in the case of an application for relocation assistance, a copy of the contract between the Tenant and a licensed moving or towing contractor for the moving expenses for the home;
- (j) in the case of any requests for compensation for a manufactured home considered by the Tenant to be non-relocatable, a description of the facts which the Tenant relies upon in support of the Tenant's contention that the manufactured home is in fact non-relocatable based upon the criteria provided for in the Act and these regulations, together with any and all documents relating to the purchase of the manufactured home and any improvements made to the manufactured home by the Tenant.

4.3 In the case of an application for benefits under the Act by a Landlord, the application shall be in the form of Appendix B and shall contain the following information:

- (a) the name of the Landlord;
- (b) the name of the manufactured home community;
- (c) the mailing address of the Landlord;
- (d) the telephone number of the Landlord and if the Landlord is not an individual, the name of the designated representative of the Landlord;
- (e) a description of each manufactured home for which the Landlord is seeking financial assistance;
- (f) a copy of the notice of termination or non-renewal of the rental agreement due to a change in use of land;

(g) a contract with a licensed moving or towing contractor for the removal and/or disposal of the manufactured home;

(h) an itemization of all expenses, other than the expenses reflected in the contract between the Landlord and the moving or towing contractor, together with associated documents, which the Landlord anticipates will be incurred in removing and/or disposing of the manufactured home from the manufactured home community;

(i) a certification by the Landlord that the Landlord has paid the Landlord's share of the total Trust Fund assessment during the course of the tenancies for the manufactured home community and has remitted to the Authority the Tenant's share collected by the Landlord.

5. **Assistance and Data Gathering**

5.1 When requested, the Authority shall provide assistance to Landlords and Tenants in completing application forms.

5.2 The Authority's staff may conduct on-site inspections and/or phone interviews with the applicants to acquire data necessary to enable the Authority to carry out its duties under the Act.

6. **Application Review Procedures**

6.1 The Authority has the power to approve applications pursuant to the Act.

6.2 The Authority or the Authority's staff will review applications and determine whether or not the procedural requirements under the Act and these regulations have been met. The Authority shall not be required to render a decision on any application unless and until the Applicant has submitted a completed application prepared in accordance with the Act and these regulations, and the Authority shall have the right to reject any application that does not comply with the procedural requirements of the Act or these regulations.

6.3 The Board of Directors of the Authority, or a committee of the Board designated to make such decisions (if authorized by the Board of Directors) shall endeavor to render a decision with respect to each application no later than thirty (30) days after receipt by the Authority of a completed application prepared in accordance with the Act and these regulations.

6.4 If the Authority approves an application, benefits available under the Act shall be made in the form of a voucher issued to the Division of Revenue of the Department of Finance, directing the Division to issue a check in a designated amount to the applicant. Checks over \$10,000.00 need additional approval from the Division of

Accounting and may take longer to process. (Approved by board August 17, 2023) Before any payment will be made by the Authority to the applicant, the applicant must provide the Authority with documentary evidence showing that the expenses for which the Applicant seeks reimbursement have been paid by the Applicant.

6.5 If at the time the application is approved, the Trust Fund does not have sufficient monies to make a payment to an Applicant, the Authority shall issue a written promissory note to the applicant for funds due and owing. Promissory Notes shall be redeemed in order of issuance of the notes as additional monies come into the Trust Fund.

6.6 If based upon the information submitted in a Tenant's completed application, it is determined that the Tenant's manufactured home cannot be relocated based upon the criteria set forth herein, the Tenant shall be directed to obtain, at the Tenant's expense, an appraisal prepared by a certified manufactured home appraiser, for purposes of determining the fair market value of the home and any existing appurtenances as cited, exclusive of the value of the underlying land. Within thirty (30) days after receipt of the appraisal, the Authority shall advise the Tenant of the benefits that the Authority will pay to the Tenant for the non-relocatable home. Upon receipt of the title, the Authority will relinquish the title to the Landlord to facilitate the removal and/or disposal of the home from the manufactured home community.

6.7 With respect to applications submitted by the Landlord for costs associated with the removal and/or disposal of non-relocatable or abandoned manufactured homes, within thirty (30) days after the receipt of the completed application and all necessary documents and information gathered, the Authority shall determine the cost of removing and/or disposing of the manufactured home and shall issue payment for said amount to the Landlord, less any profit realized by the Landlord from the removal and/or disposal of the home.

6.8 If an applicant disagrees with the Authority's decision with respect to any application, the applicant may petition the Authority to reconsider its decision by requesting an administrative review with the Authority no later than fourteen (14) calendar days after the Authority's initial decision on the application. The request: (i) must be in writing; (ii) must be received by the Authority within the aforesaid fourteen (14) day period; and (iii) must include reasons and documentation in support of the Applicant's position. After receipt of the applicant's letter, the Authority will schedule an administrative review of the application at a regularly scheduled meeting of the Board of Directors of the Authority. Notice of the administrative review meeting will be sent to the Applicant at least seven (7) days in advance of the meeting. At the administrative review meeting, the Applicant shall present information or documentation to support the Applicant's position. At the administrative review meeting, the Authority will render a decision and notify the applicant of its decision and the reason for the Authority's decision. The decision of the Authority shall be final and conclusive.

7. **Moving and Towing Contractors**

7.1 It shall be the responsibility of the Tenant and/or Landlord to enter into a contract with a towing or moving company for purposes of relocating, removing and/or disposing of a manufactured home. The contractor must be duly licensed to engage in said business in Delaware. The Authority shall not be responsible for the performance of the contractor, or have any obligation to the contractor, financial or otherwise.

8. **Certified Manufactured Home Appraisers**

8.1 The Authority shall maintain a list of certified manufactured home appraisers who are authorized and qualified to appraise manufactured homes in Delaware.

8.2 Any appraisal of a manufactured home should include the following criteria:

- Pictures of the interior and exterior of the subject unit are to be compared to pictures of comparable units
- Compare prices of comparable units
- Compare the condition, size, year, make and model of subject unit with units with similar features
- Adjustments must be made of comparable sales to get to the fair market value of the manufactured home and/or referencing a national valuation publication, such as the NADA guide to determine the appraised value

8.3 Any appraisal required under the Act shall include the certified manufactured home appraiser's opinion as to the fair market value of the manufactured home as cited, and any existing appurtenances, but shall exclude the value of the underlying land. The appraisal shall take into consideration the replacement cost of the manufactured home, together with the age, physical condition and appearance of the home.

8.4 Any appraisal submitted by the appraiser shall include the appraiser's professional qualifications, a summary of the salient facts and conclusions of the appraiser, a description of the manufactured home, its condition, and the appraiser's analysis and conclusions.

8.5 The appraiser shall provide at least one original and three copies of each report to the Authority.

9. **Criteria for Camper Trailer, Recreational Vehicle, or Trailer Designed to Serve as a Mobile, Temporary Residence.** (Entire Section 9 - Approved by board August 17, 2023)

9.1 Only "Tenants", as defined under the Act, are entitled to benefits under the Act. A Tenant is defined to mean an owner of a Recreational Vehicle or Camper who has tenancy of a lot in a manufactured home community. Notwithstanding anything stated herein to the contrary, a Tenant shall not be entitled to any of the benefits described herein unless all of the statutory requirements set forth in the Act have been met.

9.2 No community owner/landlord may issue a lot lease for rental of ground in a "manufactured" home community if the camper trailer, Recreational Vehicle, motor home, or similar vehicle or trailer is placed or shall be placed, if the community owner knows,7 or should know that the vehicle or trailer is likely to be used as the primary residence.

9.3 A camper trailer, recreational vehicle, motor home or similar vehicle or trailer is eligible for relocation benefits if the following are true:

(a) The camper trailer, recreational vehicle, motor home, or similar vehicle or trailer is located in a manufactured home community that contains at least two manufactured homes as defined by Section 7003(11)a or contained two such homes at the time the tenant obtained title to the camper trailer, recreational vehicle, motor home, or similar vehicle or trailer.

(b) The camper trailer, recreational vehicle, motor home, or similar vehicle is the primary residence of the tenants.

(c). At the time of the current tenant obtained title to the camper trailer, recreational vehicle, motor home, or similar vehicle was not mobile and could not be reasonably be returned to a condition where it would be mobile.

9.4 The maximum relocation payment available to a Tenant is \$3,000 for a camper trailer, recreational vehicle, motor home, or similar vehicle is the primary residence of the tenants. No appraisal is required. The Authority's determination of the amount of the payment is final and may not be appealed.

9.5 **If the tenant's home is a camper trailer, recreational vehicle, motor home, or similar vehicle, and is their primary residence, in order to receive relocation benefits, they must provide:** (Effective May 1, 2024)

- (a) Proof of payment of lot rent
- (b) Proof of residency at that address (bills with the tenant's name and address)
- (c) A signed affidavit from the owner that the tenant lives at that address

(d) An executed lease

9.6 RV's used as a permanent residence must meet certain requirements to be eligible for benefits when there is a change in use. Chapter 70 cites that the community owner cannot accept an RV in their community unless it has a seasonal lease. DEMHRA will not accept any future applications for relocation assistance for RV's from communities going through a change in use. (Effective May 1, 2024)

9.7 A Landlord shall not be entitled to any payment from the Trust Fund if the Landlord has failed to pay the Landlord's share of the total Trust Fund assessment during the course of the tenancies relating to the manufactured home community or if the Landlord has failed to remit the Tenant's share of said assessment.

10. FOIA – FREEDOM OF INFORMATION ACT

(Entire Section 11 Effective December 7, 2023)

EXECUTIVE SUMMARY

The purpose of this document is to explain the Delaware FOIA Policy. FOIA grants citizens of the state of Delaware access to public records. A public body (DEMHRA) may grant requests from non-citizens, but it may also deny them based on non-citizenship alone.

10.1 FOIA Policy and Procedures:

1. The DE FOIA statute requires that all State Agencies and public bodies adopt a policy to address FOIA requests. (29 Del. C. § 10003(b))
2. The policy cannot violate the FOIA statute
3. A FOIA request may not be denied solely because the printed form is not used (29 Del D. §10003(f). (See Appendix I – Sample FOIA Request)
4. A FOIA policy may include provision for the waiver of some or all of the administrative fees, which must apply equally to a particular class (e.g. non-profit organizations (29 Del. C. § 10003 (m)(s))

10.2 Policy Description – for the purpose of clarity please refer to Del Code 29 Sections §10003 through §10008

1. References have been indicated where FOIA Policy is found – DOJ Open Government Webpage and is updated biannually – opengovernment@delaware.gov.

10.3 **FOIA Definitions**

1. **Public Record** – covers, at least initially, almost every conceivable type of physical or electronic record that may be created maintained or processed by a public body.

See Appendixes I and J for Sample Forms

10.4 **FOIA COORDINATOR** - Each public body should have a FOIA Coordinator who is responsible for coordinating and processing FOIA requests.

- a. Coordinators must register with the DOJ, through their website: OpenGovernment@delaware.gov and provide the following:

1. Provide FOIA Coordinators' name and contact information;
2. Identify the FOIA Coordinator on the DEMHRA website;
3. Inform the Department of Justice and update the website within 20 working days of any change See 29 Del. C, §1003(g)(1).

- b. **FOIA Coordinator Duties** – see 29 Del. C. §1003(g):

1. Serve as point of contact for FOIA requests;
2. Coordinate DEMHRA responses to FOIA requests;
3. Assist requesting party in identifying records sought;
4. Assist DEMHRA in locating and provide requested records;
5. Foster Cooperation between DEMHRA and requesting party;
6. Maintain FOIA request Log to track all FOIA requests. (See Appendix J)

- c. FOIA Coordinators should become familiar with the policies governing the examination, copying, and disclosure of public records located within FOIA Sections (§10003 (a-m)). These provisions include:

1. Procedures that govern the form of FOIA requests;
2. Specific roles and duties of the FOIA coordinator;
3. DEMHRA's response to FOIA requests;
4. DEMHRA's response to request for emails;
5. DEMHRA's response to requests for noncustodial records;

6. DEMHRA's review of records requested to determine whether records are exempt from disclosure pursuant to Section §1002(o);
7. The access DEMHRA must provide for review of records;
8. The applicable Fees

10.5 **FOIA Request For Information**

- a. FOIA requests can be made via email or printed form, if requested, however the form is mainly for information purposes. The form must include:
 1. Name and Contact information of individual making request and must include name, address, phone and email contacts.
 2. Detailed request information – FOIA Coordinator will assist if needed.
 3. A \$25.00 fee must be paid upon acceptance of request.
 4. Request must be completed in 15 days from onset of request. If additional time is needed a response to the request must be made by email or mail and include one of the following:
 - a. Records sought are voluminous.
 - b. Request requires legal advice.
 - c. The records are in storage or archived.
 - d. Most importantly – an ideal estimate of how much time is needed.
- b. Denial of Request – If a request is denied, in whole or part, a response must indicate the reasons for the denial. See 29 Del C. § 10003(h)(2)
- c. Fees: For the purpose of DEMHRA the following will apply: The Request is \$25.00 – the first 20 pages are free and each subsequent page is \$0.10.

10.6 **Deadlines For FOIA Records Requests** – See FOIA Section §10003(h)

- a. DEMHRA must respond to a FOIA request as soon as possible, but no later than 15 business days after day of receipt of the FOIA request by FOIA coordinator.
- b. DEMHRA's response to the records requested, or addition time is needed because the request is for voluminous records, requires legal advice, or a record is in storage or archived. If it is

determined additional time is needed by DEMHRA, DEMHRA must include the reason additional time is needed and provide a good-faith estimate of how much more time is required to fulfill the request.

- c. If the FOIA request is denied in whole or in part, DEMHRA must include the reason for the denial. (See Section §1003(h)(2).

PART D

GUIDELINES USED FOR CERTIFYING RENT INCREASES

1. Rent Increase Notice
 - 1.1 Community Owner Summits a request for rent increase.
 - 1.2 In order to certify rent increase request, the following must occur.
(Entire Section 1.2 Approved by Board August 17, 2023)
 - (a) Rent is equal to or below 24-month CPI-U
 - (b) One-half of the published 24-month CPI-U rate
Plus 3.5% capped at 7%
 - (c) The published 24-month CPI-U rate is over 7%
 - 1.3 DEMHRA send a Violation Letter to Community Owner (See Appendix F) after receiving rent increase request. (Approved by Board August 17, 2023)
 - (a) Rent Increase Health and Safety Violation per § 7051A – Before any rent increase requests can be certified, the Community Owner must sign a Violation Letter stating that no safety violations have occurred during the 12 months preceding the date of notice, and such violations did not continue for 15 or more consecutive days.
 - (b) A violation is final if the decision finding the violation has been fully determined on appeal to the appropriate court, if all time for filing an appeal with respect to the decision has expired or the decision is not subject to judicial review.
 - 1.4 After receipt of signed Violation Letter, DEMHRA send Rent Increase Certification Letter to Community Owner, either approving or denying rent increase (See Appendix G).
 - 1.5 The date of rent increase from Community Owner must be twenty (20) days after their initial request. For example: If a rent increase request is dated July 5, 2023, the landlord letter to resident(s) must be dated no earlier than July 25, 2023. (Approved by board August 17, 2023)

DELAWARE MANUFACTURED HOME RELOCATION AUTHORITY

TENANT APPLICATION FOR RELOCATION ASSISTANCE

I hereby request assistance from the Delaware Manufactured Home Relocation Trust Fund as set forth in 25 Del. C §7042. By signing this form, I certify that I am a tenant as defined in 25 Del. C §7003(23) and that I have paid my share of the total Trust Fund assessment during the course of my tenancy. I understand that it is a class A misdemeanor for a tenant or a tenant's agent to file any notice, statement, or other document required hereunder for which is false or contains a material misstatement of fact.

(Signature of Tenant(s))

(Date)

(Social Security Number)

TENANT NAME/S _____
(Please Print)

PARK NAME _____

UNIT ADDRESS: _____

CITY/STATE/ZIPCODE: _____ Lot No. _____

Mailing Address if different from where park is located:

PHONE NUMBER: _____ SINGLE-WIDE: _____ DOUBLE-WIDE _____

UNIT SIZE: _____ YEAR: _____ MANUFACTURER: _____

Please attach: (a) a copy of your title or a notarized document showing ownership; (b) a copy of the notice of termination or non-renewal of your rental agreement due to a change in use of land; (c) if you are seeking relocation expenses, you must submit a copy of your contract with a licensed moving or

towing contractor for the moving expenses for your home; under the Act, the maximum benefit payable to a Tenant who elects to have his or her home moved is \$12,000 for a single section home or \$16,000, for a double-wide home (d) if your home has been declared by non-relocatable by a certified mover (a list of certified movers may be obtained by contacting the Authority), then you must obtain an appraisal by a certified manufactured home appraiser.

The maximum non-relocatable benefit a tenant is entitled to is \$12,000 for a single-wide and \$16,000 for a double-wide, or the appraised value of the home, whichever is lower. A list of qualified appraisers may be obtained by contacting the Authority.

The maximum allowable non-relocation benefit for a camper trailer/RV is \$3,000.00. An appraisal is not required

Note 1: If a tenant elects to abandon his or her home the maximum benefit is \$3,000.00 for a manufactured home.

Type of Benefits Applied For: (Check the Appropriate Benefit and Amount Requested)

- A. Relocation Expenses of Moving Home:
 - Single Section Home _____ \$ _____
 - Double Wide Home _____ \$ _____
- B. Abandonment Payment _____ \$ _____
- C. Non-Relocatable Home Payment _____ \$ _____

This form must be completed, signed, and returned along with the required documents to:

Delaware Manufactured Home Relocation Authority
1979 S. State Street
Dover, DE 19901

DELAWARE MANUFACTURED HOME RELOCATION AUTHORITY

APPLICATION FOR REMOVAL AND DISPOSAL ASSISTANCE

SUBMITTED BY
MANUFACTURED HOME COMMUNITY OWNER

The undersigned Applicant, a manufactured home community owner, hereby requests assistance from the Delaware Manufactured Home Relocation Trust Fund pursuant to 25 Del. C. §7044. By signing this form, Applicant certifies that Applicant is the owner of a manufactured home community, as defined in 25 Del. C. §7003(4), and that Applicant has paid Applicant's share of the total Trust Fund assessment during the course of the tenancies and has remitted to the Authority the tenant's share as required by law. Applicant agrees that if Applicant realizes a profit from the removal and/or disposal of a home included in this Application, Applicant will notify the Authority in writing and will reimburse the Trust Fund for any profit gained by the Applicant pertaining to that home. Applicant understands that it is a class A misdemeanor for a landlord or a landlord's agent to file any notice, statement, or other document required under Section 7044 which is false or contains a material misstatement of fact.

(Signature of Landlord)

(Date)

(Social Security or E.I. Number)

LANDLORD NAME _____
(Please Print)

PARK NAME _____

PARK ADDRESS: _____

Space No.

CITY/STATE/ZIPCODE: _____

Mailing Address if different from where park is located:

PHONE NUMBER: _____ Total Spaces in Park: _____

TOTAL HOMES LOCATED IN PARK: _____

Landlord Name: _____

DATE TERMINATION/NONRENEWAL NOTICE MAILED TO TENANTS: _____

DATE RELOCATION PLAN FILED WITH AUTHORITY: _____

Please attach: (a) a copy of the Relocation Plan and all quarterly updates to the Plan; (b) a copy of the notice of termination or non-renewal due to a change in use of land; (c) if you are seeking recovery of removal/disposal expenses, you must submit a copy of your contract with a licensed moving or towing contractor for the moving and disposal expenses for each home that is being removed or disposed of; (d) for each non-relocatable or abandoned home for which compensation is sought, complete the attached summary form and submit with this Application. **The maximum reimbursable amount for the removal/disposal of a single-wide is \$5,000 and capped at \$7,000 for a double-wide manufactured home.**

Total Removal/Disposal Expenses Claimed: \$ _____

This form must be completed and returned along with the required documents to:

Delaware Manufactured Home Relocation Authority
1979 S. State Street
Dover, DE 19901

Revised: Revised: March 3, 2023

NON-RELOCATABLE OR ABANDONED HOME DESCRIPTION FORM

HOME OWNER INFORMATION

Name: _____
Address: _____
City/State/Zip Code: _____
Phone Number: _____

CURRENT LOCATION OF MANUFACTURED HOME

Address & Space Number:

DESCRIPTION OF HOME

Single or Multi-Wide: _____
Size: _____
Manufacturer: _____
Serial Number: _____
Year Manufactured: _____
HUD Label if any: _____

LISTING OF APPURTENANCES ATTACHED TO THE HOME, INCLUDING ESTIMATE OF SIZE:

(Awnings, Skirting, Coolers or Air Conditioners, Sheds, Porches, Carport, etc.)

DETAIL OF WORK TO BE PERFORMED AND CHARGES:

NOTE: MUST INCLUDE ALL DISASSEMBLY, TRANSPORTATION AND DISPOSAL COSTS.

Contractor Information:

Name: _____
Address: _____

IF APPLICANT REALIZES A PROFIT FROM THE REMOVAL AND/OR DISPOSAL OF THE HOME, APPLICANT MUST REIMBURSE THE TRUST FUND FOR ANY PROFIT GAINED BY APPLICANT PERTAINING TO THAT HOME.

DELAWARE MANUFACTURED HOME RELOCATION AUTHORITY
1979 S. State Street
Dover, DE 19901
302-674-7768 Phone
302-674-7769 Fax

November 8, 2021

RE: ALL COMMUNITIES – MHR-TAX FORM COMPLETION INSTRUCTIONS AND SAMPLE FORMS

Dear Sir or Madam:

It has come to our attention that there have been several errors when MHR-TAX forms are completed resulting in the delay of assessment fees paid into the DEMHRA Trust Fund. The following examples are a list of errors found in previous submissions:

1. Incorrect taxpayer IDs
2. Incorrect tax year
3. Submitting payments with the accompanying MHR Tax Form not being completely filled out
4. Sending in one quarterly payment but not separating (cutting off) it from additional accompanying blank quarterly MHR Tax Forms. **Blank MHR-TAX form(s) will create additional payment(s) in our system even without an actual accompanying payment. This will cause payments to suspend in the system.**
5. The preferred payment method is to send an individual check for each individual MHR-TAX form payment to receive the proper credit in a timely manner. One payment with multiple MHR-TAX forms require additional time to be separated and posted correctly.
6. Not filling in every column of the MHR Tax Form, including both columns under section B (Tenant portion).
The system cannot do the math to determine how much money needs to be transferred into the DOJ Fund.

We are hopeful that the instructions outlined below, and the attached MHR-TAX Forms will be helpful to you so that the forms can be completed correctly.

Sample 1 – Standard coupon.

Required fields are:

1. Taxpayer ID – This is the Park's FEIN# or SS#. It is the number they use to file their taxes with IRS. (New format excludes the highlighted 1-XXXXXXXX-001)
2. Tax Year – This is required so it is posted to the correct tax year. (3/31 and 4/20 are just the month and day)

Sample 2 – How to complete the coupon if you have a credit on your account

Required fields are:

3. Taxpayer ID – This is the Park's FEIN# or SS#. It is the number they use to file their taxes with IRS. (New format excludes the highlighted 1-XXXXXXXX-001)
4. Tax Year – This is required so it is posted to the correct tax year. (3/31 and 4/20 are just the month and day)
5. Prior Period Carry Over – This is where the account credit is listed. Subtract the credit amount from the total amount on Line 5 to get the Total Amount Due.

If you have any questions, please feel free to contact our office.

Sincerely,

Gregory Sutton

Gregory Sutton
Executive Director

Updated: 6/10/2022

DELAWARE MANUFACTURED HOME RELOCATION TRUST FUND - MHR-TAX

Pursuant to Chapter 79 of Title 25 of the Delaware Code, the owner of each manufactured home community must remit a monthly assessment for each rented lot to the Delaware Manufactured Home Relocation Trust Fund. Effective as of January 1, 2020, the monthly assessment will be \$0.00 per lot. The lot's owner will be responsible for \$2.00 less a credit of \$0.50 for a net amount due of \$2.00 for each lot. The lot's tenant will be responsible for a monthly assessment of \$2.50, which is to be collected by the landlord each month as an additional rent. An assessment is not due or collectible for a vacant lot. If a lot is rented for any portion of a month, the full monthly assessment must be paid to the Trust Fund by both the tenant and the owner.

The Relocation Trust Fund has been created to financially assist manufactured-home owners forced to relocate due to land-use changes. Upon Board approval, the fund will pay certain expenses, including relocation expenses associated with moving relocatable homes to another community, payments for non-relocatable or abandoned homes, and expenses incurred for the disposal of non-relocatable homes. The additional \$0.50 to be paid by the tenants each month will be used to fund the Manufactured Home Owner Attorney Fund.

Included with MHR-TAX is a listing for delinquent tenants who have failed to pay their portion of the monthly Trust Fund assessment. Owners are required to report all delinquent tenants each quarter. Please photocopy if you need additional pages. Owners are still responsible for their portion of the assessment (\$2.00) for each month even if a tenant has failed to pay. **If a delinquent tenant pays for a prior quarter, please report it on Line 4, Column B.**

The assessment documents and payments are due the twenty-first day after the close of each calendar quarter. Should you have any questions regarding the Assessment Form, please call the Division of Revenue at (302) 577-8665. For questions regarding the Authority, please call the Delaware Manufactured Home Relocation Authority at (302) 674-7765.

Every owner or landlord of a manufactured home community in Delaware must complete the Manufactured Home Relocation Trust Fund Form MHR-TAX on a quarterly basis. Make assessments online at tax.delaware.gov. Please remit assessment form with payment to the following address: **DELAWARE DIVISION OF REVENUE | P.O. BOX 2340 | WILMINGTON, DE 19899-2340**

Please include the community name and address on each return. The community address should be the street address (no P.O. boxes) of the community in which the Manufactured Home Relocation Trust Fund payments were collected.

LINE-BY-LINE INSTRUCTIONS

FORM MHR-TAX (Formerly LQ9) You can now make assessments online at tax.delaware.gov.

NOTE: Date must be manually entered if done with the Taxpayer ID Field Ending and Due Dates are returning to Day and Month and not the Month and Year

Column A	Insert the total number of manufactured-home lots rented each month on Lines 1, 2, and 3.
Column B	Insert the total assessment not collected from tenants each month on Lines 1, 2, 3. Report any delinquent tenant payments from prior quarters on Line 4. Add Lines 1 through 4 and report their total in the fifth box under Column B.
Column C	Insert the total assessment collected from owners each month on Lines 1, 2, 3 and 4. Add Lines 1 through 4 and report their total in the fifth box under Column C.
Total Due	Add together the totals from Column B and Column C and report this amount in the box provided.
Line 5	Add all 3 columns together and enter the Total in the Total column (Column D).
Line 6	Prior Period Carry Over - This line is to be used only if notified by the Authority of a credit on your account.

FORM MHR-DTR

Step 1	If blank, enter the name of the Manufactured Home Community Name (as used on Form MHR-TAX) in the box provided.
Step 2	If blank, enter the "Account Number" from your Form MHR-TAX in the "Account Number" box provided, and the "Tax Period Ending Date" from Form MHR-TAX in the "Percent for Quarter Ending" box provided.
Step 3	List on each line separately, the Name, Address, Number of Months Delinquent and Total Amount due for each delinquent tenant.
Step 4	When you have finished listing all delinquent tenants, add up the "Total Amount Outstanding" column and report this amount in the TOTAL box located at the bottom.

PLEASE NOTE: Form MHR-TAX and its accompanying MHR-DTR must be signed and dated by an authorized representative of the renting taxpayer or manufactured home community. Photocopies or substitute documents will not be accepted.

TO REPORT ANY CHANGES TO YOUR PERSONAL INFORMATION PRINTED ON FORM MHR-TAX, PLEASE COMPLETE THE REQUEST FOR CHANGE FORM AT THE END OF THIS PACKET

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DELAWARE FORM DIVISION OF REVENUE MHR-TAX MANUFACTURED HOME RELOCATION TRUST FUND



TAXPAYER ID	TAX YEAR	PERIOD ENDING	DUE					
		03/31	04/20	A	B	C	D	
BUSINESS NAME & ADDRESS				ASSESSMENT BASIS	Total Number of Lots Rented	Total Amount Collected From Tenant \$2.00	Due From Owner \$2.00	TOTAL
COMMUNITY NAME & LOCATION ADDRESS				1. JANUARY	\$	\$	\$	
				2. FEBRUARY	\$	\$	\$	
				3. MARCH	\$	\$	\$	
				4. DELINQUENT PAYMENTS	\$	\$	\$	
				5. TOTAL (ADD LINES 1 THROUGH 4)	\$ 0.00	\$ 0.00	\$ 0.00	\$ 0.00
				6. PRIOR PERIOD CARRYOVER				\$
				TOTAL AMOUNT DUE (SUBTRACT LINE 6 FROM LINES 5)				\$ 0.00

AUTHORIZED SIGNATURE

DATE

E-MAIL

PHONE NUMBER

MAIL COMPLETED FORM WITH
REMITTANCE PAYABLE TO:
Delaware Division of Revenue
P.O. Box 2340
Wilmington, DE 19899-2340



DELAWARE MANUFACTURED HOME RELOCATION AUTHORITY

1979 S. State Street
Dover, DE 19901
302-674-7768 Phone
302-674-7769 Fax

December 1, 2023

**RE: COMMUNITY OWNERS ANNUAL REGISTRATION
RIGHT OF FIRST OFFER NOTICE BEFORE SALE OF A MANUFACTURED HOME COMMUNITY**

Dear Community Owner:

Community Owner' Annual Registration:

Under Delaware law, manufactured home community owners are required to register **annually** with the Delaware Manufactured Home Relocation Authority ("Authority"). So that we have complete and accurate information regarding your community, enclosed is an annual registration form. Kindly complete and return the form to the Authority. **Failure to register the annual Registration Form by January 31, 2023, may result in enforcement action by the Authority, and you may be required to reimburse Authority's costs of enforcement.**

Right of First Offer Notice Before Sale of a Manufactured Home Community:

As a manufactured home community owner, under Delaware law, if you wish to sell your community, you are required to comply with the requirements of Section 7026, Title 25, of the Delaware Manufactured Home Owners' Act, which among other things, establishes the Right of First Offer for a manufactured Home Owners' Association when and if a community decides to sell, transfer, or convey all of part of the community. **Prior to any sale, transfer, or conveyance of a manufactured home community, you must be registered with the Delaware Manufactured Home Relocation Authority, and all assessments must be paid to date, per the requirements of Section 7027 of Title 25.**

The community owner shall provide notice of the HOA's Right of First Offer of all or part of the community to the HOA, if one exists, to the Delaware Manufactured Home Relocation Authority, the Delaware Manufactured Home Owners' Association (DMHOA), and the Consumer Protection Unit of the Department of Justice.

Failure to comply with these guidelines could result in legal action against any violator. **It is the duty and obligation of the Consumer Protection Unit of the Department of Justice to enforce the provisions of this statute.**

Important Note: In the event of any conflict between the information contained in the communication and Delaware law, the provisions of Delaware law shall govern. Neither the Authority nor any employee or representative of the Authority is providing or authorized to provide legal advice to any person. Persons in need of legal advice should seek the services of legal counsel of the party's choosing. HOA Contact Information is for ROFO and Rent Justification purposes only. HOAs desiring to publish or share additional information should do so independent of the Authority.

APPENDIX D

Page 2

If you would like to obtain **ONE** free copy of the Landlord-Tenant Code, you may do so by calling 1-800-282-8545. Out of State callers must dial 302-744-4114. The fax number is 302-739-3895. The address is Division of Research, 411 Legislative Avenue, Dover DE, 19901.

Thank you for your prompt attention to this matter.

Sincerely,

Gregory Sutton
Executive Director

Enclosure: 2024 Annual Registration Form

Important Note: In the event of any conflict between the information contained in the communication and Delaware law, the provisions of Delaware law shall govern. Neither the Authority nor any employee or representative of the Authority is providing or authorized to provide legal advice to any person. Persons in need of legal advice should seek the services of legal counsel of the party's choosing. HOA Contact Information is for ROFO and Rent Justification purposes only. HOAs desiring to publish or share additional information should do so independent of the Authority.



DELAWARE MANUFACTURED HOME RELOCATION AUTHORITY

1979 S. State Street
Dover, DE 19901
302-674-7768 Phone
302-674-7769 Fax

Date

First Class Mail with Proof of Mailing

<Name>

<Address>

<City>, <State>, <Zip Code>

Re: Name of Community

Dear Tenant:

The owner of ?????????? ("Community"), by and through legal counsel, or the community owner, has submitted to DEMHRA, the notice of "right of first offer" pursuant to 25 Delaware Code, Section 7026. As of the date hereof, no Homeowners Association for the Community has registered with the Delaware Manufactured Home Relocation Authority ("Authority"). Since there is no Homeowners Association in the Community meeting the requirements of 25 Del. Code Section 7026(b), if you and/or other tenants in the Community are interested in purchasing the Community, you will need to organize a Homeowners Association meeting the requirements of 25 Delaware Code Section 7026(b). You should consult with legal counsel so that your rights are protected. You may also wish to contact the Delaware Manufactured Homeowners Association at 302-945-2122.

Under Delaware Code Title 25, Section 7026, there are strict deadlines for acting upon any right of first offer. For example, a Homeowners Association must respond in writing to the notice of right of first offer within thirty (30) calendar days from the date of the mailing of the notice sent by the community owner.

If you are not interested in forming an HOA to be eligible to purchase this community, please disregard this notice. You will not be required to take any further actions.

Sincerely yours,

Gregory Sutton
Executive Director



Delaware Manufactured Home Relocation Authority

1979 S. State Street, Dover, DE 19901
Phone (302) 674-7768 • Fax (302) 674-7769
www.demhra.delaware.gov

Date: <Date>

To: <Community Owner>

From: Gregory Sutton
Executive Director

RE: Violation Certification Letter (**Community**)

We received your rent increase notice for the above community. Before we can certify your rent increase request, you will have to comply with the Delaware Landlord -Tenant Code, Subchapter VI, Rent Increase Justification, §7051(A)(3)(b)(1). This section states that a community owner may only increase the rent, if during the 12 months preceding the date of their notice of the rent increase, there has not been a safety violation in the manufactured home community that continued for 15 or more consecutive days.

By signing below, you are certifying that the above community is in compliance.

Name (Print)

(Signature)

Date

Title

Important Note: In the event of any conflict between the information contained in the communication and Delaware law, the provisions of Delaware law shall govern. Neither the Authority nor any employee or representative of the Authority is providing or authorized to provide legal advice to any person. Persons in need of legal advice should seek the services of legal counsel of the party's choosing. HOA Contact Information is for ROFO and Rent Justification purposes only. HOAs desiring to publish or share additional information should do so independent of the Authority.



Delaware Manufactured Home Relocation Authority

1979 S. State Street, Dover, DE 19901
Phone (302) 674-7768 • Fax (302) 674-7769
www.demhra.delaware.gov

<Date>

SENT VIA EMAIL

<Community>

Attn: <Community Owner/Lawyer>

<Address>

<City>, <Stat> <Zip Code>

RE: Rent Increase Certification Request (Community)

Dear Community Owner:

DEMHRA has reviewed your proposed rent increase certification request and has determined it complies with the statutory definition of:

___ Consistent with the published 24-month CPI-U (CPI-U Effective Date)

Or

___ One -half of the published 24-month CPI-rate plus 3.5%

Thus, your rent increase request is hereby certified by DEMHRA.

***Note: Please provide a copy of this certification with your rent increase notice(s) to the affected homeowner(s).**

***In addition, the rent increase letter to your tenant cannot be sent before at least 20 days from the date of your original request to DEMHRA (No earlier than <20 days after receipt of request from Community>).**

Sincerely,

Gregory Sutton
Executive Director

Important Note: In the event of any conflict between the information contained in the communication and Delaware law, the provisions of Delaware law shall govern. Neither the Authority nor any employee or representative of the Authority is providing or authorized to provide legal advice to any person. Persons in need of legal advice should seek the services of legal counsel of the party's choosing. HOA Contact Information is for ROFO and Rent Justification purposes only. HOAs desiring to publish or share additional information should do so independent of the Authority.



2024

Delaware Manufactured Home Relocation Authority

Community Name: _____

Community **Physical** Address: _____

Community **Mailing** Address: _____

Telephone #: _____

Fax #: _____

Email Address: _____

TOTAL # of LOTS IN COMMUNITY: _____

Minus VACANT LOTS (if applicable): _____

Minus # of HOMES OWNED BY THE PARK (if applicable): _____

Minus # of ABANDONED HOMES (if applicable): _____

Minus # of SEASONAL HOMES (if applicable) _____

EQUALS TOTAL # OF LOTS SUBJECT TO \$4.50 MONTHLY FEE:

Note: Home Owner pays \$2.50 (\$0.50 is transferred to the DOJ Legal Fund)

Community Owner pays \$2.00

Business Name: _____

Contact: _____

Business Telephone # _____

Business Fax: _____

Business Email Address: _____

Comments

1979 S. State Street, Dover, DE 19901

Phone (302) 674-7768 Fax (302) 674-7769

gregory.sutton@delaware.gov

www.demhra.delaware.gov

**REQUEST FOR PUBLIC RECORDS****PURSUANT TO THE DELAWARE FREEDOM OF INFORMATION ACT 29 Del. C. ch. 100**

To: Delaware Manufactured Home Relocation Authority		Date
From: (Your Name)		
Address		
City	State	Zip
Phone Number	Email	
RECORDS REQUESTED: Be as specific as you can , describing types of records, dates, parties to correspondence, subject matter, etc. The Authority will make every reasonable effort to assist you in identifying the record being sought. Requests for voluminous records may be delayed.		
Payment		

a) Copies are \$.10 per page (after the first 20 pages) plus a minimum administrative fee of \$25.00

b) The Authority requires pre-payment of copying and administrative charges prior to making copies of requested records.*

c) A good faith deposit of \$25.00 must be provided in advance of the request to cover the administrative fee.

d) Applicable fees must be received before copies are available for delivery.

PLEASE CONTACT ME IF COSTS WILL BE GREATER THAN _____

Generally, within 15 business days from receipt of your request, the Authority will either provide you with an estimate of your cost to access the records, deny your request, or state that additional time is needed.

Signature Line

Print Form

