

MANUFACTURED HOMEOWNER ASSOCIATIONS

INFORMATION KIT

Park Homeowner Associations and *Local Park Committees* are two separate and distinct entities.

A Park Homeowners Association has a broader range of purposes and can even undertake some of the same things as a Local Park Committee but cannot call itself a *Local Park Committee* unless set up and run according to the Government rules set out in the *Residential Tenancy Act Regulations*.

The *Local Park Committee* is restricted to internal Park issues specified in the Manufactured Home Park Tenancy Act while the Homeowners Association is not. The following articles will hopefully further clarify their functions.

GOOD LUCK AND REMEMBER, IN ALL MATTERS OF PARK BUSINESS, REMAIN OPEN MINDED AND DIPLOMATIC (POLITE) IN DEALINGS WITH HOMEOWNERS, LANDLORDS AND OTHER PRINCIPALS CONNECTED TO THE MANUFACTURED HOME SOCIETY AND INDUSTRY.

Active Manufactured Home Owners Association

Box 1000
Saanichton, BC
V8M 2C5
Telephone: 250-544-1456
email: joyceklein@telus.net

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ACTIVE MANUFACTURED HOME OWNERS ASSOCIATION

BACKGROUND

This non-profit Association was formed in Victoria in 1971 to protect manufactured home owners and their unique lifestyle. Volunteers staff all positions.

Since most manufactured homes are situated on rented pads in Manufactured Home Parks, the owners are homeowner, property tax payer and renter with problems common to all these circumstances. Lifestyles in Manufactured Home Parks present a combination of those found in traditional single family detached houses, town house and condo developments. Ideally there is close harmony and friendly relations with both other tenant/owners and the Park landlord.

PURPOSES

Lobby for legislative change when necessary for the protection of all manufactured home owners. Keep members abreast of changes that affect manufactured home Parks and homeowners. Assist and advise where possible in problem solving and the dispute settlement process. Maintain a communication link between the Association and all principals deemed essential to the goodwill and protection of manufactured home owners and their lifestyles. Promote and assist in the establishment of individual Park Homeowner Associations to work with the Park landlord to solve landlord/Homeowner problems. Give Park Homeowner Associations the option of becoming an extension of Active Manufactured Home Owners Association.

ORGANIZATION

The annual dues are used to cover operating costs such as membership cards & decals, newsletter production & distribution, briefs to the government, stationery, postage etc.

PARK CONTACTS AND AREA REPRESENTATIVES

Park Contacts and area representatives provide essential services. These volunteers deliver Newsletters & Bulletins to the members in their Park or area they wish to look after. A membership list provided with each package to be delivered. For this service, a 20 cent per house delivery is paid when invoiced by the Park Contact or area representative. In addition, the Park Contact or area representative notifies of any discrepancies, deletions or additions to the membership list that may have occurred.

Park Contacts or area representatives are not to be construed as being responsible to Park Homeowners or Park landlords in anyway, particularly in cases of complaints or disputes.

INDEPENDENT MANUFACTURED HOME OWNERS

A Homeowner who does not wish to join their Park's Homeowner Association, may become and maintain membership in Active Manufactured Home Owners Association.

A Homeowner who does not wish to be a member of Active Manufactured Home Owners Association may maintain membership in their Park's Homeowner Association only.

GOALS & OBJECTIVES

Active's goal is to provide a liberal and comprehensive source of support, representation, referral, inquiries and the dissemination of information pertaining to and affecting the lifestyle of all Manufactured Home Owners in the Province of British Columbia.

Continue to work with home and Park owners, other District Homeowner Associations, Dealers, Manufacturers, Developers and all levels of government including First Nations, to protect your rights and to improve the laws and conditions under which you live.

Continue working to obtain:

- Recognition of our Property Taxpayer status and our rights to the Bylaw enforcement paid for by those taxes.
- Recognition that this is permanent housing not easily or cheaply moved.
- Recognition that the land we rent is 'land rented for permanent housing'.
- Redevelopment protection and improved compensation.
- Security from eviction of our homes with the resulting loss of our home and our investment.
- Improvements to M.H. Park Tenancy Act, Regulation, Rules and Guidelines
- Improvements to Arbitration System
- Improvements to Rent Increase Regulations
- Security of tenure or long term leases.
- Standard Tenancy Agreements.
- Standard Park Rules.
- Better insurance rates.
- Regular mortgage rates
- All homes to be sold under the Real Estate Act and
- Licensing of Park Managers.

Continue to accumulate and dispense information of interest and assistance to all manufactured home owners.

SOME OF OUR ACHIEVEMENTS

- Shelter Aid for Elder Renters (S.A.F.E.R.) is now available to us.
- NEW, plain language, Legislation and Regulations for written specifically for Renters of Manufactured Home Lots
- Changes to our new Manufactured Home Park Residential Tenancy Act.
- Assign and sublet Regulations
- Gained Intervention services by the Residential Tenancy Office staff.
- Arbitration Rules of Procedure
- Identified problems of individual owners, Park owners, Manufactured Home Companies, compiled and presented reports on the findings to a variety of commissions, including the Audain, Kennedy, and Kasper. Black and Human Rights, Tenancy Act for Manufactured Home Lot Renters and Regulations.
- Manufactured Home Registry computerized data bank and move to ecommerce system.
- Changes to the Manufactured Home Act regarding conditions to be met before selling our homes

PARK HOMEOWNER ASSOCIATIONS

The **Park Homeowner Association** belongs strictly to the Homeowners of the Park to actively promote the Homeowners' position on a variety of matters, to a variety of audiences. Homeowner Associations have the latitude to either operate independently or be recognized as an extension of a responsible District Association if they so wish. They also do not come under the jurisdiction of The *Residential Tenancy Act*, and subsequent Regulations which outline how the *Local Park Committee* shall be formed and operated.

A **Park Homeowner Association** has many benefits and advantages in that it provides:

- a) An open forum at meetings where Homeowners can discuss, without the presence of the landlord, items of concern from both inside and outside the Park that may affect Homeowners.
- b) A means through which Homeowners can receive assistance, guidance, information and representation in the dispute resolution process.
- c) The opportunity to establish a harmonious atmosphere in the Park.
- d) The option of organizing social functions.
- e) The ability to represent Homeowners opinions on Municipal or Regional matters.
- f) Can work with the Landlord to resolve items of concern in the Park by inviting the Landlord to participate in meetings of the Executive Council when items are on the agenda that require the assistance of the Landlord for successful resolution. Or the Landlord can request a meeting with the Executive Council to discuss and resolve Park matters.
- g) Can act as a vehicle for the formation of a Local Park Committee under the guidelines of the *Residential Tenancy Act Regulations*.
- h) Executive officers can serve on a *Local Park Committee*, if elected to that position, by the Park residents following rules set out under the *Residential Tenancy Act Regulations*.

LOCAL PARK COMMITTEE

The ***Local Park Committee*** is optional and can only be formed with the mutual consent and active participation of both the Park Homeowners and the landlord. The *Local Park Committee* is neither political nor social in nature. It is a group formed and governed in accordance with the *Residential Tenancy Act and Regulations*. *Local Park Committees* are often instituted and operated under the park owner's control. Without the park owner's active participation, there can be no *Local Park Committee*.

We strongly urge Homeowners to consider the formation of a **Park Homeowner Association** instead of a *Local Park Committee*.

HOW TO FORM A PARK HOMEOWNER ASSOCIATION

In order to form a Park Homeowner Association, a few homeowners in a Park need to take the initiative by first organizing an information meeting. There is no need to have the park owner or manager present at the formation of the Association as this is not a *Local Park Committee*.

Should you need assistance or wish to have someone from the "Active Manufactured Home Owners Association" attend your initial meeting, we will arrange to attend and assist as requested.

METHOD

1. Arrange for a suitable location to have meeting.
2. Distribute a "Notice of Meeting" to every household in the Park.
3. If the meeting was successful and the Homeowners present indicated their desire to form a *Park Homeowner Association*, including the election of an Interim Executive Council you should then:
4. Distribute "Results of Information Meeting" or something similar to all Homeowners in the Park.
5. Circulate a basic set of policy, guidelines and by-laws for the **Park Homeowner Association** to operate under. We have included in this package, a draft set your members can modify or adopt as is.
6. Initiate a Park Homeowner Association Newsletter for the dissemination of news items and pertinent information. Your Executive Council and the availability of funds should determine the frequency.

Once the above formalities have been successfully completed, we suggest you advise the landlord in writing of:

- The formation of **Park Homeowner Association**.
- The names and positions of the Executive Council officers.
- Your desire to establish a friendly and co-operative working relationship for the benefit of both Park Homeowner and landlord.
- Include an invitation to meet with the Executive Council to openly discuss your policies and guidelines.

NOTICE OF MEETING

DATE OF MEETING _____

TIME OF MEETING _____

PLACE OF MEETING _____

PURPOSE OF MEETING

- TO DISCUSS THE FORMATION OF A HOMEOWNERS ASSOCIATION
- TO DISCUSS THE DIFFERENCES BETWEEN FORMING A PARK HOMEOWNER ASSOCIATION OR A *LOCAL PARK COMMITTEE*.
- TO DISCUSS THE STRUCTURE AND FUNCTIONS OF A MANUFACTURED HOME OWNER ASSOCIATION.

GUEST SPEAKER (IF ANY) _____

ALL HOMEOWNERS IN _____ PARK

ARE INVITED TO ATTEND

RESULTS OF INFORMATION MEETING

Dear Home Owners of

(Name of Park)

Following an information meeting held on

(Day, Month Year)

at

(Location)

it was decided to:

- Form our own Park Homeowner Association
- Elect an Interim Executive Council to stand for an initial term of 6 months.

INTERIM EXECUTIVE COUNCIL

CHAIR: _____

VICE CHAIR: _____

SECRETARY: _____

TREASURER: _____

This founding Executive Council shall remain in office for a period of six months, following which, a General Meeting of Homeowners shall be convened to include the election of an Annual Standing Executive Council. The founding Executive Council Officers may run for office again, if they so wish.

We ask that you actively support your newly formed Park Homeowner Association through membership participation. For full details, please contact the undersigned.

(Name)

(Unit#)

(Telephone #)

09/15/07

SUGGESTED OBJECTIVE, POLICIES AND GUIDELINES

1 .NAME OF ASSOCIATION: _____

2. **OBJECTIVES:** To provide a harmonious forum whereby common interests and problems may be shared and dealt with in a rational and satisfactory manner, and to provide a channel of communication between homeowners and landlords, (including Native Landlords where appropriate) and other principals associated with the care and welfare of this Park.

3. POLICY A:

To investigate matters of concern when requested in writing (provided previous action to resolve the situation has been taken by the complainant and has failed)

GUIDELINES FOR POLICY A

- a) Association Executive Council Officers are to refrain from accepting complaints or recommendations directed to the Executive as a whole, unless in writing and duly signed. Further, the originator has provided what action has been taken to correct the anomaly.
- b) Before any action is taken following the receipt of a written complaint or recommendation, the Association Executive Council is to ensure they have all the facts before seeking a resolve of the situation with the Park landlord either directly or indirectly where *Local Park Committees* are in place.
- c) Further to paragraph (b) above, the Association Executive Council will assess the subject matter and inform the originator in writing of what action, if any, will be taken, keeping in mind that frivolous or vexatious complaints will not be entertained.
- d) All correspondence between outside agencies, home and Park landlord and other principals is to be in writing as will be expected of reciprocal responses.
- e) Individual Park Homeowners should pay all direct costs associated with resolving their particular case. Homeowner Association funds should be used to compensate volunteer assistants for out of pocket expenses while helping a member. Non members should be assessed for all expenses including amounts needed to compensate volunteer assistants.

4. POLICY B:

To establish lines of communication between home owners, landlords (including Native Landlords where appropriate), appropriate District Manufactured Home Owner Association and any other principal deemed essential to the goodwill of all residents within the Park.

GUIDELINES FOR POLICY B

- a) The Association Executive Council will establish and maintain lines of communication as soon as possible with all principals where required and as outlined under Policy B.
- b) All correspondence must have the sanction of the Association Executive Council and is to be duly signed by either the Chair or Secretary.
- c) Impending action by the Council is to receive approval from 51% of all residents through the medium of a General Meeting or referendum where the subject matter directly effects residents of the Park as a whole.

5. POLICY C:

To provide ongoing information and items of interest to all Park residents as required.

GUIDELINES FOR POLICY C

- a) The establishment of a Park Newsletter provided funds are available. If a Newsletter is not practical, to provide information on a need to know basis.
- b) Disseminate District Association literature and Newsletters to members within the Park regardless of whether or not the Park Homeowner Association is an Extension of the District Association.

6. POLICY D:

To assist in the formation of a Local Park Committee in accordance with the rules for organization as set out in the Residential Tenancy Act.

GUIDELINES FOR POLICY D

- a) Prepare a referendum to all Homeowners recommending the formation of a Local Park Committee and solicit a mandate by a majority vote for the Association Executive Council to assist with the formation of a Local Park Committee.
- b) Should the Homeowners indicate their desire to form a Local Park Committee and provide the Association Executive Council a majority mandate to assist with formation of a Local Park Committee, advise the landlord of the Homeowners decision and suggest that with his or her co-operation, the Association Executive Council would be pleased to call a General Meeting for the express purpose of having both Homeowners and landlord in attendance to consider the formation of a Local Park Committee in accordance with the *Residential Tenancy Act Regulations*.

NOTE: Keep in mind the Homeowners have the right to choose by popular vote (secret ballot) as to who they want to represent them on the Local Park Committee, however, they would probably be best served if they were to utilize 2 to 5 members from the approved (elected) Park Homeowners Association Executive Council.

PROXY

I, _____ of _____
(name) (address)

being a registered member in good standing of the _____
(name of District or Park Homeowner Association)

hereby appoint _____ of _____
(name) (address)

also a registered member in good standing, as my proxy to vote on my behalf on any issue at the Annual General Meeting of the _____ to
(name of District or Park Homeowner Association)

be held on the _____
(day) (month) (year)

Signed this _____ day of _____ month _____ year

Signature

A GUIDE FOR ESTABLISHING BY-LAWS

(Name Of Park Homeowner Association)

BY-LAWS

1. MEMBERSHIP

- a) Any manufactured homeowner in" (name of Park) _____ shall be eligible for membership in the Park Homeowner Association, provided they pay dues as outlined under Article 2 - Assessment.
- b) Membership in the Park Homeowner Association shall cease if a member is no longer a manufactured home owner, or is not a member in good standing.

2. ASSESSMENT (DUES)

- a) an annual membership fee of \$____ payable on _____of each year.

1. PARK ASSOCIATION EXECUTIVE COUNCIL OFFICERS

- a) The Park Homeowner Association Executive Council shall be composed of the Chair, Vice Chair, Secretary, Treasurer, Grievance Officer and Newsletter Editor.
- b) The founding Executive Council shall remain in office for a period of six months, following which an Annual General Meeting shall be called for the purpose of nomination and election of an annual Executive Council who shall upon election hold office until the next Annual General Meeting is called.
- c) Founding Executive Council Officers shall be eligible for re-election should they choose to stand for office for a further term.
- d) The Park Association Executive Council is to be elected at each Annual General Meeting of members and shall hold office until the next Annual General Meeting.
- e) A member of the Park Association Executive Council may be removed from office for just cause, provided the member has been given reason for dismissal in writing and has been provided the opportunity to defend himself before a special meeting assembled for the purpose of recommending his or her remove from office. On conclusion a vote by secret ballot shall determine the outcome.
- f) If for any reason a Park Homeowner Executive Council position becomes vacant during the period of office, the Chair shall have the authority to name a qualified replacement to fill the vacancy for the remainder of the term.
- g) A retiring Chair shall hold office as Past Chair, for a period of one year but shall have no voting privileges.
- h) The Executive Council shall have the authority to choose additional persons from amongst Park residents, to assist the Executive Council on a voluntary basis, including ad hoc committees.

2. MEETINGS

- a) An Annual General Meeting shall be held within six months of the election of the founding Executive Council and once every year thereafter.
- b) Extraordinary or special meetings shall be called by the Chair when deemed necessary to obtain a consensus on any issue affecting all home owners.
- c) Members of the Park Homeowner Association may request an extraordinary meeting at any time upon the presentation of such a request in writing and signed by 10% of the members in good standing.
- d) The frequency of Park Homeowner Association Executive Council meetings shall be determined by the Executive Council Officers.
- e) Notice of meetings of members shall be delivered to each home seven days in advance.
- f) Attendees should sign in at all meetings.

g) Voting members should be given cards or otherwise identified for voting purposes.

3. QUORUMS

- a) A quorum at any meeting of the members of the Park Homeowner Association shall be ___% of the members in good standing. If within one hour from the time appointed for the meeting, a Quorum is not present, the meeting shall stand adjourned to a date and time set by the Executive Council. If at the time of the reconvened meeting a Quorum is still not present, the members in attendance shall constitute a Quorum.
- b) A Quorum for any meeting of Executive Council shall be the majority of Executive Council elected (51%)

4. VOTING PRIVILEGES

- a) Only members in good standing (paid up) are entitled to vote.
- b) There is one vote per household.
- c) Proxy votes are permitted on presentation of a duly signed proxy form. No one household shall present more than 3 proxies. Note: Proxies do not need to be allowed and can have a different limit set.
- d) Voting shall normally be by a show of hands, except on the occasion of elections where a secret ballot is required or where members present call (by motion) for a secret ballot.
- e) The Chair shall have no vote, except in the case of a tie, then the Chair shall be allowed to vote to break the tie.
- f) A majority vote shall be deemed to be one over half of the voting members present at a meeting (51 %).

5. DUTIES OF THE EXECUTIVE COUNCIL

a) CHAIR

- i) The Chair shall preside at all meetings of the Park Homeowner Association
- ii) The chair is the chief Executive Council officer and shall supervise the Executive Council officers in the execution of their duties and assignments.
- iii) When a vacancy occurs in the Executive Council, the Chair may appoint a member to fill the unexpired portion of the vacant position

b) VICE CHAIR

- i) The vice Chair shall assist the Chair as required and shall assume the duties of the Chair in his or her absence.

c) SECRETARY

- i) In the absence of both the Chair and the Vice-Chair, call the meeting to order and those members present shall elect a chairperson pro tem.
- ii) Responsible for the care and control of correspondence, minutes, records and documents, except those required to be kept by the Treasurer.
- iii) Take minutes of all meetings of the Association.

d) TREASURER

- i) Keep full and accurate accounts of all receipts and disbursements.
- ii) Keep a record of paid members.
- iii) Deposit all monies received in a Bank Account established in the name of the Park Homeowner Association.
- iv) Prepare a financial statement on a monthly basis or as directed by the Executive Council.
- v) Present a financial report at all Executive Council and Annual General Meetings.

ACCOUNTS

- (1) All withdrawals from the designated Bank Account shall be by cheque signed by the President and Treasurer or one other signing authority as delegated by the Executive Council Officers.
- (2) The Treasurer shall, if appropriate maintain and be responsible for a Petty Cash Fund in such amount and on such terms as determined by the Executive Council.

e) NEWSLETTER EDITOR

- i) Gather items from all sources that are of interest and beneficial to all Park Homeowner Association members for insertion in the Park Newsletter. Prepare and produce a Park Newsletter for distribution, the frequency of which is to be determined by the Executive Council.

f) SUPERNUMERARY APPOINTMENTS

- i) The Chair may appoint members as supernumeraries to assist the Executive Council as required and if so appointed, shall have no voting privileges at the Executive Council meeting.

GENERAL FORMAT FOR CONDUCTING MEETINGS

- 1 Chair (or alternate) calls Meeting to Order.
2. Introduction of guests (guest speaker, visitors, if any).
3. Announcements (duration of meeting, coffee break, sickness/demise of Executive Officer).
4. Question if there are additional items to be placed on the Agenda.
5. Call upon Secretary to read Minutes of last Meeting.
 - Chair asks "are there any corrections or omissions to these Minutes".
 - Chair asks for a Motion for the Minutes to be approved as read/corrected.
 - Secretary may move the adoption of the Minutes.
6. Call upon Treasurer for a financial report (cash on hand, disbursements, etc.)
 - Chair asks if there are any questions/discussion on the Treasurer's Report, if none or
 - After discussion, ask for a Motion to adopt the Treasurer's Report.
 - Treasurer may move the adoption of the Treasurer's Report.
7. Chair asks Secretary to read correspondence (if any) Ask if there are any questions or discussion on the correspondence - there may be cases where further action is required - if so Entertain motion(s) to legitimize action to be taken.
8. Call for Executive/Director Reports Suggest any business or contemplated action be brought up under old/unfinished or new business, whichever is applicable.
9. Call for Committee Reports (if any) Allow for discussion on reports and entertain motion(s) if further action is required resulting from these reports.
10. Ask if there is any Old or Unfinished Business Usually none, however, there is always the possibility that some old or unfinished business has been overlooked or uncompleted. If this is the case, allow for discussion and call for motion(s) if further action is required.
11. Ask if there is any New Business - usually
 - Introduction of items of business that have not been previously introduced or have not been properly addressed under old/unfinished business
 - Action required by Motion(s) resulting from Executive/Directors Reports
 - Striking of Committee(s) to undertake a special project etc,
12. Chair on determining there is no further business, establishes date/time for next meeting.
13. Call for a Motion to Adjourn.

SUGGESTIONS FOR CHAIR

Prepare an Agenda distribute to Executive/directors in advance of Meeting date.

Call Meeting to order on time.

Unless time permits, impose a time restriction on debates or individual reports.

When a member rises on a point of order or privilege, ensure they are recognized immediately (all proceeding stop until these are dealt with).

To control superfluous discussion or debate, it may become necessary to call for a motion to be made and seconded before any further discussion or debate is entertained.

Try and control interruptions from other members when a member has the floor (one person speaking at a time).

MOTIONS - Things to remember:

1. Motions provide for an orderly process on issues requiring a consensus.
2. Motions require a mover and a seconder before they are valid or can be discussed/defeated.
3. Once a motion has been duly moved and seconded, a reasonable time period should be allowed for discussion/debate, however, if a member calls for "**The Question**", further debate ceases and a vote on the motion is called for by the Chair.
4. A motion to amend the Main Motion must also be seconded and must be dealt with before calling for a vote on the Main Motion. If several Motions "to amend" are made, they must be dealt with in order of presentation.
5. If a Motion(s) to "amend" is passed, the Main Motion is then amended accordingly, and the Chair calls for the vote on the Motion as amended.
6. Keep in mind, a Motion duly moved and seconded must be dealt with before a further Motion is introduced (unless it is a Motion to Amend the Main Motion and the Procedure outlined in 4 and 5 above has been followed).

After a Motion has been made - the Chair states,

"It has been moved by ___ and seconded by _____ to (read motion).

"Is there any discussion on the Motion." -

if no discussion - CALL FOR THE QUESTION

"Those in favour" - raise hands. (count)

"Those opposed" - raise hands. (Count)

"The Motion has 'passedYbeen defeated'."

Keep in mind, if a Motion to amend the Main Motion has been duly made the "Amendment must be dealt with first (see Paragraph 4 and 5 above.

If a Motion is required, to ratify an action taken, ask if anyone will make a Motion on the item. Deal with Motions as outlined above. Motions are desirable for authorizing expenditures, writing letters and any item of a controversial nature.

SUGGESTIONS FOR SECRETARY:

RECORD - Time, Date, Place of Meeting and Who is in the Chair.

All Motions and results.

Treasurer's report

Brief description of correspondence and other matters deemed important or contentious.

Time Meeting adjourned and Date of next Meeting.

PREPARE - Minutes for distribution

Answer correspondence, if so instructed during meeting.

FILE - all correspondence and completed Minutes of Meetings.

GOOD LUCK WITH YOUR MEETING

RELEASE FOR VOLUNTEER ASSISTANCE ARBITRATION

To whom it may concern:

I/we, _____

of _____
(Name of Park)

have of my/our own free will, requested _____ to

assist me/us in preparing for Arbitration Hearing against _____

scheduled for _____
(Day, Month, Year)

I/we further unequivocally exonerate _____
(Name of volunteer persons assisting)

from any responsibility or liability should the Arbiter not rule in my/our favour, and for any subsequent action/failure to resolve the issue between myself/ourselves and the Landlord of

(Name of Park)

Dated: _____
(Day, Month, Year)

::

(Signature)
