



MANUFACTURED HOME OWNERS & TENANTS ASSOCIATION OF NEW HAMPSHIRE

MOT A-VATOR

A Newsletter for Tenants & Home Owners of Manufactured Housing

Volume 4 Issue 3

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Happy Holidays



Letter from the President

December 2007



Hello and a Happy Holidays to you all.

All of us on the Manufactured Home Owners and Tenants Association Board of Directors would like to take this opportunity to wish you all a Very Merry Christmas and a Happy, Healthy and Prosperous New Year.

We would like to thank all of those who attended the MOTA Annual Meeting held at the NHCLF building in Concord on November 10, 2007. We appreciate all the feedback that came from those that attended.

In the next few months our Inter Agency Policy Group will be meeting, to discuss how we can strengthen the laws we already have and discuss the issues that continue to plague our communities as well as how we can address them with our legislators.

One thing that continues to be a topic of conversation is the fact that our legislators want to hear from you, our members and their voting public. I cannot tell you the number of times that a legislator has said to us "I never hear from the people in the parks in my district". In other words, if they do not hear from you then they have to assume there cannot be any problems, which we all know is not true!

You, our members, your neighbors & friends need to call, write, or e-mail your representatives & senators and tell them what is going on in your community and ask them to support legislation that will give you and your families the respect and piece of mind you deserve. Remember there is strength in numbers and the more people you have supporting an issue or cause the better chance it has of being rectified.

Again, we wish you all a Happy Holiday Season

Best Regards, Lois Parris

## The Legal Corner

By: Attorney Rob Hunt, Gilford, NH 03249

### **One Small Law May Provide Powerful Protection to Manufactured Housing Park Tenants**

Tenants in Manufactured Housing Parks are vulnerable to the park owners. This is not a concern when the park owners are honest and decent people. However, when park owners seek to take advantage of their tenants, it becomes very difficult because tenants have limited options under those circumstances. Unlike people renting a house or an apartment, park tenants usually own the home and pay rent for the lot. It is not as simple as just moving out.

Park tenants have numerous ways to defend themselves against unscrupulous park owners. Of particular importance is Chapter 205-A of the New Hampshire Revised Statutes Annotated (or RSA 205-A). This is a set of laws enacted by the NH legislature that helps provide some protection to tenants in manufactured housing parks when the park owners act unreasonably.

RSA 205-A:2 provides a list of actions that park owners are prohibited from doing. For example, a park owner may not:

- Charge or attempt to charge a tenant for repair or maintenance to any underground system, such as oil tanks, or water, electrical or septic systems, for causes not due to the negligence of the tenant or transfer or attempt to transfer to a current tenant responsibility for such repair or maintenance to the tenant by gift or otherwise of all or part of any such underground system.

More interestingly, RSA 205-A:13-a states:

- Any violation of the provisions of RSA 205-A:2 shall also constitute an unfair trade practice within the meaning of RSA 358-A and may be enforced as provided in RSA 358-A.

This not so well known provision provides manufactured housing park tenants with some potentially powerful ammunition against park owners who violate one of the prohibitions listed in RSA 205-A, especially if park owners have done so willfully or knowingly.

The reason this provides tenants with potential power is because RSA 358-A is the NH Consumer Protection Act. It is designed to protect consumers from unfair or deceptive trade practices. Most importantly, RSA 358-A:10, I reads as follows:

- Any person injured by another's use of any method, act or practice declared unlawful under this chapter may bring an action for damages and for such equitable relief, including an injunction, as the court deems necessary and proper. If the court finds for the plaintiff, recovery shall be in the amount of actual damages or \$1,000, whichever is greater. If the court finds that the use of the method of competition or the act or practice was a willful or knowing violation of this chapter, it shall award as much as 3 times, but not less than 2 times, such amount. In addition, a prevailing plaintiff shall be awarded the costs of the suit and reasonable attorney's fees, as determined by the court. Any attempted waiver of the right to the damages set forth in this paragraph shall be void and unenforceable. Injunctive relief shall be available to private individuals under this chapter without bond, subject to the discretion of the court.

Arguably, each violation of RSA 205-A by a manufactured housing park owner could entitle the injured tenant to \$1,000.00 in damages per violation. If the court finds that the park owner acted will-

*(Continued on page 3)*

## The Legal Corner – continued

### One Small Law May Provide Powerful Protection to Manufactured Housing Park Tenants

fully or knowingly, it shall award at least 2 times that, per violation, and could award up to 3 times that amount, per violation.

This may not seem like much if there is only one or two violations. But if there are multiple violations for one tenant, or, more likely, one or two violations against every person in the park, the potential for damages could become very substantial. Furthermore, the park owner might be subject to separate fines to be paid to that state under other provisions of the law.

Knowledge of this law may allow you, or your attorney, to persuade an otherwise stubborn park owner to stop violating the law. If they do not stop, it may mean a substantial damages award from a court for the tenant or for all the tenants in a particular park. ♠

## New Hampshire Community Loan Fund

### Manufactured Housing Park Program Report

By: David Stack, MHPP Program Director

MHPP staffs have been hard at work over the past few months. Here are some of the highlights of our activities:

- In early November, MHPP's Cooperative Home Loan Program hit a significant milestone; the Program exceeded \$15 million in single family home lending to 347 families/individuals.
- The Resident Owned Community Leadership Program kicked off the third annual program with an overnight retreat in the early fall. The program educates a select group of motivated cooperative members in the legal, governmental, infrastructure, and financial systems that affect Resident Owned Communities in New Hampshire. The class, consisting of fourteen members, will meet monthly through the winter.
- MHPP's New Production and Cooperative Assistance Teams are collaborating with the Laconia Area Community Land Trust on the Trust's Boynton Road project in Meredith. The Trust will be purchasing the Crestview Manufactured Housing Park, and plans to subdivide the parcel and construct multi-family housing on the divided off piece and to offer to sell the remaining parcel to the current thirteen homeowners and renters as a cooperative.
- Work continues on the Fannie Mae Initiative. MHPP staff and the participating banks (St. Mary's Bank and Merrimack County Savings Bank) have begun to meet with ROC board and members to explain the Fannie Mae approval process and the accompanying benefit of a ROC achieving Fannie Mae project approval. This is a very unique pilot and one that Fannie Mae has agreed at this time to offer it only in cooperative Resident Owned Communities.

The main focus of the MHPP program is to ensure that the network of thriving, respected, and self-governing Resident Owned Communities continues to enjoy economic security and benefit. The entire MHPP staff looks forward to our continued work with the members and boards of the state's 86 Resident Owned Communities. We also look forward to the opportunity to provide homeowners with the technical expertise needed, when the opportunity arises, to form a cooperative and secure the ownership of the land beneath their homes.



**MOTA - NH**  
*Strength in Unity!*  
 Since 1972

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 ..... William Baird

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**BOARD OF DIRECTORS MEETING SCHEDULE 2008**

Meeting Location: NHCLF, 7 Wall Street, Concord, NH

January 15 - 6:00 PM	<b>July - To be announced</b>
February 20 - 6:00 PM	August 20 - 6:00 PM
March 19 - 6:00 PM	September 17 - 6:00 PM
April 16 - 6:00 PM	October 15 - 6:00 PM
May 21 - 6:00 PM	November 8 - Annual Meet
June 18 - 6:00 PM	<b>December - No Meeting</b>

**State of New Hampshire**  
**Board of Manufactured Housing**  
**603 271-1468**

**Online: <http://www.state.nh.us/nhmhb/index.html>**



**New Hampshire Community Loan Fund**

Since 1984, the non-profit NH Community Loan Fund has provided technical assistance and financing to Resident Owned Communities. When your community is 'for sale', call the Loan Fund to find out how the homeowners can buy it and take control of the future. In advance of a sale, you can receive a free quarterly newsletter on resident-ownership by calling Trina at 800-432-4110 X237 or emailing her at [trobichaud@nhclf.org](mailto:trobichaud@nhclf.org). On line at [www.theloanfund.org](http://www.theloanfund.org).