



Legal Remedies

Manufactured Home Communities

Williams, Zinman & Parham P.C.

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SERVICE ANIMALS

Recently the ADA revised its regulations regarding assistive animals. Essentially the revised regulations limit what sort of animal needs to be approved to dogs... and excludes dogs needed only for emotional support. This new regulation has been circulated in the residential housing industry and has created confusion.

This new revised regulation does **not** apply to residential housing, except in some common areas open to the public, such as the rental office.

The **Fair Housing Act** applies to residential communities, not the ADA except in public areas. Treatment of reasonable accommodation requests under the Fair Housing Act and the kind of animals that may qualify for reasonable accommodations under it are not affected by the ADA regulations. Under the Fair Housing Act, any kind of animal can be an "assistive animal" and this continues to include emotional support animals. In other words, residential communities must continue to consider reasonable accommodation requests from residents for all sorts of animals for all sorts of purposes. For details read this [link: http://www.fhco.org/pdfs/news/NEWS_HUDonADAAnimalChanges02172011.pdf](http://www.fhco.org/pdfs/news/NEWS_HUDonADAAnimalChanges02172011.pdf)



We are happy to say, it is unlikely that you will have to accommodate granny with her dancing elephant! There are limits after all!

Of interest in this issue

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EMPTY ABANDONED SPACES

There are increasing numbers of vacant spaces in Manufactured Home Communities and also an increasing number of abandoned homes. Both pose their own problems but one is easier to solve. Bringing new homes into manufactured home communities is a tough job in this economy. With housing prices at an all time low and space rents higher than ever, it is difficult to fill empty spaces. That being said, it is a good idea to take steps to stop homes from being pulled out of your community when possible. Try to buy repossessions and other homes that you can pick up at reasonable prices so they are not purchased by someone and pulled out. Sell park owned homes with the stipulation they are sold to approved tenants who will live in the park. Update your lease to include a first right of refusal. This is not a fail safe clause but it helps. Our firm can help you update your lease agreement if needed.

Abandonments are a different story. If you have an abandoned home in your park there are laws that allow you to enforce a lien for unpaid rent on the abandoned home and give an opportunity for an owner or lien holder to pay the rent or sell it for the balance due if they fail to comply with the law.

The process is relatively painless but complicated if you do it yourself and affordable if you hire us to do it. The average cost is about two months rent and they take about 72 days from start to finish. The obvious benefit is that you will either get paid or have control of the space and in many cases the home that sits on it. Another benefit is that the owner and/or lien holder will know they will have to keep the rent up or pay the price.

We handle abandonments State wide—anywhere in Arizona.

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Real Time Updates for
MH Communities's

New Computer Technology

We unveiled our new interactive computer system at the last MHCA meeting and are happy to say that our system is proving to be a time saving and useful tool for our clients.

This system allows you to log into our data base and see what is happening with your files. From ordering an action to completion. The level of information is customizable so there can be management company and manager levels of interaction.

If you have not seen what this system can do please call our office and ask for a demonstration. If you saw the system in action and are ready to implement this time saving tool, please give us a call. We will be happy to accommodate your needs, train your staff and get the program up and running in your organization.

You can order new evictions and abandonments from the convenience of your desktop and know they are being quickly processed by our capable staff.

Best of all, this is a free service to our valued clients.

Enforcing Rule Changes

Parks are constantly updating their rules to deal with problems that have developed over time and to reflect technological or legal changes impacting them.

Section 33-1452 (D) of the MHP LTA allows a park to change its rules and regulations at any time on giving 30 days notice of the change to all tenants. The tenant does not need to agree to the change and his signature is not necessary to make the rule change effective. But, that same section says that if the change makes a "substantial modification" to the rental agreement it can not be enforced against present tenants in compliance with the earlier rules. Such tenants are "grandfathered in."

What is a substantial modification? The term is not defined in the law or in any cases construing it. I believe it means something that would cost more than a nominal sum to comply with or would constitute a basic change in the quality of life.

For example, a rule requiring larger storage sheds, new siding or different exterior paint colors would cost more than a nominal sum and cause a financial burden on the tenant thereby making it a substantial modification.

Another kind of substantial change would be a basic change in quality of life. A couple of examples are 1) Adopting a no pet rule and trying to make tenants get rid of their previously approved pets. 2) Lowering the occupancy standard and trying to make tenants remove previously approved occupants from residency.

However, rules simply saying for the first time that tenants need to keep their siding maintained or that they need to keep their pets on a leash while outside do not cause a financial burden or change in the quality of life and in my view are not substantial modifications.

When a tenant sells his home to a third party, the park can then require it to be brought into compliance with any and all new rules before the new tenant can take occupancy of the home.



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