In This Issue

Board of Governors ....................... 2
Mark Your Calendar ...................... 4
Fannie Mae and Freddie Mac Can Receive “Duty to Serve” Credit ........ 6
MHCA State Legislative Update ...... 7
Conference Schedule of Events ...... 8
Conference App ......................... 10
AZ Fixes Some of the Flaws In The Laws Dealing with Service Animals? - John A. Buric ......................... 11
Dr. Ben Carson Confirmed as HUD Secretary ......................... 13
Letter to Secretary Carson ............ 14
MHCA Annual Meeting .................... 15
Pool Lifts at Parks
- Melissa A. Parham ..................... 16
Recent Americans with Disabilities Act Lawsuits Dismissed as “Frivolous” - John A. Buric ......................... 19
The Dangers and Importance of the Statement of Policy
- Melissa A. Parham ..................... 22
MHCA PAC Needs Your Help! ........ 24
Courts Cannot Consider a Tenant’s Financial Hardship in an Eviction
- John A. Buric ......................... 25
Prize Donations Needed ................. 25
Member Savings Program ............... 26
Upcoming Events ......................... 27
Educational Seminars .................... 28

Download the Arizona Housing Conference App Today!

The application includes:
• Sponsors and Exhibitors Information
• Schedule of Events
• Activity Stream where you can upload pictures and messages for everyone
• Speaker Information
• Private Messages to Individuals

Find it in the app store for your phone on both Apple and Android devices:

2017 AZ MH

Be sure to type it as shown above with the spaces
Manufactured Housing Communities of Arizona, Inc.
2016-2017 Board of Governors

President
Neal T. Haney ....................... 480-649-3531

Senior Vice President
Greg Johnloz ....................... 480-951-1686

Vice President
Mark Roady ......................... 480-628-1683

Secretary
Mikey Lares ......................... 949-759-5633

Treasurer
Keith Vanderhout .................... 480-767-3541

Members-At-Large
Bob Baranek ......................... 858-764-2438
Cindy Borquez ....................... 520-623-7628
Melvin Comstock .................... 480-905-8115
Melissa Dougherty ................... 303-949-7848
Randy Johnson ....................... 480-595-7417
Nate Nelson ......................... 801-228-9702
Merlyn Ruddell ...................... 808-828-9891
Tom Stapley ......................... 480-966-5454

Unit Presidents
Unit 1 (Apache Junction)
(To be announced)

Unit 2 (Phoenix)
(To be announced)

Unit 3, 8 & 9 (Northern Arizona)
Kathleen Austin ..................... 928-526-0372

Unit 4 (Metro Mesa)
(To be announced)

Unit 5 (Southern Arizona)
(To be announced)

Unit 6 (West Valley)
(To be announced)

Unit 7 (Yuma)
Rick Sanders ....................... 928-726-4922

Unit 8 (Sedona-Verde Valley)
(To be announced)

Associate Members Council
President: Fred Rice ................ 602-274-1030

Today & Tomorrow is the official publication of the Manufactured Housing Communities of Arizona, Inc. (MHCA) a non-profit organization representing park owners and operators. Today & Tomorrow, as well as all other publications, forms and books published by the MHCA, is copyrighted under Federal and State copyright laws. Use of these materials by persons not purchasing them from MHCA is strictly prohibited. Reproduction of these materials is prohibited without prior written permission of MHCA.

Today & Tomorrow is intended for a wide audience to alert members to matters of possible procedural, legal, legislative or property management interest. It should not be relied upon, nor is it intended, to provide legal, insurance or accounting advice. Members should consult with their own attorneys, agents and accountants before taking any action in response to this publication, as the opinions expressed herein might be completely altered by the member’s actual facts.
Manufactured Housing Management Experts

Free Management Proposal:
- Let Treehouse provide a business plan and show you how much we can improve your bottom line
- Free rent analysis - How far is your park under market rent?

Professional Management Services:
- Competitive management fees
- Technologies and reporting to ensure consistency and operational discipline
- Increase your NOI year over year
  - Reduce controllable expenses
  - Increase ancillary income and revenues

Call Today: 480-966-5454
email: info@treehousemanagement.com

AZ Broker #551107000
Manufactured Housing Communities of Arizona and the Manufactured Housing Industry of Arizona associations have again created a great conference for this year! We will be offering classes for community owners, managers and maintenance personnel, in addition to dealers, manufacturers and installers. Here are a few of the speakers and topics we have planned:

**The Future of the Industry:** Mark Yost, President of Champion Homes

*Will Fannie Mae be offering financing for the homes in Your Park? What other services do they offer for rental communities?:* Jeffrey Hayward, Executive Vice-President, Multifamily Business & Affordable Housing Mission and Paul Barretto, Product Innovation & Affordable Lending will both be speaking at the Conference!

**The Hardest Business to Measure is the Business You Lose:** John Underwood has agreed to come back this year! He received very high marks from you last year and we can’t wait to hear what he has to say!

**Internet Marketing:** MHVillage will give an update

**Manufactured Housing Regulations in the Trump Era:** Mark Weiss, Executive Director of MHARR, a national manufactured housing trade association, will give an update on what is going on in Congress, HUD and other state agencies

**Fair Housing Basics, Legal Notices and Evictions, and Sales of Homes:** MHCA Attorney Melissa Parham will speak on these topics

**Stump the Attorneys:** This is your opportunity to ask our group of attorneys any question – and remember, if you don’t know the answer, there are probably others in the audience wondering about the same issue!

**Accessibility Regulations:** Last year thousands of complaints were filed against Arizona businesses, including RV and Manufactured Home Communities, for accessibility violations. Are your handicap parking signs faded? Are they at the right height? What other regulations must you be aware of so you don’t have an accessibility case filed against your community? Darrel Christenson, Vice President of Community Integration, Ability 360 will be speaking.

**Labor Laws:** Attorneys Melissa (Mimi) Noshay Petro and Erin Byrnes of Udall Law Firm will give an update.

**Update on the Industry:** Debra Blake, Assistant Director – Manufactured Housing, Arizona Department of Housing, will give an update on what their Department is doing that will affect us.

**Pets vs. Service Animals:** This is a question we receive a lot at the office. Attorney Doug Nelson of Evans, Dove & Nelson, will give a presentation.

**Moving In, Moving Out:** MHCA Attorney Melissa Parham will speak on handling residents and homes moving in and moving out.

See our entire schedule and make your hotel reservations today!

You will soon receive an application to attend the Conference.

Be sure to download 2017 AZ MH to keep up-to-date with Conference announcements!!!
Phoenix, AZ.

Cooper, Cardinal and Company LLC, an Arizona based multi-family investment brokerage firm is pleased to announce that Jeffrey Alan Adam, Inc., Arizona’s leading mobile home park investment brokerage firm has joined forces with Cooper Cardinal effective January 1, 2017.

In looking to broaden Cooper Cardinal’s service offerings to the residential rental market, manufactured housing was identified as a synergistic addition to the existing multifamily investment brokerage business. Jack Cardinal, Managing Member of Cooper Cardinal and Company, LLC stated “Once we identified manufactured housing as specialty practice to add to the Cooper Cardinal platform quickly there became only one choice in terms of expertise and commitment to excellence in that space, and it was Jeffery Ferenz. We pursued this association with Jeff hard since we believed it was the perfect fit for Cooper Cardinal due to Jeff’s position as the leading industry expert with over 30 years of experience and being a past President of MHCA.” Jeffery Ferenz, President of Jeffery Alan Adam, Inc. commented “that having the resources of Cooper Cardinal and Company will allow him to provide expanded institutional quality resources to the private capital manufactured housing market in Arizona.” With over 100 years of highly specialized and accrued brokerage experience between the principals and agents, The Jeffrey Ferenz Mobile Home Park Team of Cooper, Cardinal and Company are galvanized for continued success in 2017 and beyond.

To contact a team member please visit: www.coopercardinal.com

Gregory G. Joelson 1-541-944-5629  
Jeffrey A. Ferenz 1-602-989-0923  
Jack A. Cardinal 1-602-350-4488
MHCA Update on Financing Homes: Plan now to attend the 2017 Arizona Manufactured Housing Conference to become more involved!

Fannie Mae and Freddie Mac Can Receive “Duty to Serve” Credit for Manufactured Housing Chattel Loans

The Federal Housing Finance Agency (FHFA), regulates Fannie Mae, Freddie Mac and the 11 Federal Home Loan Banks. These government-sponsored enterprises provide more than $5.8 trillion in funding for the U.S. mortgage markets and financial institutions. Fannie Mae and Freddie Mac are two of the Government-Sponsored Enterprises (GSEs) or financial services corporations sponsored by the U.S. government. The GSEs are secondary financing institutions; that is, they buy (guarantee) loans from banks and finance companies with which they are affiliated. However, the GSEs have NOT purchased chattel loans (such as loans on manufactured homes in rental communities, that is loans on homes only) for almost a decade.

Federal law requires the Federal Housing Finance Agency (FHFA) to issue a regulation to implement the Duty to Serve requirements specified in the Federal Housing Enterprises Financial Safety and Soundness Act of 1992, as amended by the Housing and Economic Recovery Act of 2008. The statute requires Fannie Mae and Freddie Mac (the Enterprises) to provide leadership to facilitate a secondary market for mortgages on housing for very low-, low-, and moderate-income families in three underserved markets specified in the statute:

- Manufactured housing
- Affordable housing preservation
- Rural housing

FHFA asked the public for input on how to meet the Duty to Serve requirements. Former MHCA Attorney Michael Parham wrote an excellent document asking they consider financing pre-HUD and HUD manufactured homes in rental communities, as many of them offer the most affordable home ownership available. In fact, FHFA asked him for more details so he submitted a second document on MHCA and MHIA’s behalf. Recently, FHFA asked for comments specifically on the idea of financing manufactured homes, and Parham again wrote a paper on MHCA’s behalf. Parham’s documents are very well written and go into the protections offered by the Mobile Home Parks Residential Landlord Tenant Act to residents in rental communities. In addition, MHCA was invited to speak to FHFA specifically on financing manufactured housing last April and Executive Director Susan Brenton spoke. Again, last month, FHFA had several “listening” sessions and Brenton spoke on our behalf.

Last fall we found out that a couple of FHFA executives were in town attending a conference. MHCA Executive Director Susan Brenton and MHCA Attorney Melissa Parham took them on a tour of a couple of our mobile home/manufactured home rental communities. They were impressed; they worked with MHCA to schedule a tour for nine of their employees (from the Washington DC area) to visit a manufactured housing plant and some rental communities (including communities with residents of all different income levels and both Age 55 and All-Age). MHCA wishes to thank E.T. Consultants for lending us their bus for two days; MHCA representatives Greg Johnloz, Mark Roady, Keith van der Hout, Chris Francis, Mike Cabano, Melissa Parham and Susan Brenton; and MHIA representatives Ken Anderson and Cody Pearce for joining us on the bus to answer questions. This was a very educational trip for both the Fannie Mae and the industry representatives.

So what’s next? FHFA has set a schedule for both Fannie Mae and Freddie Mac to develop their “Duty to Serve” plans for manufactured housing, affordable housing preservation, and/or rural housing, and MHCA hopes the plans will include a secondary market for chattel loans on homes in our rental communities. The plans are due within the next two months.

To hear more about this and perhaps find out what Fannie Mae is proposing as far as financing manufactured homes in rental communities, plan on attending the June 21-23, 2017 Arizona Manufactured Housing Conference, brought to you by MHCA and MHIA. Fannie Mae Executive Vice President Jeffrey Hayward will give an overview of Fannie Mae, and Product Innovation/Affordable Lending, Single-Family Mortgage Business, Strategy, Insights & Marketing Paul Barretto, PMP will have a Q & A session. It is an honor to have them attend our Conference and we are anxious to hear their future plans.
Real Estate Personnel Selling Manufactured Homes:
House Bill 2072, which was developed by MHCA and sponsored by Representative Jeff Weninger (Republican, District 17) was signed by Governor Ducey on March 21. It will allow licensed real estate agents to sell manufactured homes in rental communities without having to be licensed as a dealer or broker by the Department of Housing (where the Office of Manufactured Housing is now located). If a real estate agent is working on behalf of a licensed dealer (i.e., selling the home on behalf of a community owner who is also a licensed dealer), the dealer is responsible for filing the correct forms on the sale and, if necessary, paying into the Recovery Fund. If the agent is not working with a licensed dealer (i.e., hired by one of your residents to sell their home), real estate laws and rules apply.

Mobile Home Relocation; Long-Term RVs; Heirs to a Mobile Home: House Bill 2176 states that If a tenant is required to move due to a change in use or redevelopment of a MHP, the maximum amount that the tenant could collect from the Relocation Fund is increased from $5,000 to $7,500 for a single-wide and $10,000 to $12,500 for a multi-width. This bill would also have owners of park models pay into the Fund and be able to collect up to $4,000 to move it if their park is closed or changed from Age 55 to family. MHCA added an amendment to this bill with language regarding heirs to a MH. It would state an heir must meet the age and all other requirements of the MHP before being able to move in, and that the heir has the right to sell the home (as there was a legal issue where an heir believed he had the right to move-in into the home, regardless of what the park rules stated). This bill is before the Governor who can sign it, reject it or not sign it and it will become law without his signature.

Forcible Entry; Detainer; Prohibited Rules: House Bill 2237 will prohibit a state agency or court from adopting or enforcing a rule or policy that requires a mandatory or technical form for providing notice or for pleadings in an action for forcible or special detainer. The form of any notice or pleading that meets statutory requirements for content and formatting of a notice or pleading is sufficient. MHCA Former Attorney Mike and MHCA Attorney Melissa Parham, along with the Arizona Multihousing Association (AzMA – representing apartment owners) worked on this bill in response to the state Supreme Court considering adoption of required notice forms developed by tenants’ organizations (forms not meeting all of the legal requirements for eviction forms and more pages, meaning higher expense for process servers). This bill was signed by the Governor on March 21; however, there may still be a legal argument over whether the Legislature can stop the Supreme Court from mandating specific forms.

Under the Residential Landlord Tenant Act, applying to those who rent both the home and space:
Finder Fees; Apartment Tenants: House Bill 2039 states the finder fee paid to an apartment tenant would no longer be capped at $200, and a tenant would no longer be limited to receiving a finder fee 5 times in any 12 month period. This was signed by Governor Ducey on March 21.

Guest Removal; Special Detainer Action: If Senate Bill 1255 passes, landlords would be permitted to file a special detainer action for the expedited removal of a guest of a tenant, thus not having to evict the tenant.

As in most years, there are numerous other bills MHCA took a position on and was outspoken, but above are the major bills affecting our industry. For more information, be sure to attend the 2017 Arizona Manufactured Housing Conference June 21-23!
<table>
<thead>
<tr>
<th>Time</th>
<th>Event</th>
</tr>
</thead>
<tbody>
<tr>
<td>6:30 am</td>
<td>Golf Registration</td>
</tr>
<tr>
<td>7:00 am</td>
<td>Golf Tournament</td>
</tr>
<tr>
<td></td>
<td><strong>Wednesday, June 21</strong></td>
</tr>
<tr>
<td>7:30 am</td>
<td>Registration</td>
</tr>
<tr>
<td>8:30 am</td>
<td>Opening Session</td>
</tr>
</tbody>
</table>
| 9:15 am| Keynote Presentation: The Future of Manufactured Housing:  
          Mark Yost, President, Champion Homes |
| 10:00 am| Break; Visit Exhibitors                    |
| 10:30 am| Concurrent Classes:                        |
|        | Overview of Fannie Mae: Jeffrey Hayward,  
          Executive Vice President and Multifamily, Fannie Mae |
|        | Fair Housing Basics: What You Need to Know:  
          MHCA Attorney Melissa Parham with Williams, Zinman & Parham P.C. |
| 11:15 am| Concurrent Sessions:                       |
|        | Internet Marketing: MHVillage              |
|        | How to Protect Yourself From Claimants Piercing Your Corporate Veil and Pursuing Claims Directly Against the Owners/Members Shareholders of Your Community:  
          Attorney Daniel Hulsizer of Warner Angle Hallam Jackson & Formanek PLC |
|        | Moving In, Moving Out:  
          MHCA Attorney Melissa Parham of Williams, Zinman & Parham P.C. speaking on new residents, and residents and/or homes moving out of the community. |
| 12:00 pm| Lunch; MHCA Annual Meeting; Visit Exhibits |
| 1:30 pm| The Hardest Business to Measure is the Business You Lose:  
          *Back By Demand!* John Underwood |
| 2:30 pm| Break; Visit Exhibitors                     |
| 3:00 pm| Concurrent Classes:                        |
|        | Property Tax Appeals: Jodi A. Bain, Esq.    |
|        | Back to Basics: Legal Notices and Evictions for Mobile Home Park Space Rentals, Including Recent Changes in Eviction Rules: MHCA Attorney Melissa Parham |
|        | Installer Training: Debra Blake, Assistant Deputy Director/  
          Manufactured Housing, Arizona Department of Housing |
| 4:00 pm| Concurrent Classes:                        |
|        | Basic Real Estate Concepts for Community Owners & Managers:  
          Attorneys James Valletta, Matthew Pierce & John Buric of Warner Angle Hallam Jackson & Formanek PLC |
|        | Criminal Background Checks & Disparate Impact: Regina  
          Kaupanger and Mark Stout, NTN - Arizona |
|        | Installer Training (continued)              |
| 5:00 pm – 6:30 pm| Welcoming Reception – Sponsored by NTN - Arizona |

*Thursday, June 22, provides 6 hours of continuing education for community managers*
Friday, June 23

7:30 am  Registration/Visit Exhibitors

8:30 am  Fannie Mae Q & A: Paul Barretto, Senior Product Manager – Duty to Serve Initiatives & Manufactured Housing

What to do when the Prospective Resident Contacts You

Air Conditioning Maintenance (tentative)

9:30 am  Concurrent Sessions:
Manufactured Housing Regulations in the Trump Era:  
Mark Weiss, Executive Director, MHARR

The 4 Different Landlord Tenant Acts: MHCA Attorney Melissa Parham

Swimming Pool Maintenance (tentative)

10:15 am  Break

10:45 am  Concurrent Sessions:
Update on Labor Laws: Melissa (Mimi) Noshay Petro, Esq. & Erin Byrnes, Esq. of Udall Law Firm

Resident Relations: Greg Johnloz, Vice-President of MHCA

Developing & Maintaining a Maintenance Schedule: Neal Haney

12:00  Lunch: Update from the Lobbyists: MHCA Lobbyist Janna Day and MHIA Lobbyist Brian Tassinari will give an update on this year’s state legislative session

1:15 pm  Concurrent Sessions:
Accessibility Regulations: After seeing thousands of lawsuits filed against communities and businesses in Arizona, this is a must!!!  
Darrel Christenson, VP of Community Integration, Ability 360

You Are an Underground Facilities Operator: Neal Haney, NTH Property Management and President of MHCA

2:15 pm  Break

2:45 pm  Concurrent Sessions:
Update from Arizona Dept. of Housing, Manufactured Housing Division:  
Debra Blake, Assistant Director – Manufactured Housing

Pets vs. Service Animals: Attorney Doug Nelson of Evans, Dove & Nelson

Street Maintenance: Duane Huff, Sunland Asphalt

3:45 pm  Break

4:00 pm  Stump the Attorneys: Melissa Parham, Scott Williams and Doug Nelson

5:00 pm  Adjournment

Friday, June 23, provides 6 hours of continuing education for community managers
Look What Else is New at this Year’s Arizona Manufactured Housing Conference!

Go to the applications store on your mobile phone, iPad or similar device or computer and download:

2017 AZ MH

(If you are using an Apple device, make sure you are in the store for phone apps, even if you are downloading it onto your iPad)

Open the app, fill out your personal info (you will only have to do this once) and then you will find:

• A schedule of all of the classes and events for the 2017 Arizona Manufactured Housing Conference – and you can mark the ones you wish to attend to make your own personal schedule! There are also places for your notes from each session and you will be asked to rate each presentation after you attend it.

• A list of all of our Sponsors to date

• A list of all of the Conference Exhibitors to date

• Information on each of the speakers

• Any handouts for the various sessions (these will not be available until right before the Conference)

• The "Activity Stream" where you can post info on the Conference

Each time you open the app, any new information we have received from speakers, sponsors, exhibitors, etc. will appear – you do not have to worry about updating it, it does so automatically.

Please consider using the app – it’s a great way to get all of the info from the Conference on your computer and you won’t have to carry around the heavy 3-ring binders for the 2-day Conference!
Dealing with assistive and service animals seems to be a constant struggle for landlords and businesses alike. It seems everywhere you go people have a “service” animal by their side…in the grocery store, hardware store, mall, and your management office and facilities. Some of the animals are legitimate service animals and others are merely a sham. Some of the animals are well controlled and others are not. The government loves creating laws but is slow to react to close loopholes and deal with abuses that sometimes result from laws that were not thoroughly evaluated prior to implementation. Fortunately, the Arizona legislature has recently undertaken action to try to curb some of the abuses that businesses and the public suffer at the hands of animals and their handlers. The revised laws apply to the “public” areas of your properties, such as the management office and the ingress/egress thereto, and allows property operators to require better behavior from “service” animals and their handlers and to exclude animals which are not properly controlled. Hopefully, the federal government will also start making common sense changes to some of its laws that are either unduly harsh or ridiculously applied.

Arizona Revised Statutes Section 11-1024 addresses service animals and the rights of individuals with disabilities. Rather than endeavor to summarize the statute and its changes, and due to the overall importance of this law, below is the statute in its entirety with the new changes to the law underlined:

A. Any person or entity that operates a public place shall not discriminate against individuals with disabilities who use service animals if the work or tasks performed by the service animal are directly related to the individual’s disability. Work or tasks include assisting individuals who are blind or have low vision with navigation and other tasks, alerting individuals who are deaf or hard of hearing to the presence of people or sounds, providing nonviolent protection or rescue work, pulling a wheelchair, assisting an individual during a seizure, alerting individuals to the presence of allergens, retrieving items such as medicine or the telephone, providing physical support and assistance with balance and stability to individuals with mobility disabilities and helping individuals with psychiatric and neurological disabilities by preventing or interrupting impulsive or destructive behaviors. The crime deterrent effects of an animal’s presence and the provision of emotional support, well-being, comfort or companionship do not constitute work or tasks.

B. It is not discriminatory to exclude a service animal from a public place if one or more of the following apply:
   1. The animal poses a direct threat to the health or safety of others.
   2. The animal fundamentally alters the nature of the public place or the goods, services or activities provided.
   3. The animal poses an undue burden.
   4. The animal is out of control and the animal's handler does not take effective action to control the animal.
   5. The animal is not housebroken.

C. If a public place asks an individual to remove a service animal pursuant to subsection B of this section, the public place shall give the individual the opportunity to return and obtain goods, services or accommodations without the animal on the premises.

D. Public places may maintain a general no pets policy if it is not used to exclude service animals and if it does not grant rights to any person to bring the person’s pet into a public place that otherwise does not permit pets.

E. A service animal must be under the control of the service animal’s handler.

F. A service animal’s handler is liable for any damage done to a public place by the service animal or service animal in training.

G. Any trainer or individual with a disability may take an animal being trained as a service animal to a public place for purposes of training it to the same extent as provided in subsections A, B and D of this section.

H. A zoo or wild animal park may prohibit a service animal, including a dog guide or service dog, from any area of the zoo or wild animal park where the service animal may come into direct contact with the animals contained in the zoo or wild animal park. Service animals shall not be excluded from public walkways or sidewalks or from any area that allows for physical barriers between the service animals,
dog guides or service dogs and the animals in the zoo or wild animal park. Any zoo or wild animal park that prohibits dog guides and service dogs shall provide without cost adequate facilities for the temporary confinement of dog guides and service dogs. The facilities shall be adequate to accommodate the anticipated attendance of legally blind or deaf persons or persons with physical disabilities, shall be in an area not accessible to the general public, shall provide water for the dog guides and service dogs and shall otherwise be safe, clean and comfortable. The zoo or wild animal park on request by a legally blind person who is required to leave that person’s dog guide or service dog pursuant to this subsection shall provide a sighted escort if the legally blind person is unaccompanied by a sighted person.

I. The driver of a vehicle approaching a legally blind pedestrian who is carrying a cane that is predominately white or metallic in color, who is using a service animal or who is assisted by a sighted person whether or not the pedestrian is carrying the cane, using a service animal or being assisted by a sighted person. Drivers shall take the same precautions with respect to pedestrians who have a disability other than blindness and their service animals. A driver who violates this subsection is liable for damages for any injury caused to the pedestrian or the service animal. J. Any person or entity that violates subsection A, H or I of this section is guilty of a class 2 misdemeanor.

K. This section is not intended to affect any civil remedies available for a violation of this section.

L. For the purposes of this section:

1. “Direct threat to the health or safety of others” means that a significant risk to the health or safety of others exists and cannot be eliminated by modification of policies, practices or procedures or by the provision of auxiliary aids or services.

2. “Discriminate” means discriminatory actions prescribed in section 41-1492.02 and includes:

(a) Refusing to permit an individual with a disability to enter a public place with a service animal or interfering with the individual’s right to enter or use the public place.

(b) Failing to provide an individual with a disability the same services and access to the same areas of the premises as afforded to others.

(c) Attempting to impose a charge, fee or deposit because an individual with a disability is accompanied by a service animal.

(d) Requiring an individual with a disability to disclose disability related information. However, a public accommodation may ask if the animal is a service animal being used because of a disability or what work or task the service animal has been trained to perform.

(e) Requiring provision of identification for the service animal.

3. “Individual with a disability” means an individual who has a physical or mental impairment that substantially limits one or more of the major life activities of the individual.

4. “Public place” means any office or place of business or recreation to which the general public is invited, whether operated by a public or private entity and includes all forms of conveyance, including taxis, tow trucks and ambulances.

5. “Service animal” means any dog or miniature horse that is individually trained or in training to do work or perform tasks for the benefit of an individual with a disability, including a physical, sensory, psychiatric, intellectual or other mental disability. Service animal does not include other species of animals, whether wild or domestic or trained or untrained.

6. “Under the control of the service animal’s handler” means the service animal has a harness, leash or other tether, unless either the handler is unable because of a disability to use a harness, leash or other tether or the use of the harness, leash or other tether would interfere with the service animal’s safe and effective performance of work or tasks, in which case the service animal must be otherwise under the handler’s control by voice control, signals or other effective means.

7. “Wild animal park” means an entity that is open to the public on a regular basis, that is licensed by the United States department of agriculture as an exhibit and that is operating primarily to conserve, propagate and exhibit wild and exotic animals.

The government is slowly recognizing that even well intended laws can have unintended consequences and be abused. Hopefully, the foregoing changes will start an evolution of positive updates to laws that have resulted in unintended abuses of businesses and the public.

John A. Buric is an attorney and MHCA member who has represented the mobile home, manufactured home and RV industries since the 1980’s. He also serves as a Superior Court Judge Pro Tem in Maricopa County. John and his firm provide full service representation to the manufactured housing and RV industries. For additional information, Mr. Buric can be reached at (602) 264-7101 or jburic@warnerangle.com.

This content of this article is for informational and educational purposes, contains the current opinions of the author and should not be considered as rendering legal advice. The specific facts of a matter, legal interpretations and changes in the laws could materially affect the opinions contained in the article. Current legal advice should always be sought on any particular matter.

© 2017, John A. Buric. All Rights Reserved. Used With Permission.
Dr. Ben Carson Confirmed as HUD Secretary

On March 2, 2017, the Senate approved the nomination of Dr. Ben Carson as Secretary of the U.S. Department of Housing and Urban Development (HUD) by a vote of 58 to 41. MHI worked during the confirmation process to ensure Secretary Carson understood that manufactured housing is a critical source of affordable housing for the nation.

During his confirmation hearing before the Senate Banking Committee, MHI worked with Senators on the Committee to highlight the importance of manufactured housing with Dr. Carson and asked that he ensure HUD embraces manufactured homes as a resource for affordable homeownership and rental housing. For example, at MHI’s request, Senator Heller (R-NV) asked Dr. Carson to describe in writing his view of the importance of manufactured housing in the provision of affordable housing in rural areas. Dr. Carson responded, “I do see manufactured housing playing an important role in providing affordable housing in rural areas. I think it’s important to ensure HUD’s policies promote access to this valuable resource.” In addition, MHI worked with the immediate past Banking Committee Chairman Shelby (R-AL) to emphasize the importance of manufactured housing to Dr. Carson. Senator Shelby argued that if Dr. Carson’s goal is to shift HUD’s focus to empowering individuals to make their way out of poverty, rather than on the simple provision of housing subsidies, manufactured housing should be part of the solution as a source of non-subsidized affordable housing given its affordability. He encouraged Dr. Carson to work with the manufactured housing industry to be a part of future HUD discussions.

Dr. Carson also testified that he plans to shift HUD’s focus to empowering individuals to make their way out of poverty rather than on the simple provision of housing subsidies. Manufactured housing is an important vehicle to help achieve this goal. Currently, manufactured housing is a critical source of affordable housing for more than 22 million Americans and is the largest form of unsubsidized affordable homeownership regulated by HUD. However, the ability of manufactured housing to continue to serve this critical affordable housing role is dependent on HUD doing an efficient job of regulating the industry and not unnecessarily adding to the cost of the homes or limiting consumer choices.

Chairman of the Senate Banking Committee Michael Crapo (R-ID) noted during his floor remarks the excitement for Dr. Carson’s leadership at HUD. He highlighted that once confirmed, Dr. Carson has committed to embark on a listening tour where he will hear stories and concerns from housing stakeholders across America. Senator Crapo noted this presents a real opportunity for Americans to weigh in on how housing issues affect them in their local communities, input that can make a lasting impact on HUD policies. MHI is encouraging Secretary Carson to include manufactured housing on his listening tour.

MHI will continue to work with Secretary Carson and Congress on the important role manufactured housing has in promoting homeownership and providing affordable housing options to the nation.

Read MHI’s letter to Secretary Carson on page 14.

If you have any questions, please contact MHI’s Senior Vice President of Government Affairs and Chief Lobbyist, Dr. Lesli Gooch, at (703) 229-6208 or lgooch@mfghome.org.

Reprinted with permission of Manufactured Housing Institute.

MHI, 1655 Fort Myer Drive, Suite 104, Arlington, VA 22209

© 2017, Manufactured Housing Institute, Inc. (MHI), all rights reserved.
Dear Secretary Carson:

On behalf of the Manufactured Housing Institute (MHI), congratulations on your confirmation as Secretary of the U.S. Department of Housing and Urban Development (HUD). We applaud your commitment to empowering individuals to make their way out of poverty and we believe manufactured housing should be an important component to achieving your goal.

Manufactured housing is the preferred housing choice for many families, including first-time homebuyers, retirees and families in rural areas, because of its quality and value. It should have an important role at HUD as you work to address our nation’s affordable housing challenges. We welcome the opportunity to meet with you soon to discuss ways manufactured housing can help to advance your vision and we encourage you to include manufactured housing as a part of your listening tour.

MHI is the only national trade organization representing all segments of the factory-built housing industry. MHI members include home builders, lenders, home retailers, community owners and managers, suppliers and others affiliated with the industry. MHI’s membership includes 50 affiliated state organizations. In 2016, the industry delivered over 80,000 homes, which represents nine percent of new single family home starts. MHI members represent about 87 percent of the manufactured homes produced each year.

Currently, manufactured housing is a critical source of affordable housing for more than 22 million Americans and is the largest form of unsubsidized affordable homeownership regulated by HUD. However, the ability of manufactured housing to effectively serve this critical affordable housing role is dependent on HUD doing an efficient job of regulating the industry and not unnecessarily adding to the cost of the homes or limiting consumer choices. Since 1974, the industry has been subject to a federal building code that regulates all aspects of the manufacturing process. This code is administered by HUD, which has the statutory obligation to “facilitate the availability of affordable manufactured homes and increase homeownership for all Americans.” MHI stands ready to work with you to ensure HUD’s oversight returns to its statutory purpose and fosters an environment that both encourages industry innovation and reduces the barriers to affordable homeownership.

Manufactured housing is uniquely positioned to help address the shortage of quality affordable housing in rural areas, cities, and towns across the country. First time homebuyers, retirees, and working families can own their own home at a cost that is 10 to 35 percent lower than the cost of comparable site-
built homes, per U.S. Census data. This value to consumers comes from technological advancements and cost savings associated with the factory-built process. With your help, we can address regulatory overreach that has stifled innovation and harmed our industry’s ability to meet consumer needs.

Again, congratulations on your confirmation. We are excited to work with you to bring stability and hope to communities that lack quality affordable housing. We look forward to meeting you soon and stand ready to help you include manufactured housing on your listening tour.

Sincerely,

Lesli Gooch, Ph.D.
Senior Vice President, Government Affairs & Chief Lobbyist

MHCA Board of Directors: Available Positions

MHCA Annual Meeting will be June 22

MHCA will hold its Annual Meeting and elections to the Board of Directors on Thursday, June 22, 2017 during the luncheon the 2017 Arizona Manufactured Housing Convention. Each member community owner has a specific number of votes for the Board positions based upon the number of spaces in the community. All community owners are encouraged to consider becoming a member of the Board.

The Board changed the MHCA Bylaws this year to allow for two-year terms for Board members. This year there will be six Regular Member (community owners or governing persons or community management personnel) Directors voted onto the Board, and next year (in even-numbered years) we will vote for 7 Regular Directors and 1 Associate Member (a representative of one of our service industry members).

The MHCA Board typically meets the third Friday of January, March, May, June, September and November. Most meetings last 1 ½ to 2 hours. The Board considers many different issues, including legislation, regulations, legal concerns and MHCA finances. Board meetings can be attended either in person at the MHCA office in Mesa or via conference call.

If you are interested in becoming an MHCA Board member, please contact Executive Director Brenton at sbrenton@azmhca.com or 480-345-4202 or 800-351-3350.
Pool Lifts at Parks With Short-Term Rentals
By Melissa A. Parham, Attorney

Most manufactured housing communities restrict use of community facilities like swimming pools to residents, visitors, and their guests. As long as community facilities are restricted in this way, the Americans With Disabilities Act (the “ADA”) does not apply to them. In manufactured housing communities, the ADA only applies to places where the public is welcome, or to facilities otherwise falling within the definition of “public accommodations” set forth in the ADA. Usually that is just the rental office and its appurtenances.

But, if the community also offers short-term (daily or weekly) RV space rentals, then the entire park might be considered a “public accommodation” for purposes of ADA compliance. Whether this is the case will likely depend on the location of the short-term RV spaces, whether they are wholly separate from the mobile home portion of the park, and whether community facilities like the swimming pool are open to these renters’ use.

The ADA prohibits discrimination in “public accommodations” against people with disabilities. If the entire park is a “public accommodation,” the ADA requires it to be accessible to the disabled. If only portions are, those portions must be accessible. Physical barriers in ADA-covered common facilities such as the clubhouse (like steps, doors that are difficult to open, curbs that a person in a wheelchair cannot get over, etc.) must be removed or circumvented with alternate access points. And, as of January 31, 2013, pursuant to the federal 2010 Standards for Accessible Design, existing ADA-covered swimming pools are required to be accessible to the disabled to the extent “readily achievable.”

“Readily achievable” means that providing access can be easily accomplished without much difficulty and expense, taking into consideration the resources available to the pool owner/operator. Accordingly, large community operators with significant resources will likely be expected to comply. Smaller and medium-sized park operators may receive some leeway, but will be expected to have made some attempts to comply to the extent that their resources allow—particularly since this rule took effect almost four years ago.

For ADA-covered pools in existence when the 2010 Accessibility Standards were adopted, the primary method for achieving accessibility is to install a pool lift. There are two types of pool lifts—“fixed” lifts (which are attached to the pool deck or apron in some way), and “non-fixed” lifts (which are not attached in any way). A “portable” pool lift that has been attached to the pool deck or apron would actually be considered a “fixed” lift. Therefore, parks that own portable lifts can comply with access requirements by attaching the lift to the pool deck (assuming that doing so is “readily achievable”). Incidentally, the spa, too, is to be made accessible to the extent “readily achievable.”

The 2010 Standards require pool lifts to be fixed, and to meet additional requirements regarding location, seat size, lifting capacity, and clear floor space. For a pool with less than 300 linear feet of wall space, there must be at least one fixed pool lift or sloped entry. For a pool with 300 linear feet of wall space or more, at least two accessible means of entry and exit must be provided—including a fixed pool lift or sloped entry, and a transfer wall, transfer system, or pool stairs. If it is “readily achievable” for a business to provide a pool lift that complies with the 2010 Standards, then the business is required to do so.

If a park operator cannot afford to install a fixed pool lift, or if the installation would be too difficult, then it must examine alternatives for accessibility that it can afford or accomplish, like installing a non-fixed pool lift that otherwise complies with the requirements of the 2010 Standards. If a park operator makes this decision, however, it needs to be able to prove to the government that installing a fixed lift was not “readily achievable.” The operator should also make a plan to achieve compliance with the ADA’s pool access requirements when complying becomes “readily achievable.”

Some parks have expressed concerns to me that children or others might play on the lift and either damage it or

Continued on page 17
injure themselves. They have asked whether they can put a lock on the lift so that it can only be used upon request to management, or whether they can keep it in storage and only bring it out when a disabled person needs it.

A public accommodation cannot keep the pool lift in storage and only bring it out when a disabled person actively needs it. This is because the ADA and the regulations implementing it require “equal and independent” access for disabled persons—meaning that a public accommodation cannot force them to depend on a manager or other staff member to gain access. If a manager or staff person is unavailable, the disabled person would be forced to wait or would be denied access altogether.

Additionally, the public accommodation cannot lock the pool lift because of safety concerns about children or others injuring themselves on it. While the ADA allows businesses to consider “legitimate safety requirements,” they cannot consider unsubstantiated generalizations or speculative fears of injury. Public accommodations should instead consider posting signs stating that the pool lift is for the use of disabled individuals only, and that playing on it or misusing it are prohibited.

These issues often come to light when parks receive random telephone calls from individuals claiming to want to visit the park, and asking for information about whether the park has accessible features. If the park lacks such features, it would be unwise to admit that or provide any information over the phone. Any park that believes it may be a “public accommodation”—particularly if it is engaged in daily or weekly space rentals—should consult an attorney and a contractor well-versed in ADA compliance to determine what “readily achievable” steps it can take to comply with the 2010 Standards, including rules regarding pool lifts.

Remember: these principles only apply to communities whose pools are “public accommodations” (ADA-covered pools). Normally this includes parks with short-term (daily and weekly) RV space rentals. Pools in manufactured housing communities and mobile home parks without short-term RV space rentals, which restrict use of the pool to residents, their visitors, and guests, are normally not covered by these ADA requirements (although such pools can become covered when the public is invited to use them—for example, if the general public is invited to a party at the community. Consult an attorney if you are unsure about whether your pool is covered).

©2016 Williams, Zinman & Parham P.C., All Rights Reserved

---

**A GREAT SOURCE OF INFORMATION!**

[www.michaelparhamlaw.com](http://www.michaelparhamlaw.com)

Be sure to visit michaelparhamlaw.com, the website established by Attorney Michael Parham. Read the updates on the Web Log regarding legal and legislative issues which may affect your business! Read through his articles on fair housing and the mobile home parks residential landlord tenant act. A great source of information!
Massive Inventory of Listed and Off-Market RV and Manufactured Housing Communities for Sale. Please Call For More Details.
You may recall that in late 2016, my partner, James Valletta, published an article in Today and Tomorrow discussing the explosion of new lawsuits filed in Arizona under the Americans With Disabilities Act (the “ADA”) based on purported technical violations of the ADA. The lawsuits, totaling approximately 1,000 in number, were all filed by the same attorney on behalf of an organization which purported to advocate on behalf of individuals with disabilities. Some of the alleged violations included parking signage that was slightly too low, signage that was not to the exact required dimensions, and improper placement of restroom fixtures such as mirrors, soap dispensers and assistance bars. Many of the alleged violations were easily fixable. However, the lawsuits were filed without advanced notice to the property owners and did not give them notice of the alleged violations or an opportunity to correct any non-compliance. Rather, after filing the lawsuits the plaintiff offered to “settle” its claims against individual defendants if they paid a certain amount of money as “damages”, usually thousands of dollars.

To some, the lawsuits were perceived as a money making scam rather than a legitimate attempt to obtain compliance with the ADA. Indeed, some asked why they were not first given notice of a perceived violation and granted the opportunity to correct the condition. At the request of various attorneys and property owners who felt as though they were being victimized by the lawsuits, the Arizona Attorney General got involved in the cases. After an investigation, the Attorney General deemed the lawsuits “frivolous” and sought the dismissal of all of the lawsuits. The Superior Court agreed and recently dismissed all of the lawsuits. The Attorney General’s Office has conveyed its intent to seek sanctions against the organization that filed the lawsuits. Some of the defendants are now seeking to recover their attorneys’ fees and costs against the plaintiff in that lawsuit. Indeed, my firm has submitted for reimbursement on behalf of some of our clients.

Many property owners have also contacted their Senators and Congressmen and have asked them to amend the ADA to require that a property owner who is allegedly in violation of the ADA first be given notice and opportunity to cure the violation before they can be sued. I urge all readers to contact their Congressional representatives and ask them to press for such an amendment.

Compliance with the ADA is important and its accommodations for individuals with disabilities separate the United States from many other nations around the world. One need only undertake some international travel to realize that many countries do not require public areas to be accessible to individuals with disabilities, greatly diminishing their quality of life. As a property owner, you should have your public areas evaluated for compliance with the ADA not only to confirm compliance with the law (and to avoid legitimate lawsuits), but to enhance the living environment for your tenants and attract potential tenants. This is one of the few instances where the law can provide a win-win outcome.

John A. Buric is an attorney and MHCA member who has represented the mobile home, manufactured home and RV industries since the 1980’s. He also serves as a Superior Court Judge Pro Tem in Maricopa County. John and his firm provide full service representation to the manufactured housing and RV industries. For additional information, Mr. Buric can be reached at (602) 264-7101 or jburic@warnerangle.com.

This content of this article is for informational and educational purposes, contains the current opinions of the author and should not be considered as rendering legal advice. The specific facts of a matter, legal interpretations and changes in the laws could materially affect the opinions contained in the article. Current legal advice should always be sought on any particular matter.

© 2017, John A. Buric. All Rights Reserved. Used With Permission.
Secure Your Solar Rebate Before it’s Gone
Call to find out about “No Money Down Solar”
877-449-1944
Info@ShorebreakEnergy.com

“My solar electric system is out performing Shorebreak’s projections. It’s a great looking system that stands to be a vital revenue source for many years to come.”

-Bill Talley
Mobile Home Park Owner
NOW OFFERING ZERO DOWN FINANCING

**Power Purchase Agreement (PPA)**
Instead of paying the utility company, buy from us at a lower cost with fixed rates. Your only obligation is to save money - $0 down, 20 year term & fixed rate.

**Savings Without Investment**
Go solar without upfront costs. Installed, maintained and monitored by Shorebreak. You only pay for the power your solar system produces.

**Cut Operating Costs**
Generate your power on-site and watch your utility bill drop. Combine this with your new low PPA price from Shorebreak and see instant savings. Realize greater savings every year as the utility prices continue to rise.

**Green Marketing**
Retain current tenants and reach new markets with your new Green Community. Increase the value of your park without raising property taxes.

Find out how much you could save. Contact Shorebreak Energy Solar at:
The Arizona Mobile Home Parks Residential Landlord and Tenant Act (in A.R.S. § 33-1436) requires mobile home parks to adopt Statements of Policy informing tenants and prospective tenants about the park’s policies in several specific areas. A park can only have one Statement of Policy in place at one time; the document is required to have an expiration date; and it may only be updated with 60 days’ notice to tenants before the current set expires. Because of these impediments to changing the Statement of Policy, it is critical for parks not to adopt a bad or overly-restrictive Statement of Policy.

The law requires the Statement to address:

• The classification of the park (either a family community or or housing community for older persons (AKA a 55+ park));

• The period of time before any change in use is expected (if the park is expected to shut down or change to some other use);

• Any method of determining rent changes;

• Whether the tenants have a right of first refusal to purchase the mobile home park if it is to be sold;

• The size and other specifications of mobile homes allowed in the park, including whether they must be new or used, and whether they must be set at ground level or above ground level;

• Improvements required as a condition of tenancy (including permanent improvements that cannot be removed at expiration of the rental agreement and the estimated cost of each permanent improvement);

• That insuring the mobile home is the tenant’s responsibility, including fire department response insurance in unincorporated areas;

• The park’s policy regarding subleasing (pursuant to A.R.S. § 33-1454).

The worst mistake a park can make in its Statement of Policy is to set forth a specific method for determining the rent or rent increases. If this is done, the park will be restricted to that method when a rent increase is necessary, and if a tenant challenges a rent increase by filing an Administrative Law Judge or other complaint, the park will be required to prove that it followed the rent increase method set forth in its Statement of Policy. The MHCA Blue Book includes a sample Statement of Policy with good language regarding rent increases. In short, the sample language states that the landlord does not use any particular method for determining rent changes, and that the landlord reserves the right to calculate rent changes “by any method” the landlord selects.

Setting forth a specific yearly date when rent increases must occur is also a bad idea. Normally month-to-month tenants’ rent can be increased with 90 days’ notice, regardless of when the notice is sent (as long as the increase takes effect at the start of monthly renewal period). But if the Statement of Policy provides that rent increases can only take effect on January 1 of each year, the Park’s hands will be tied if the managers get busy and miss the deadline.

Parks would also be wise to avoid giving their tenants a right of first refusal to purchase the park. If tenants are given such a right, it must be disclosed in any future attempts to sell the park, and may hinder or destroy the ability to sell.

Generally, the Statements of Policy should not have a term of more than one year. Since you cannot have more than one Statement of Policy in effect at any given time, if you have adopted one that restricts your ability to change the use of the park, raise the rent, prohibit subleasing, or
allows only certain types of homes into the park, you will be stuck with those policies until your current Statement expires. If your Statement has a five-year term, you will be stuck for five years. If you require a change in use before the time stated in the Statement of Policy, the park must make a higher reimbursement to the mobile home parks relocation fund. The park can also be ordered by a court or by an administrative law judge to comply with its Statement of Policy.

**Avoid including more than the law requires.** Anything outside of the requirements listed above should go into the park’s Rules and Regulations, which are much easier to amend as necessary (they can be amended at any time with 30 days’ notice to the tenants; no expiration date is required).

It is a good idea to review your Statements of Policy occasionally to ensure that you are complying with them, and to see whether they need to be updated. Anyone thinking of purchasing a park should also review that park’s Statements of Policy to make sure that nothing terrible is lurking inside.

©2016 Williams, Zinman & Parham P.C., All Rights Reserved
MHCA PAC Needs Your Help!

In November you are going to be asked to vote for the people who will govern our state for the next two years: your Representatives and Senators. It's very important that MHCA try to get the right people into office – the people who support businesses such as our communities, believe in the housing we offer, and will support our proposed changes in the law. In order to do this, we need your help.

The MHCA PAC, or MHCA Political Action Committee, with the assistance of our lobbyist, reviews all of the candidates for office each election cycle and selects those who support our industry. We then attend their fundraising events, speak with them on our current issues and offer monetary donations to help their elections. All of this is made possible by you, supporters of the MHCA PAC.

2016 has been a challenging year at the Arizona State Legislature and we need your help to further our future goals. Please make a donation today to MHCA PAC!

The law requires each contributor to a PAC to complete the following form and, if you contribute more than $25, MHCA PAC is required to forward your information to the Arizona Secretary of State’s office. MHCA PAC can only accept contributions from individuals, not companies, and most PAC contributions are not deductible, but you should consult your tax advisor. If you put both your name and your spouse’s on the form below, MHCA PAC will assume that each of you contributed one-half of the contribution. Thank you for your help!

MHCA PAC Contribution Form

Name(s): ____________________________________________________________

Address: ______________________________________________________________________________________

City: _____________________________ State: _______ Zip: _______________________

Occupation(s): __________________________________________________________________________________

Employer(s): __________________________________________________________________________________

If you have any questions, please contact MHCA PAC at 480-345-4202 or 800-351-3350
From time to time a clever or troublesome tenant will seek to have a court enter an order, such as an injunction, to try and prevent their landlord from evicting them. Other times a tenant will argue to the court that they should not be evicted because they would suffer a financial hardship. The Arizona Court of Appeals recently ruled that these types of tactics cannot be used to interfere with a landlord’s ability to seek an eviction.

In the case at issue, a commercial property landlord and its tenant got into a financial dispute over the payments due the landlord. The landlord eventually sued the tenant for breach of the lease and possession of the rental premises. The tenant filed a counterclaim against the landlord and also asked the court to enter an injunction precluding the landlord from initiating eviction proceedings. After an evidentiary hearing, the trial court issued a preliminary injunction preventing the landlord from pursuing an eviction action against the tenant. The landlord appealed that ruling.

The Arizona Court of Appeals, in Tuscon Lot 4, LLC v. Sunquest Information Systems, Inc., reversed the ruling of the trial court. The Court of Appeals concluded that the legislature established statutory eviction criteria for determining whether a landlord may proceed to evict a tenant, that trial courts must follow that law and respect that process, and that a tenant’s financial hardship is not a statutory factor to be considered by a court when determining whether or not a landlord has a right to possession of their rental property. The Court of Appeals made it eminently clear that a tenant’s financial hardship is not to be considered and that the only relevant issue in an eviction action is the right to possession. The Court of Appeals further reiterated that a tenant cannot challenge the merits of the landlord’s title.

Even though the foregoing case involved a commercial property, the same legal principles should apply to residential tenancies. This decision should serve as the final nail in the coffin if a tenant attempts to stop or interfere with a landlord’s eviction by arguing that an eviction will result in financial hardship to the tenant.

John A. Buric is an attorney and MHCA member who has represented the mobile home, manufactured home and RV industries since the 1980’s. He also serves as a Superior Court Judge Pro Tem in Maricopa County. John and his firm provide full service representation to the manufactured housing and RV industries. For additional information, Mr. Buric can be reached at (602) 264-7101 or jburic@warnerangle.com.

This content of this article is for informational and educational purposes, contains the current opinions of the author and should not be considered as rendering legal advice. The specific facts of a matter, legal interpretations and changes in the laws could materially affect the opinions contained in the article. Current legal advice should always be sought on any particular matter.

© 2017, John A. Buric. All Rights Reserved. Used With Permission.
MEMBER SAVINGS PROGRAM

As a **FREE** Benefit of being a Member, **SAVE 20%** on your Annual Operational Expenses

Business Name: ____________________________________________________________
Address: __________________________________________________________________
Contact Name: ____________________________________________________________
Email: _____________________________ Number of Locations: ______________
Phone: _____________________________ Number of Employees: ____________

☑ Check off the programs you are interested in and fax to 603-628-2374

- **GRAINGER**
  - **Facility Maintenance Products**
  - Up to 30% off catalog pricing and FREE standard shipping

- **EXON**
  - **Mobil**
  - **Fuel**
  - Save 3.5-4.5 cents per gallon on fuel for your business fleet

- **UniFirst**
  - **1st Uniforms & Site Services**
  - Average 60% off uniform rental rates & 25% off catalog pricing

- **ADP**
  - **Payroll Services**
  - Minimum 25% off of payroll processing services

- **LAMPREY SYSTEMS**
  - **Small Parcel Auditing**
  - Guaranteed REFUNDS on all FedEx & UPS failed shipments

- **COMMONWEALTH MAINTENANCE SOLUTIONS**
  - **Waste Services**
  - 10%-15% average savings off current waste provider services

- **newbenefits**
  - **Discount Health Services**
  - Save up to 40% on Health, Dental, Vision and Pet Care

- **YRC**
  - **Freight Shipping**
  - Minimum of 70% discount on LTL and freight shipments

- **PODS**
  - **The Best Moving & Storage Box Ever**
  - 10% off your first month’s rental & initial local delivery.

- **STAPLES Advantage**
  - **Office Supplies**
  - 40%-70% off the “Top 300 Items” and minimum 12% discount

- **OfficeMax**
  - **WORKPLACE**
  - **Office Supplies**
  - Save up to 90% off everyday low prices & FREE next-day delivery

- **Office DEPOT**
  - **Office Supplies & Printing**
  - 15% off 50 office essentials & 15% off 10 products you select

Your Dedicated Member Services Representative: Dan Pramis, 603-628-2333 / dpframis@bizunite.com

*The only way to get the above discounts is to work directly with Dan Pramis*
(Note: All Mobile Home and Manufactured Home Community managers are required, by state law, to attend 6 hours of a qualified mobile home educational program within 6 months of becoming a manager and attend 6 hours every two years thereafter. A qualified educational program, by law, is “a class, workshop or educational convention that primarily instructs attendees on issues dealing with the operation of a mobile home park and that is sponsored by a nonprofit organization whose sole or primary purpose is the advocacy and promotion of the rental mobile home parks industry.” All of the educational seminars below, and the MHCA & MHIA Annual Conference, qualify as educational programs. There is a $500 per month fine for not attending a program.)

The registration form for the Educational Seminars is on page 30.

April 14, 2017  Educational Seminar
              Reserve at Fox Creek, 2350 Adobe Rd., Bullhead City
              Speaker: Melissa Parham

June 21-23, 2017  MHCA and MHIA Annual Conference and Golf Tournament
                   Wild Horse Pass Hotel, Chandler

July 21, 2017  Educational Seminar
               Sunset Village, 205 Sunset Dr., Sedona
               Speaker: Neal Haney

September 15, 2017  Educational Seminar
                    Yuma Golf & Country Club, 3150 S. Fortuna Ave., Yuma
                    Speaker: Melissa Parham

October 13, 2017  Educational Seminar
                  Trails West, 8401 S. Kolb Rd, Tucson
                  Speaker: Melissa Parham

December 8, 2017  Educational Seminar
                 Contempo Tempe, 2609 W. Southern Ave., Tempe
                 Speaker: Neal Haney
Make sure you do not receive a civil penalty of $500 PER MONTH!
Community Owners who do not ensure that their Park Managers attend at least 6 hours of educational programs every two years can receive a civil penalty of $500 per month!

By law, the park manager “educational program” is “a class, workshop or educational convention that primarily instructs attendees on issues dealing with the operation of a mobile home park and is sponsored by a nonprofit organization whose sole or primary purpose is the advocacy and promotion of the rental mobile home parks industry.” MAKE SURE THE EDUCATIONAL PROGRAMS YOU ATTEND MEET THIS CRITERIA!

Each of MHCA’s upcoming seminars qualifies for at least 6 hours of education!

2017 Educational Seminars

April 14, 2017  Reserve at Fox Creek, 2350 Adobe Rd., Bullhead City 86442
Speaker: Melissa Parham

July 21, 2017  Sunset Village, 205 Sunset Dr., Sedona 86336
Speaker: Neal Haney

September 15, 2017  Yuma Golf & Country Club, 3150 S. Fortuna Ave., Yuma
Speaker: Melissa Parham

October 13, 2017  Trails West, 8401 S. Kolb Rd., Tucson 85756
Speaker: Melissa Parham

December 8, 2017  Contempo Tempe, 2609 W. Southern Ave., Tempe 85282
Speaker: Neal Haney

Speakers and Topics
Attorney Melissa Parham’s presentations will include information on the Mobile Home Parks Residential Landlord Tenant Act and fair housing.

MHCA President Neal Haney will present information on how to implement the laws and the day-to-day operations of a community such as documentation issues.

Registration is from 7 am - 8 am; Seminars are from 8 am to 4 pm
You must attend the full day to receive your six-hour certification!
Continental Breakfast & Lunch are Included.

Cost
MHCA Members: $85 per person for the first person;
$60 per person for additional persons from the same Community
Non-Members: $195 per person
MHCA 2017 Educational Seminar Registration

Please check which Educational Seminar you will be attending:

☐ April 14, 2017 Reserve at Fox Creek, 2350 Adobe Rd., Bullhead City 86442
☐ July 21, 2017 Sunset Village, 205 Sunset Dr., Sedona 86336
☐ September 15, 2017 Yuma Golf & Country Club, 3150 S. Fortuna Ave., Yuma
☐ October 13, 2017 Trails West, 8401 S. Kolb Rd., Tucson 85756
☐ December 8, 2017 Contempo Tempe, 2609 W. Southern Ave., Tempe 85282

Registration begins at 7 am - the Seminar will be from 8 am to 4 pm
Registration fee includes continental breakfast, lunch and an afternoon snack
(Please print names as they are to appear on Certificates which will be issued at the end of Seminar)

Name: ______________________________________________________ Title: ______________________________

Name: ______________________________________________________ Title: ______________________________

Name: ______________________________________________________ Title: ______________________________

Community: ____________________________________________________________________________________

Address: ___________________________________________ City: ___________________ Zip: ________________

Phone: __________________________________________ Fax: ________________________________

E-mail: _________________________________________________________________________________________

Registration Fees

<table>
<thead>
<tr>
<th>First Person from a Community</th>
<th>MHCA Member</th>
<th>Non-Member</th>
</tr>
</thead>
<tbody>
<tr>
<td>$85</td>
<td>$195</td>
<td></td>
</tr>
<tr>
<td>Additional Persons from Same Community</td>
<td>$60</td>
<td>$195</td>
</tr>
</tbody>
</table>

Please return this form, with payment, to MHCA, 2158 N. Gilbert Road, Suite 116, Mesa, AZ 85203.
If paying by Visa, Mastercard or American Express, you may fax it to 480-345-4205.
If you have any questions, call MHCA at 480-345-4202 or 800-351-3350.

If paying by Credit Card, please complete the following:

☐ Visa ☐ MasterCard ☐ American Express #: ________________________________

3 or 4 Digit Code on the Card: ______________________________

Cardholder Name: _______________________________________________ Expiration Date: ______________

Billing Address (if different than above): _________________________________________________________________________________________

City: __________________ State: _______ Zip: ________________

Signature: _________________________________________________________________________________________

Cancellation Policy: A refund less a 10% administrative charge will be given if your reservation is cancelled at least seven (7) days prior to the Seminar; after that date, no refunds are available.
Protect your manufactured housing community with a reliable partner

Don’t Throw Your Money Down The Drain
Sub-meter to recover your utility costs and increase your NOI. For web-based management, utility billing and collections, contact the utility billing and allocation specialist, since 1977.

1.800.264.0314
www.spectrumutilities.com
FORMERLY EDISON MICRO UTILITIES
14201 N. HAYDEN RD., SUITE IB, SCOTTSDALE, AZ 85260
PHONE 602-274-1030