

## MINUTES

### MOBILE MANUFACTURED HOME ADVISORY COUNCIL

SEPTEMBER 20, 2011

The Mobile Manufactured Home Advisory Council convened at 10:08 a.m. at the State Office Building, in Room-117, 165 Capitol Avenue, Hartford, CT 06106.

Members Present:	Bennett Pudlin Ben Castonguay Jennifer Ponte Leonard S. Campbell Keith Jensen Marcia L. Stemm Mark Berkowitz Al Hricz	Attorney at Law, Acting Chairperson CT Real Estate Commission Member DECD Representative Town Planner Park Owner, Co-Chairperson Park Owner Park Owner Park Tenant
Members Absent:	Timothy Coppage George Cote Myriam Clarkson Nancy E. Dickal Erwin Cohen, Ph.D	CT Housing Finance Authority Rep Banking Industry Representative Mobile Manufactured Home Industry Rep Park Tenant Senior Citizen
Board Vacancies:	One Representative of the Housing Advisory Committee One Park Tenant	
DCP Staff Present:	Nelson Leon Vicky Bullock, Staff Attorney	
Public Present:	Carol DeRosa, CT Housing Finance Authority Rep Patricia Hricz Nancy Palmisano Mary W. Campbell Raphael Podolsky, Esq.	

**Note:** The administrative functions of the Boards, Commissions and Councils are carried out by the Department of Consumer Protection, Occupational and Professional Licensing Division. For information contact Richard M. Hurlburt, Director at (860) 713-6135 or Fax: (860) 706-1255.

**Agency Website:** [www.ct.gov/dcp](http://www.ct.gov/dcp) **Division E-Mail:** [dcp.occupationalprofessional@ct.gov](mailto:dcp.occupationalprofessional@ct.gov)

## **MINUTES OF PREVIOUS MEETINGS**

The Council voted unanimously to approve minutes of the June 20, 2011 Mobile Manufactured Home Advisory Council meeting.

## **REPORT FROM SUB-COMMITTEES**

- **FINANCE COMMITTEE**

The Council felt that the June 20, 2011 tour of the Forest Hills Community located at 251 Redstone Street, Southington, CT provided a positive impression of mobile manufactured home parks as opposed to the trailer park perception. Ms. DeRosa said that it gave CHFA senior management a better sense of the mobile home community which is in fact home ownership. Ms. DeRosa said she met with the heads of the finance department and talked about home loan statutory language and how CHFA finances homes using tax exempt bonds, wherein someone who has had a homeownership interest in the last 3 years, by virtue of IRS regulations, cannot be financed by CHFA. However, there is preliminary discussion and recommendation to eliminate certain restrictions. Ms. DeRosa said that CHFA will finance on the land with insurance. However, a mobile home owner must own the land. In addition, anyone 55 or older or any home owner who has had homeownership interest in the last 3 years, may qualify for loans. Some mobile home parks have age restrictions and Ms. DeRosa needs information concerning park residents 55 or older. Ms. DeRosa said that FHA will not insure the loan unless it is on privately owned land and since CHFA uses tax exempt bonds, 90% of financing is through FHA, which gives the lowest amount of risk. However, with mobile homes, they will not provide or allow a unit to be financed in a mobile home park and provide FHA insurance.

- **LEGISLATIVE COMMITTEE**

Attorney Podolsky said there is a new appellate court decision (Fairchild Heights Residents Association v. Fairchild Heights, Inc.) which may affect the way business is done at DCP. The decision was officially released on September 27, 2011. Another appellate court case concerning eviction is still pending. Attorney Podolsky said the first case is very relevant to DCP's investigation concerning a complaint involving Fairchild Heights Residents Association in which DCP and/or the Attorney General's office is not involved in litigation concerning this matter.

Attorney Podolsky said that the significance in the decision is that the appellate court picked up on a lesser issue, and the association lost on grounds that they did not exhaust their administrative remedies prior to bringing this action, requiring a declaratory ruling from DCP, which makes no sense. The administrative process involves going through DCP and its complaint process and would mean that issues now will get thrown out of court unless they go through DCP, which would then impact DCP workload and change the role of the declaratory ruling process within DCP. This is what it has the capacity to do. The declaratory ruling process is a legal issue in which there is a dispute and not intended for administrative issues such as mobile home park act violations under the jurisdiction of DCP.

Attorney Podolsky said that every mobile home complaint has to go through the DCP complaint process. However, the mobile home park association filed a complaint with DCP and DCP sent an investigator out and some kind of compliance hearing was held by DCP to determine what the conditions were and in DCP's opinion, the mobile home park owner was found to be in substantial complaint and closed the proceeding. However, the complainants were not parties to or participants at the compliance hearing. The proceeding was DCP v. The mobile home park owner. Ms. Bullock said that the complainants are not participants once the complaint is filed with DCP. Mr. Podolsky said that the Basic due process concept is that both sides should be heard and permitted to offer evidence to substantiate compliance or non-compliance. Due to complainants not present to provide evidence in support of their complaint, the implications is that the complainants will be shut out and may not be participants in the administrative remedies process. Therefore, the mobile home park resident association representing park tenants do not have standing and not permitted to provide factual evidence that would have supported their complaint. And because the mobile home park resident association could not represent all tenants, it would require each individual tenant to file an individual complaint with DCP.

Attorney Pudlin said many discussions have taken place in the past concerning DCP's complaint, investigatory and enforcement process, and if the process eliminates the complainant, then it becomes a radical restructuring of the complaint process requiring a declaratory ruling on every complaint and does not serve the public interest well. Attorney Pudlin said there needs to be some open dialogue with DCP Commissioner to take place in order to address how enforcement is supposed to work at DCP.

Mr. Berkowitz said that the assumption out there is that the complaint process at DCP is not working and he thinks that if that is not the case, the Council needs to look into this matter to determine if in fact the DCP complaint process works.

Ms. Stemm and Attorney Podolsky said that DCP claims to have found substantial compliance on behalf of the mobile home park owner. However, there was a period of non-compliance and DCP got the mobile home park owner to be compliant. Therefore, the mobile home park association did not agree with DCP and went to court for violation of (CUTPA) CT Unfair Trade Practice Act for failing to maintain the mobile home park properly and not complying with the Mobile Home Park Act.

Attorney Pudlin said that there have been many complaints filed on behalf of certain mobile home parks and that there exist a dissatisfaction with the way DCP does enforcement and that DCP does not necessarily produce immediate responses. The previous investigator from DCP who previously appeared before the Council said that they are not allowed to issue any orders and that all he can do is request a mobile home park owner to make repairs and that he has no power, unless he turns it over to another part of DCP, where a hearing would be held.

Attorney Podolsky said that tenants initiating complaints have no role in the process and that if DCP finds substantial compliance and the complainant disagrees, he feels that the respondent should have a full compliance hearing. However, without the complainants involved, there is no way to shed light on the matter to determine if there is any validity to the complaint. Without the complainant involved, there is no way to produce any evidence or proof in support of the complaint in order to assist in finding a true remedy through DCP and their complaint process. You cannot leave the complainant with a non-usable vehicle. Furthermore, you would not ask for a declaratory ruling on lack of water, electricity or maintenance on the park. It is a matter of enforcement on behalf of DCP.

## **2011 MEETING SCHEDULE**

Tuesday – March 22, Room-117

Monday – June 20, Room-126

Tuesday – September 20, Room-117

Monday – December 19, Room-126

There being no further business, the meeting adjourned at 11:28 a.m.

Respectfully submitted,

Nelson Leon  
Advisory Council Secretary

**The next meeting of the Advisory Council is scheduled for Monday, December 19, 2011, 10:00 a.m.**