

A Guide for Writing Mobile Home Park Resident Association Bylaws

Produced by the CVOEO Mobile Home Project



Introduction

This guide is intended to serve as a reference for residents looking to establish bylaws for their resident association. Writing bylaws is one of the first steps to organizing a successful resident association and the participation of community members is especially important in this process. The greater the participation, the more likely the bylaws of your resident association will reflect the needs and interests of your community.

What is included in this guide?

- 1) *Community discussion questions* to help guide your community meeting to determine what organizational structure, voting process, and guidelines will work best for your community's resident organization.
- 2) *Sample language* from various mobile home park resident association bylaws.
- 3) *Definitions* of legal terms commonly used in bylaws

So what are bylaws anyway?

Bylaws define the:

- Structure of an organization
- Time and location of meetings
- Rights and responsibilities of members and elected board members
- Election and group decision-making process

Definitions of terms

Quorum: the number of members of an association required to be present for an election (usually a percent of members—for example a majority of 51%, 2/3, or consensus of 100%)

Warning: advance notice to members of the time and location at which a vote will be held

Suspend: to make temporarily ineffective

Written proxy: written permission giving someone the authority to act on behalf of an individual if they are absent. This could also take the form of a vote written by the absent individual and delivered by a permitted individual.

Mobile Home Park Resident Association Bylaws Template with Questions for Community Discussion

Effective/Adopted XXX

Article I: NAME

The name of this organization shall be XXXX

Article II: PURPOSE

Community Discussion Questions:

- What is the purpose of our association?
- What general needs and concerns do we want our resident association to address?

EXAMPLE:

The Purpose of this organization is to:

- Improve quality of life for park residents
- Keep the park affordable for current and future residents
- Improve maintenance and services for park residents
- Build a sense of community spirit and cooperation
- Educate residents as to their rights and responsibilities under federal, state, and local law
- Establish effective communication between the resident association, the park owner, and the town of XXXX.

Article III: MEMBERSHIP

Community Discussion Questions:

- Who can become a member?
 - Homeowners only?
 - Renters?
 - Renter in place of homeowner?
 - Park owner(s), manager(s), and any paid employee(s) of the park? If no membership, can they attend meetings?
- Is membership by household or by adult individual?
- Is membership on an annual basis or until a membership is canceled?
- When will the membership year begin?

EXAMPLE:

Membership in the association is open to each homeowner in the park. If a homeowner wishes to permit his renters, who are residents of the park, to be members in place of himself, he may do so. Park owner(s), manager(s), and any paid employee(s) of the park are excluded from membership, but may attend meetings if they wish. Membership will be on a household basis with each household having only one vote. Membership shall be on an annual basis with the membership year beginning August 1.

Article IV: VOTING

Community Discussion Questions:

- Will each individual or each household have a vote?
- How will nominations be accepted?
 - Will nominations be accepted from the floor (i.e. at the meeting before a vote)?
 - Is consent required from the nominee?
 - Will there be any other requirements for nomination?
- How will board elections be conducted?
 - Show of hands?
 - Ballot?
 - Yay/Nay?
- How will we conduct all other votes?
 - Show of hands?
 - Ballot?
 - Yay/Nay?
 - Will there be any exceptions?- example: if 51% of members vote for an alternative method
- Quorum
 - A quorum shall be defined as the number of members of this association required to be present for an election
 - What percentage of the membership is a quorum?
- Does the majority of members present govern? Or other definition, i.e. consensus (100%), $\frac{3}{4}$ majority, etc.
- How will we handle voting if a member is unable to attend membership meeting?
 - Written Proxies? What will the requirements be?
 - Alternate Proxies? What will the requirements be?
- Board Meetings
 - What is our definition of a quorum?
- Suspension of bylaws
 - What proportion of the vote is required? (usually 2/3)
 - Under what conditions can bylaws be suspended? (emergency situations?)

EXAMPLE:

At every meeting of the association each member household shall be entitled to one vote. Approval of these bylaws shall be by a show of hands. All other elections and votes shall be determined by written ballot, unless a majority of members (51%) vote to hold an election or vote by show of hands.

Quorum shall be defined as the number of members of this association required to be present for an election or vote. For membership meetings a quorum shall consist of 51% of members except as otherwise provided by these bylaws, a majority vote of those present shall govern.

For elections, nominations should be submitted in writing at least one week before the election is going to take place. Nominees must be homeowners who actually reside in the park.

If a member of the association wishes to vote but is not able to attend a meeting in which a vote is taking place, they may vote by written proxy. The vote must be received by the board at least 24 hours before the meeting takes place.

For the purpose of voting at Board Meetings, a quorum shall consist of 100% of the members of the board.

These bylaws may be suspended by a two-thirds vote of the majority, present and voting, for emergency situations only.

Article V: BOARD OF DIRECTORS

Community Discussion Questions:

- How many members will there be on the board of directors?
- When will board members be elected? (Usually annual meeting- then when should it be?)
- What officers will we have?
 - President?
 - Vice President?
 - Secretary?
 - Treasurer
 - Members-at-large?
- Can members hold more than one office at once?
- What duties will officers have?
- What rules will we have for removing officers?
 - Without cause by percentage of the members at a meeting warned for that purpose?
 - With cause by other members of the board?
 - Define cause
 - How is the position filled?
 - By members?
 - By board?
- Who can be on the board?
 - Can park owners/managers/employees be excluded?
 - Can member of the same household be excluded?

EXAMPLE:

5 members shall be elected annually to constitute the Board of Directors. The board shall be elected at the annual meeting which shall take place between June and August. The membership shall elect the officers.

The officers shall include the President, Vice-President, Secretary, Treasurer and Member-at-Large. A Board member may not hold more than one office simultaneously.

The duties of the President are: to conduct and facilitate Board and Membership meetings, prepare meeting agendas, distribute agendas to the Vice-President, and represent the interests and membership of the Association at all times.

The duties of the Vice-President are: to assist the President in his or her duties, to distribute notices and meeting agendas with the Member-at-Large, and to assume the position of President in the case of resignation or removal.

The duties of the Treasurer are: to be custodian of the Association funds, supervise the handling of funds of any enterprise of the Association, and shall be responsible for maintaining up-to-date records of the membership. The Treasurer shall assure the keeping of proper financial records, report regularly to the Membership and the Board, and pay requests as directed by the Board. All checks must be signed by any two of the following officers: President, Vice-President, or Treasurer.

The duties of the Secretary are: to record, distribute, and store the minutes of all membership and Board meetings, to furnish minutes for Board and membership meetings to any Association member upon request, and to draft any written communications the Association shall make to the park owner, residents, or other organizations with the approval of the Board.

The duties of the Member-at-Large are: to distribute notices and meeting agendas with the Vice-President and to support other Board members as necessary.

Directors may be removed from office by a two-thirds vote of the members following a meeting warned for that purpose. Directors may be removed from office by a two-thirds vote of the board for cause. "Cause" shall mean: intentional damage to the resident association, participation in decisions with a unique conflict of interest, and/or conduct unbecoming of a board member.

The board of directors shall vote to fill vacancy on the Board due to removal or resignation at a meeting warned for that purpose and giving all members an opportunity to inform the board of their interest in serving until the next annual meeting.

Park owners, park managers, other paid employees of the park, and their immediate family shall not be eligible for election to the Board regardless of whether they live in the park. However, they shall be eligible for association membership if they are residents of the park. Multiple members of the same household are also excluded from serving on the board at the same time.

Article VI: MEETINGS

Community Discussion Questions:

- Membership Meetings
 - How often membership meetings be held? (minimum)
 - Where will meetings be held?

- How are meetings called?
 - By which board members?
 - By what percentage of the membership?
- How will members be notified of meetings?
 - How is notice distributed?
 - How far in advance of the meeting will notice be given?
 - What must the notice state? (i.e. date, time, place, tentative agenda)
- Board of Directors Meeting
 - How often will the Board of Directors meet?
 - Will Board of Directors meetings be open to all members?
 - How will board members be notified?
 - What must the notice state?

EXAMPLE:

Membership meetings shall be held at least one time per year in the town of Starksboro. Membership meetings shall be called by the President or by at least 51% of members. Notice of meetings shall be distributed door-to-door throughout the park or by mail, at least 7 to 10 days prior to the meeting. The notice shall state the date, time, place, and tentative agenda for the meeting.

Meetings of the Board of Directors shall occur at least once every month. The meeting shall be open to all members. Notice of the meeting shall be posted on the park bulletin board at least 7 days before the meeting. The notice shall state the date, time, place, and tentative agenda for the meeting.

Article VII: COMMITTEES

Community Discussion Questions:

- How are committees established?
 - By board members or by any member?
- Who can be on a committee?
 - Will committee members be appointed or volunteer?
 - Is a board member required to be on a committee?
- What are the responsibilities of the committee(s)?
 - Must committees report to the board?

EXAMPLE:

Committees may be established by the Board of Directors on a permanent or temporary basis. A Point Person must be established for each committee and the contact information for this individual must be submitted to the Board. The Point Person will be responsible for communicating to the Board the activities of the Committee. All actions of the Committee must be submitted to the Board prior to being taken. Committees are responsible for research, planning and issue development, and shall report back to the Board.

Article VIII: ADDITIONAL RULES, POLICIES, AND MINUTES

Community Discussion Questions:

- What other rules will there be?

EXAMPLE:

From time to time the Board shall establish rules and policies for this organization, providing that they do not conflict with the law, the park lease, or these bylaws. All rules and policies shall be written and maintained with the organization's records.

The Secretary shall provide for written meeting minutes for all meetings of the Board, and record all decisions of the membership. Minutes shall be approved by the Board and maintained with the organization's records.

No part of the assets, income, or wares of the Association are distributable for the financial benefits of the officers, members, or volunteers.

All rules and policies shall be adequately advertised to the membership. Any and all documents of the organization shall be made available to any member upon request.

Article IX: ROSTER

EXAMPLE:

The roster listing the membership is the private property of the Association. No member shall give or sell any part of this roster to any party.

Article X: AMENDMENTS

Community Discussion Questions:

- Can bylaws be amended or replaced?
- What percentage of the membership is required to amend the bylaws? (a majority?, 100%?)
- Must the membership be warned for a meeting at which amending bylaws will be voted on/discussed?

EXAMPLE:

These bylaws may be amended or repealed at any meeting of the members at which at least 51% of the members are present, by a majority vote of the membership as long as the proposed action was warned in the notice for such meeting.

Article XI: NON-DISCRIMINATION

EXAMPLE:

Members of this organization believe that no person should be discriminated against because of their race, sex, age, marital status, religious creed, color, national origin, sexual preference, because they have minor children, ability or disability status, or because they receive public assistance. The organization shall be operated in an open and democratic fashion and shall not discriminate against anyone because they are a member of the above groups.