

DEPARTMENT OF STATE
DIVISION OF PROFESSIONAL REGULATION
4400 Delaware Manufactured Home Installation Board
Statutory Authority: 24 Delaware Code, Section 4416(b)(1) (24 **Del.C.** §4416(b)(1))
24 DE Admin. Code 4400

GENERAL NOTICE

ORDER

THE COUNCIL ON MANUFACTURED HOUSING
Operating Procedures

At its regularly scheduled meeting on April 25, 2007, the Delaware Council on Manufactured Housing adopted the attached operating procedures for the implementation of the Delaware Manufactured Housing Alternative Dispute Resolution Act, 25 **Del.C.** §7001A. The attached operating procedures were adopted pursuant to Section 10113(b) of the Delaware Administrative Procedures Act and will be final upon filing with the *Delaware Register of Regulations*, in accord with Section 10113.

Decision and Effective Date

The Board hereby adopts the operating procedures attached to this Order, to be effective on the date of filing this with the Register of Regulations.

SO ORDERED this 20th day of June, 2007.

DELAWARE ADVISORY COUNCIL ON MANUFACTURED HOUSING

William Reed, Co-Chairperson
Lisa Lewandowski
Frank Trabucco
Richard Maly
Ryan Class
Marion Fetterman
Fred Neil

State of Delaware Advisory Council on Manufacture Housing Rules of Procedure Governing Submission of Certificates of Agreement to Submit Disputes to Mandatory Non-Binding Mediation

1.0 Procedure for submitting a certificate of agreement to the Council

1.1 A party to an existing dispute or perceived grievance between a manufactured home community owner and a tenant or group of tenants may submit that dispute to ADR pursuant to 25 **Del.C.** §7001A by completing a certificate of agreement on a form approved by the Council.

1.2 The certificate of agreement shall include the information required by 25 **Del.C.** §7001A(d)(1) as well as the following information:

1.2.1 Information identifying the parties involved in the dispute, including contact information;

1.2.2 A summary of the dispute; and

1.2.3 A summary of the efforts made to resolve the dispute or perceived grievance. If the person filing the certificate feels that he or she could not make efforts to resolve the dispute or perceived grievance, or if such efforts would be frivolous, the person filing the certificate should summarize the reasons for this belief on the form.

1.3 The form must be typewritten or, if handwritten, it must be legible.

1.4 Each certificate of agreement shall be assigned a unique number, issued in numerical order and

indicating the year the certificate was submitted. Disputes shall be tracked in the Council's minutes by the assigned number.

2.0 Council procedures upon receipt of a certificate of agreement

2.1 Within ten (10) business days of receipt of a certificate of agreement, the Consumer Protection Unit, on behalf of the Council, shall send a letter to the related party or parties, including a copy of the certificate requesting a response. This information shall be sent by certified mail, return receipt requested.

2.2 Council will provide all parties the opportunity to respond. Any response shall be submitted to the Council within the number of days specified by the Council's letter, but in no event later than 20 business days after the date of mailing.

2.3 The response shall provide the information required by Rule 1.0 above, as applicable.

2.4 At the next Council meeting following the response deadline, the Council may consider the matter as required by 24 **Del.C.** §7001A(f), so long as sufficient time exists to place the item on the agenda in accord with 29 **Del.C.** §10004(e)(2).

2.5 The Council will base its decision solely on the information submitted in writing by the parties. No party to a matter will be permitted to speak regarding the matter at the Council meeting.

2.6 Once the Council has considered and voted upon a matter at a meeting, the Consumer Protection Unit, on Council's behalf, will notify both parties of its recommendation within 5 business days and provide the parties with names of mediators pursuant to Rule 4.0.

3.0 Ex Parte Communications

3.1 No member of the Council who will participate in any way in the rendering of a decision on a matter pending before the Council shall, directly or indirectly, discuss or communicate with any party concerning such matter, except upon notice to and opportunity for all parties to participate. This rule does not apply to communications required for the disposition of ex parte matters authorized by law, or to communications, not otherwise prohibited, by and among members of the Council, Council administrative staff, and Council legal counsel.

4.0 Selection of qualified mediators

4.1 Parties qualified to mediate pursuant to Section 7001A(g) shall notify Council, in writing of their desire to serve as a mediator in disputes submitted to the Council. Qualified mediators may contact Council through the Consumer Protection Unit.

4.2 Council will choose mediators on a rotating basis to the extent possible.

4.3 Council will provide the parties a list of three qualified mediators, if at least three mediators have identified themselves as willing to mediate in these matters. Each party may strike one mediator and the Consumer Protection Unit, on behalf of Council, will inform the mediator and the parties of the identity of the mediator. The mediator then has thirty (30) days to schedule a conference that will be held within ninety (90) days of scheduling as required by Section 7001A(h).