

AGENDA

MANUFACTURED HOUSING BOARD

Thursday, July 9, 2020 - 10:00am

Electronic Meeting

<https://vadhcd.adobeconnect.com/lbbca/>

- I. Roll Call
- II. Elections
 - a. Secretary
- III. Approval of September 12, 2019 Minutes
- IV. Approval of June 25, 2020 Minutes
- V. Public Comment
- VI. New Business
 - a. License Application - Sheila Marie Davis (Belcher)
 - b. Technical error/correction related to the 2009 Regulation adoption
 - c. Use of Transaction Recovery Funds by the SBCO
- VII. Old Business
- VIII. Committee Reports
- IX. Secretary's Report
 - a. Transaction Recovery Fund Revenue and Balance update
 - b. AG Office Debtor Balance Report update
 - c. Staff proposed date - November 12, 2020
 - d. Staff proposed location - Virginia Housing Center (VHC) or electronic depending on Governor's Executive Order at the time of the meeting.
- X. Adjournment

(Page left blank intentionally)

VIRGINIA MANUFACTURED HOUSING BOARD

Walter S. Cleaton, Chair
(Manufactured Home Dealer Representative)

David C. Bridges, Vice-Chair
(Public Representative)

James Trepinski
(Manufacturer Representative)

Scott Montgomery
(Manufacturer Representative)

Shawna J. Cheney
(Public Representative)

Keith W. Hicks
(Public Representative)

Sean D. Hicks
(Public Representative)

James W. Roncaglione
(Director's Designee)

Vacant
(Manufactured Home Dealer Representative)

(Page left blank intentionally)

Virginia Manufactured Housing Board Meeting
Meeting Minutes
Thursday, September 12, 2019
Glen Allen, Virginia

Members Present

Mr. Walter S. Cleaton, Chair
Mr. David C. Bridges, Vice Chair
Mr. Scott Montgomery
Ms. Shawna Cheney
Mr. Sean Hicks
Mr. James W. Roncaglione
Mr. James Trepinski

Staff Present

Ms. Cindy Davis
Ms. Jennifer Tolley
Mr. Eric Leatherby
Mr. Jeff Brown
Mr. Justin Bell, OAG
Mr. Travis Luter

The meeting of the Virginia Manufactured Housing Board (Board) was called to order by Chairman Mr. Walter Cleaton at approximately 10:10 a.m. All members were present with the exception of Mr. Keith Hicks and Ms. Cindy Ferreira Tomlin.

Mr. Cleaton introduced and welcomed new Board member, Mr. Scott Montgomery from Skyline Champion who is a manufacturer representative.

Approval of the Minutes - A motion was made to approve the minutes from the December 13, 2018 Board meeting by Mr. Roncaglione and seconded by Mr. Bridges. The motion passed unanimously.

Public Comments -There were no Public Comments.

New Business #1 – License application of a sales person with a felony conviction. The Board reviewed documents submitted by sales person applicant Ms. Julia Tyree who had been convicted of a felony Possession of Cocaine with Intent to Distribute on June 13, 2000. The documents included a letter from the Department of Corrections stating that Ms. Tyree had successfully completed the period of supervised probation on April 6, 2001. A motion was made to approve Ms. Tyree’s application by Mr. Bridges and seconded by Mr. Sean Hicks. The motion passed unanimously.

New Business #2 - The Board reviewed the revised Manufactured Housing Licensing & Transaction Recovery Fund Regulations, which were adopted July 1, 2019. Mr. Leatherby explains how to read the changes in the regulations. Mr. Cleaton says he has already asked Mr. Grumbine, who was present, to send out a blast email to all of the VAMMHA contacts he has with a copy of the new regulations. Mr. Grumbine agreed.

New Business #3 – Mr. Robert B. McEntee, Senior Assistant Attorney General, Division of Debt Collection handed out an information packet and led a discussion on the debt collection process in which the Board could recoup funds paid out of the Transaction Recovery Fund.

Mr. Bridges asked Mr. McEntee if we can we recover both the recovery fund pay out and the disciplinary fines? Mr. McEntee says yes, as long as you contain both amounts in the same order.

Mr. Bridges asks if we can review and go through the checklist for the IFF, making sure it's complete. Mr. Bell says I don't see why we couldn't incorporate that into our current policies.

Mr. Bridges asks if we can develop a template for administrative orders so when we do the motion we have a template to go by and can simply insert dollar amounts, and include attorney's fees etc. Mr. Bell and Mr. Hicks will get together and work on something, maybe some examples before the next meeting.

It was also suggested that an item should be added to the application for a license asking if the applying company is active with the State Corporation Commission. Mr. McEntee suggested that when a company applies for a license from the Board, that staff should check the SCC website to ensure that the company is still active and in good standing. We could ask the question in our licensing system and add a box asking people to swear they are in good standing with the SCC without have to make it a legal requirement.

Mr. Leatherby was instructed by the Board to submit the Final Orders for a consumer complaint case heard at the December 13, 2018 Board meeting to Mr. McEntee's office, to begin the debt collection process.

Mr. Roncaglione asked if there was a Statute of Limitations regarding judgements by the Board that are more than three years old. Mr. McEntee said that in general there is not a statute of limitations. Mr. Leatherby referenced a 2013 judgement by the Board, and was advised to send the final orders to Mr. McEntee for review.

Committee Reports – There were no committee reports.

Report of the Secretary/Associate Director/Deputy Director Reports – The Board was directed to Tab #6 of the Board package which showed a cash balance sheet of the Manufactured Housing Transaction Recovery Fund as of July 30, 2019.

The Deputy Director of the Division of Building and Fire Regulation, Cindy Davis, provided an update on the 2018 code update cycle. DHCD is working with several stakeholder on a Housing Technology Group to support new technology and more affordable housing. The group recently developed a powerpoint presentation to aid in educating local officials on affordable housing, including manufactured housing and industrialized buildings VHDA and VAMMHA are working on project in Danville to rezone a property to allow manufactured homes and install a new class of manufactured homes.

Old Business – None.

Future Meeting Date and Location: The proposed location, date and time of the next meeting of the Manufactured Housing Board will be as follows:

Location:

Virginia Housing Center
4224 Cox Road
Glen Allen, VA 23060

Date and Time:

Thursday, February 13, 2020
10:00am

A motion was made for the Board to adjourn by Mr. Bridges and seconded by Mr. Roncaglione and passed unanimously.

The Board adjourned at approximately 11:50 a.m.

Approved: July 9, 2020

Chair, Virginia Manufactured Housing Board

Secretary, Virginia Manufactured Housing Board

(Page left blank intentionally)

VIRGININA MANUFACTURED HOUSING BOARD
MEETING MINUTES
June 25, 2020
Virtual Meeting

<https://vadhcd.adobeconnect.com/lbbca/>

Members Present

Mr. Walter S. Cleaton, Chairman
Mr. James Trepinski
Mr. Scott Montgomery
Mr. Keith Hicks
Mr. Sean D. Hicks

Members Absent

Mr. David C. Bridges, Vice-Chairman
Ms. Shawna J. Cheney
Mr. James W. Roncaglione

Call to Order

The meeting of the State Building Code Technical Review Board (“Review Board”) was called to order at approximately 11:00 a.m. by Acting Secretary Travis Luter.

Roll Call

The roll was called by Mr. Luter and a quorum was present. Mr. Justin I. Bell, legal counsel for the Board from the Attorney General’s Office, was present.

New Business

Adobe Connect Training:

Mr. Luter introduced DHCD staff working to help facilitate the virtual meeting and the tasks each performed. Mr. Luter then turned the meeting over to Stephen Reynolds to lead the training session. Mr. Reynolds provided an overview of the Adobe Connect platform features and answered questions from Board members. General discussions were had related to the use of certain features and how they would apply during the meeting.

Mr. Luter provided an overview of virtual meeting procedures and outlined how the virtual meeting would be conducted on July 9, 2020.

Public Comment

Chairman Cleaton opened the meeting for public comment. Mr. Luter advised that no one had signed up to speak.

Secretary’s Report

Mr. Luter provided the Board an update on the LBBCA training provided by Board staff as well as future plans for the training.

Mr. Luter clarified that the agenda package for the March 20, 2020 meeting would be used for the July 17, 2020 virtual meeting along with the addendums he had recently provided the Board members.

Virginia Manufactured Housing Board
June 25, 2020 Minutes - Page 2

41 Mr. Luter updated the Board on the status of the vacant Board positions.

42
43 Mr. Luter informed the Board of the current caseload and the lack of
44 need for a meeting in August; therefore, the next scheduled meeting is
45 scheduled for September 18, 2020.

46
47 **Adjournment** There being no further business, the meeting was adjourned by proper
48 motion at approximately 11:50 a.m.

49
50
51
52
53 **Approved: July 9, 2020**

54
55
56
57
58
59 _____
60 Chair, Virginia Manufactured Housing Board

61
62
63 _____
64 Secretary, Virginia Manufactured Housing Board
65

(Page left blank intentionally)

SENTENCING ORDER

VIRGINIA: IN THE CIRCUIT COURT FOR THE CITY OF SALEM

FEDERAL INFORMATION PROCESSING
STANDARDS CODE: 775

Hearing Date: **August 16, 2007**
Judge: **Robert P. Doherty, Jr.**

Commonwealth of Virginia

vs

CR07000074/75/76

Sheila Marie Belcher, DEFENDANT

This case came before the Court for the sentencing of the defendant, who appeared in person with her retained attorney, **John Weber, III**. The Commonwealth was represented by **Scott A. Webber**.

On **May 11, 2007**, the defendant was found guilty of the following offenses:

CASE NUMBER	OFFENSE DESCRIPTION AND INDICATOR (F/M)	OFFENSE DATE	VA. CODE SECTION
CR07-74	Embezzlement (F)	02/08/06	18.2-111
CR07-75	Embezzlement (F)	03/10/06	18.2-111
CR07-76	Embezzlement (F)	04/10/06	18.2-111

The pre-sentence report was considered and is ordered filed and sealed as a part of the record in this case in accordance with the provisions of Code Section 19.2-299.

Rebecca Farmer, the probation and parole officer who prepared the report, was present and available for cross-examination.

Pursuant to the provisions of Code Section 19.2-298.01, the Court has considered and reviewed the applicable discretionary sentencing guidelines and the guidelines worksheets. The sentencing guidelines worksheets and the written explanation of any departure from the guidelines are ordered filed as a part of the record in this case.

Before pronouncing the sentence, the Court inquired if the defendant desired to

10/8/07
c
A
Web
Webber
Doc

make a statement or advance any reason why judgment should not be pronounced, and nothing being offered or alleged in delay of judgment;

The Court **SENTENCES** the defendant to incarceration with the **Virginia Department of Corrections** as follows:

For **Embezzlement, Docket No. CR07000074**, incarceration for two years. The Court Suspends one year of this sentence;

For **Embezzlement, Docket No. CR07000075**, incarceration for two years. The Court Suspends one year of this sentence;

For **Embezzlement, Docket No. CR07000076**, incarceration for two years. The Court Suspends this sentence.

Each of these sentences shall run **consecutively** with any other sentence imposed upon the defendant in any Court.

The total sentence imposed is **six years**. The total amount of sentence suspended is **four years**. These are the conditions of the suspended portion of the sentence:

Supervised Probation. The defendant is placed on probation to commence upon her release from incarceration, under the supervision of a Probation Officer for **three years**, subject to further order of the Court. The Probation Officer has the discretion to adjust the level of supervision from regular supervised probation to intensive supervised probation and vice versa, as deemed appropriate by the Probation Officer. The defendant shall be of good behavior and comply with all the rules and requirements set by the Probation Officer. Further, the defendant shall not be employed in a position of trust or responsibility while on probation.

Drug Screening. The defendant shall complete any substance abuse screening, assessment, testing, and treatment as directed by the Department of Corrections. The defendant is subject to payment of any fees associated with substance abuse treatment or intervention as required by the treatment or intervention program on an ability to pay basis.

Credit for time served. The defendant shall be given credit for time spent in confinement while awaiting trial pursuant to Code Section 53.1-187.

Depart. The defendant was remanded into the custody of the Sheriff for the City of Salem.

August 16, 2007

Date

ENTER:

Robert J. D'Amico

Judge

DEFENDANT IDENTIFICATION:

SSN:

██████████

DOB:

██████████

Sex: **F**

SENTENCING SUMMARY:

TOTAL SENTENCE IMPOSED: **6 years**

TOTAL SENTENCE SUSPENDED: **4 years**

A COPY TESTE:

G. CHARLES CRAWFORD, CLERK 14

CITY OF SALEM CIRCUIT COURT

BY: *Kath B. ...* CLERK

Costs. The defendant shall pay costs of **\$1,105.00**, which said costs are to be paid in monthly installments of no less than one twenty-fourth of the total costs owed, beginning within thirty days upon her release from confinement. And the Court, pursuant to the provisions of Section 46.2-395.B of the Code of Virginia, ORDERS that if the defendant fails to pay as provided herein, her privilege to drive is suspended and she is prohibited from driving any motor vehicle in this Commonwealth until such time as the aforesaid financial obligations are satisfied.

Restitution. The defendant shall make restitution, through the Clerk of this Court, as follows: **\$4,483.00** to **PHC of Virginia, Inc., d/b/a Mt. Regis Center, 405 Kimball Avenue, Salem, VA 24153**, which said restitution shall be paid in monthly installments of no less than one twenty-fourth of the total restitution owed, beginning within thirty days upon her release from incarceration.

Attorney. The Court certifies that at all times during this trial of this case, the defendant was personally present and that her Attorney was likewise personally present and capably represented the defendant.

DNA. It is further ORDERED that the Sheriff of Roanoke County shall arrange for the withdrawal of a blood, saliva or tissue sample for DNA analysis to be sent to the Bureau of Forensic Science pursuant to Section 19.2-301/19.2-310.3 of the Code of Virginia, and the defendant is ORDERED to cooperate fully and promptly in providing information and permitting withdrawal of the sample as required herein. No DNA sample shall be taken if a DNA sample has been previously taken.



COMMONWEALTH of VIRGINIA
Office of the Governor

Kelly Thomasson
Secretary of the Commonwealth

Dear Sheila M Davis,

I am pleased to inform you that Governor Terence R. McAuliffe has restored your civil rights. Enclosed is your official restoration order that will serve as documentation of Governor McAuliffe's decision on your behalf. Please keep the order in a safe place as duplicates cannot be issued.

Your prior conviction no longer restricts your right to register to vote, become a notary public, serve on a jury, or hold public office. All Virginians must be registered in order to vote. You may register to vote online by visiting the Virginia Department of Elections' Citizen Portal at <https://vote.elections.virginia.gov/VoterInformation>. You may also register to vote by completing the enclosed voter registration form and returning it in the enclosed return envelope. Please note that the voter registration form must be received by October 17, 2016, if you wish to vote in this year's November general election.

This action does not restore the right to ship, transport, possess or receive firearms, which must be restored in accordance with Va. Code §18.2-308.2. To regain state firearms privileges, you must apply through the circuit court of your residence.

If you have any questions or concerns regarding your voter registration status, please contact the Virginia Department of Elections at (804) 864-8901. If you have any questions regarding rights restoration, please contact the Restoration of Rights Office for the Secretary of the Commonwealth at (804) 692-0104 or visit our website for more information www.commonwealth.virginia.gov/ror.

Sincerely,

A handwritten signature in blue ink that reads "Kelly Thomasson".

Kelly Thomasson



COMMONWEALTH of VIRGINIA

Executive Department

TO ALL TO WHOM THESE PRESENTS SHALL COME --- GREETINGS:

WHEREAS, Sheila M Davis, after being convicted and sentenced for crime(s) committed prior to August 25, 2016, when the Executive completed review of the particulars of the individual's case; and

WHEREAS, Sheila M Davis, by reason of conviction(s), suffers political disabilities, to wit: denial of the right to vote, to hold public office, to serve on a jury, to be a notary public and to ship, transport, possess or receive firearms; and

WHEREAS, it appears that **Sheila M Davis** has rejoined society free from state supervision and it seems appropriate to the Executive to remove certain of those political disabilities by restoring the right to vote, hold public office, serve on a jury, and to be a notary public;

NOW, THEREFORE, I, Terence R. McAuliffe, Governor of the Commonwealth of Virginia, by virtue of the authority vested in me, do hereby remove the political disabilities, except the ability to ship, transport, possess or receive firearms, under which **Sheila M Davis** labors by reason of conviction as aforesaid, and do hereby restore the rights to vote, hold public office, serve on a jury, and to be a notary public.

Given under my hand and under the Lesser Seal of the Commonwealth at Richmond, on September 02, 2016 in the 241st year of the Commonwealth.



A handwritten signature in blue ink, appearing to read "Terence R. McAuliffe".

Governor of Virginia

A handwritten signature in blue ink, appearing to read "Kelly Thomass".

(Page left blank intentionally)



Robert F. McDonnell
Governor

James S. Cheng
Secretary of
Commerce and Trade

COMMONWEALTH of VIRGINIA

William C. Shelton
Director

DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT

MEMORANDUM

TO: Manufactured Housing Board

FROM: Cindy L. Davis, C.B.O. *CLD*
State Building Code Administrator

DATE: May 15, 2012

RE: Proposed Regulations

We have been notified that the Governor's Office has approved the proposed changes to the Virginia Manufactured Housing Licensing and Transaction Recovery Fund Regulations that were previously approved by this Board.

In the interim, however, changes were made by legislative statutes that were not included in the proposed final regulations. In order to ensure that the Regulations match the law, we have identified changes that are nondiscretionary and that must be approved by this Board before being sent back for publication.

I have attached a copy of the law, along with a highlighted version of the regulations. The corresponding changes to the regulations that were previously approved by this Board are highlighted in yellow. The new changes that must be approved based on the attached law are shown in red text.

A final book will be published after the effective date of all changes, currently expected to be July 4, 2012.

CLD

Attachments

cc: Emory Rodgers
Steve Calhoun

Partners for Better Communities



www.dhcd.virginia.gov

VIRGINIA ACTS OF ASSEMBLY – 2009 SESSION

CHAPTER 579

An Act to amend and reenact §§ 36-85.28, 36-85.31, and 36-85.32 of the Code of Virginia, relating to the Manufactured Housing Licensing and Transaction Recovery Fund Law.

[S 1459]

Approved March 27, 2009

Be it enacted by the General Assembly of Virginia:

1. That §§ 36-85.28, 36-85.31, and 36-85.32 of the Code of Virginia are amended and reenacted as follows:

§ 36-85.28. Limitation on damages; disclosure to buyer.

A. If a buyer fails to accept delivery of a manufactured home, the manufactured home dealer may retain actual damages according to the following terms:

1. If the manufactured home is in the dealer's stock and is not specially ordered from the manufacturer for the buyer, the maximum retention shall be ~~\$500~~ \$1,000.

2. If the manufactured home is a single section unit and is specially ordered from the manufacturer for the buyer, the maximum retention shall be ~~\$1,000~~ \$2,000.

3. *If the manufactured home is larger than a single section unit in the dealer's stock and is not specially ordered for the buyer, the maximum retention shall be \$4,000.*

4. If the manufactured home is larger than a single section unit and is ~~special~~ specially ordered for the buyer from the manufacturer, the maximum retention shall be ~~\$5,000~~ \$7,000.

B. A dealer shall provide a written disclosure to the buyer at the time of the sale of a manufactured home alerting the buyer to the actual damages that may be assessed of the buyer, as listed in subsection A, for failure to take delivery of the manufactured home as purchased.

§ 36-85.31. Recovery fund to be established.

A. Each manufactured home manufacturer, dealer, broker and salesperson operating in the Commonwealth of Virginia shall be required to pay an initial assessment fee as set forth in subsection B to the Virginia Manufactured Housing Transaction Recovery Fund. Thereafter, assessment fees shall be assessed as necessary to achieve and maintain a minimum fund balance of ~~\$250,000~~ \$300,000.

B. Each applicant approved by the Board for a license as a manufactured home manufacturer, dealer, broker, or salesperson in accordance with the provisions of Article 1 (§ 36-85.16 et seq.) of this chapter shall pay into the fund the following assessment fees:

1. For a manufacturer - \$4,000 for each separate manufacturing facility payable in one installment or \$4,400 payable at \$2,200 per year for two years.

2. For a dealer - \$500 per retail location.

3. For a broker - \$500 per sales office.

4. For a salesperson - \$50 per individual.

C. All assessment fees collected under this article shall be deposited in the state treasury and the State Treasurer shall credit the amount paid into a special revenue fund from which appropriations may be utilized by the Board in accordance with the express purposes set forth in this article. The assets of the fund shall be invested in accordance with the advice of the State Treasurer. Interest earned on deposits constituting this fund shall accrue to the fund or may be used for the purposes of providing educational programs to ~~the consumer~~ *consumers, code officials, and the manufactured housing industry and to pay department staff expenses for conducting investigations and preparing reports and findings for the Board.*

D. The Board may authorize an amount not to exceed five percent of the fund balance in any fiscal year to be used both for educational purposes and to pay department staff expenses for conducting investigations and preparing reports and findings for the Board.

§ 36-85.32. Recovery from fund generally.

Any person who suffers any loss or damage by any act of a regulant that constitutes a violation of this chapter shall have the right to institute an action to recover from the recovery fund.

Upon a finding by the Board that a violation has occurred, the Board shall direct the responsible manufacturer, dealer, broker, or salesperson to pay the awarded amount to the claimant. If such amount is not paid within thirty days following receipt of the written decision of the Board and no appeal has been filed in court, the Board shall, upon request of the claimant, pay from the recovery fund the amount of the award to the claimant provided that:

1. The maximum claim of one claimant against the fund because of a single ~~violation~~ or multiple violations by one ~~regulant~~ or more regulants shall be limited to ~~\$20,000~~ \$40,000;

2. The fund balance is sufficient to pay the award;

3. The claimant has assigned the Board all rights and claims against the regulant; and

4. The claimant agrees to subrogate to the Board all rights of the claimant to the extent of payment.

The aggregate of claims against the fund for violations by any one regulant shall be limited by the Board to \$75,000 per manufacturer, \$35,000 per dealer, \$35,000 per broker, and \$25,000 per salesperson during any license period. If a claim has been made against the fund, and the Board has reason to believe there may be additional claims against the fund from other transactions involving the same regulant, the Board may withhold any payments from the fund involving such regulant for a period of not more than one year from the date on which the claimant is approved by the Board for an award from the fund. After this one-year period, if the aggregate of claims against the regulant exceeds the above limitations, said amount shall be prorated by the Board among the claimants and paid from the fund in proportion to the amounts of their awards remaining unpaid.

The amount of damages awarded by the Board shall be limited to actual, compensatory damages and shall not include attorney's fees for representation before the Board.

2. That the provisions of this act amending § 36-85.31 of the Code of Virginia shall expire on July 1, 2011.

TO: Manufactured Housing Board
FROM: Cindy L. Davis, C.B.O.
State Building Code Administrator
DATE: May 15, 2012
RE: Proposed Regulations

We have been notified that the Governor's Office has approved the proposed changes to the Virginia Manufactured Housing Licensing and Transaction Recovery Fund Regulations that were previously approved by this Board.

In the interim, however, changes were made by legislative statutes that were not included in the proposed final regulations. In order to ensure that the Regulations match the law, we have identified changes that are nondiscretionary and that must be approved by this Board before being sent back for publication.

I have attached a copy of the law, along with a highlighted version of the regulations. The corresponding changes to the regulations that were previously approved by this Board are highlighted in yellow. The new changes that must be approved based on the attached law are shown in red text.

A final book will be published after the effective date of all changes, currently expected to be July 4, 2012.

CLD

Attachments

C: Emory Rodgers
Steve Calhoun

Draft Agenda

MHB Discussion Meeting – September 11, 2013

DHCD Offices, 600 E. Main Street, Richmond, VA 23219

11:30 a.m.- Lunch to be Provided

Attendees: W. Hughes, MHB Chair, J Roncaglione, Immediate Past Chair, Emory Rodgers, Deputy Director, Cindy Davis, Director, SBCO

Review of Financial Memo and discussion of 5-year history

Emory will update for next Board meeting.

Gave history of his time here and what happened at the time of the recession. Discussion on what happened when fund was “raided”. Emory explained history of fees. Walther brought up problem with DMV fees. Questioned who is paying the DMV fees. Need legislature to ensure that the title be issued at the time the manufacturer gives the home to the dealer. Emory said we’ll look at it but we don’t want to split the industry. May not be the best time to go to the legislature.

Some states have “approved contract”.

Is there a period where folks can change their mind?

If money is given, what should be given to the consumer?

Requested copy of pages from budget report that we get from Darryl.

Review Fee Updates related to MHLTRF which went into affect August 2012.

Staff recommends no additional fees until 2015-2016

At that time consider suggestion for using #6 of the regulations which would be per unit fee.

Consider technical amendment related to clarification of requiring a contract upon acceptance of any deposits (As a result of the Herring Case).

VAMMNA meeting and MHB meeting

Appropriateness of Joint Meeting – Current Headlines (ABC employees)

Rex Early was predecessor of Curtis. OSHA comparison to DHCD.

Staff attendance at convention functions at Virginia Beach. Do presentations every year.

Future attendance of VAMMHA Conventions – No Board meetings

Burden on Consumers.

DHCD training at Convention – Will do

Informal Fact Finding – working with Steve Jack to do presentation

Legal training – Steve Jack to perform

Conflict of interest -

Post MHB meeting assessment with the Chair and Vice Chair with recommendations for improvements

Other concerns:

Rex Early

Board Appointments interference by staff – VBCOA

Changes made in operation of Board

(Page left blank intentionally)

VIRGINIA ACTS OF ASSEMBLY -- 2009 SESSION

CHAPTER 579

An Act to amend and reenact §§ 36-85.28, 36-85.31, and 36-85.32 of the Code of Virginia, relating to the Manufactured Housing Licensing and Transaction Recovery Fund Law.

[S 1459]

Approved March 27, 2009

Be it enacted by the General Assembly of Virginia:

1. That §§ 36-85.28, 36-85.31, and 36-85.32 of the Code of Virginia are amended and reenacted as follows:

§ 36-85.28. Limitation on damages; disclosure to buyer.

A. If a buyer fails to accept delivery of a manufactured home, the manufactured home dealer may retain actual damages according to the following terms:

1. If the manufactured home is in the dealer's stock and is not specially ordered from the manufacturer for the buyer, the maximum retention shall be ~~\$500~~ \$1,000.

2. If the manufactured home is a single section unit and is specially ordered from the manufacturer for the buyer, the maximum retention shall be ~~\$1,000~~ \$2,000.

3. *If the manufactured home is larger than a single section unit in the dealer's stock and is not specially ordered for the buyer, the maximum retention shall be \$4,000.*

4. If the manufactured home is larger than a single section unit and is ~~special~~ specially ordered for the buyer from the manufacturer, the maximum retention shall be ~~\$5,000~~ \$7,000.

B. A dealer shall provide a written disclosure to the buyer at the time of the sale of a manufactured home alerting the buyer to the actual damages that may be assessed of the buyer, as listed in subsection A, for failure to take delivery of the manufactured home as purchased.

§ 36-85.31. Recovery fund to be established.

A. Each manufactured home manufacturer, dealer, broker and salesperson operating in the Commonwealth of Virginia shall be required to pay an initial assessment fee as set forth in subsection B to the Virginia Manufactured Housing Transaction Recovery Fund. Thereafter, assessment fees shall be assessed as necessary to achieve and maintain a minimum fund balance of ~~\$250,000~~ \$300,000.

B. Each applicant approved by the Board for a license as a manufactured home manufacturer, dealer, broker, or salesperson in accordance with the provisions of Article 1 (§ 36-85.16 et seq.) of this chapter shall pay into the fund the following assessment fees:

1. For a manufacturer - \$4,000 for each separate manufacturing facility payable in one installment or \$4,400 payable at \$2,200 per year for two years.

2. For a dealer - \$500 per retail location.

3. For a broker - \$500 per sales office.

4. For a salesperson - \$50 per individual.

C. All assessment fees collected under this article shall be deposited in the state treasury and the State Treasurer shall credit the amount paid into a special revenue fund from which appropriations may be utilized by the Board in accordance with the express purposes set forth in this article. The assets of the fund shall be invested in accordance with the advice of the State Treasurer. Interest earned on deposits constituting this fund shall accrue to the fund or may be used for the purposes of providing educational programs to ~~the consumer about consumers, code officials, and the~~ manufactured housing industry and to pay department staff expenses for conducting investigations and preparing reports and findings for the Board.

D. *The Board may authorize an amount not to exceed five percent of the fund balance in any fiscal year to be used both for educational purposes and to pay department staff expenses for conducting investigations and preparing reports and findings for the Board.*

§ 36-85.32. Recovery from fund generally.

Any person who suffers any loss or damage by any act of a regulant that constitutes a violation of this chapter shall have the right to institute an action to recover from the recovery fund.

Upon a finding by the Board that a violation has occurred, the Board shall direct the responsible manufacturer, dealer, broker, or salesperson to pay the awarded amount to the claimant. If such amount is not paid within thirty days following receipt of the written decision of the Board and no appeal has been filed in court, the Board shall, upon request of the claimant, pay from the recovery fund the amount of the award to the claimant provided that:

1. The maximum claim of one claimant against the fund because of a single ~~violation~~ or multiple violations by one ~~regulant~~ or more regulants shall be limited to ~~\$20,000~~ \$40,000;

2. The fund balance is sufficient to pay the award;

3. The claimant has assigned the Board all rights and claims against the regulant; and

4. The claimant agrees to subrogate to the Board all rights of the claimant to the extent of payment.

The aggregate of claims against the fund for violations by any one regulant shall be limited by the Board to \$75,000 per manufacturer, \$35,000 per dealer, \$35,000 per broker, and \$25,000 per salesperson during any license period. If a claim has been made against the fund, and the Board has reason to believe there may be additional claims against the fund from other transactions involving the same regulant, the Board may withhold any payments from the fund involving such regulant for a period of not more than one year from the date on which the claimant is approved by the Board for an award from the fund. After this one-year period, if the aggregate of claims against the regulant exceeds the above limitations, said amount shall be prorated by the Board among the claimants and paid from the fund in proportion to the amounts of their awards remaining unpaid.

The amount of damages awarded by the Board shall be limited to actual, compensatory damages and shall not include attorney's fees for representation before the Board.

2. That the provisions of this act amending § 36-85.31 of the Code of Virginia shall expire on July 1, 2011.

(Page left blank intentionally)

Fund: 09253 - MFG Recovery Fund

		FY 2020													
		Net Revenue For the													
Revenue Code	Source Title	Month	Jul	Aug	Sept	Oct	Nov	Dec	Jan	Feb	Mar	Apr	May	Jun	Total
4005050	Manufactured Home Assessmt Fee (634)		700.00	475.00	2,700.00	1,450.00	1,700.00	400.00	2,841.00	524.00	999.00	799.00	4,549.00	538.00	17,675.00
4007108	Interest From Other Sources (634)		-	-	-	4,561.50	-	-	4,132.83	-	-	3,361.29	-	-	12,055.62
Total for Fund 09253:			700.00	475.00	2,700.00	6,011.50	1,700.00	400.00	6,973.83	524.00	999.00	4,160.29	4,549.00	538.00	29,730.62

(Page left blank intentionally)



Department of Housing and Community Development

Virginia Manufactured Housing Transaction Recovery Fund (09253)

Cash Balance Report

As of June 29, 2020

Beginning Balance - July 1, 2019		722,339.60
Revenue:		
Manufactured Home Assessment Fees	17,675.00	
Interest	12,055.62	
Total Revenue	<u>29,730.62</u>	
Expenses:		
Postage	0.00	
Travel	0.00	
Fiscal Services	141.67	
Individual Claims & Settlements	0.00	
Total Expenses	<u>141.67</u>	
Ending Balance:		<u>751,928.55</u>



(Page left blank intentionally)

Commonwealth of Virginia
Office of the Attorney General
900 East Main Street
Richmond, VA 23219

Debtor Balance Report

Detail

Interest As Of: 06/30/2020

Client: Department of Housing & Community Development
Main Street Centre 600 East Main Street, Suite 300
Richmond, VA 23219

Member: None
Status: All

Sort Order: Debtor Name

Type: All

Debtor Name Claim No.	Ref. Acct. No.	Open Date	Initial Balance	Last Pmt Date	Principal Balance	Interest Balance	Fees Balance	Costs Balance	Other Balance	Current Balance
C & K Homes, Inc. 202000073.001	T-2018-06-Transaction Fund	01/16/2020	1,338.05		0.00	0.00	0.00	0.00	0.00	0.00
Court: RICGD - City of Richmond General District Court -- For: Final Order 12-13-18 -- Debtor2: Dennis Ray Kidd -- Originator: RBM - Robert B. McEntee, Jr. -- Responsible: NWW - Nanora W. Westbrook -- Status: 01/16/2020 010 - OPEN -- Status Code: 010 -- Status Date: 01/16/2020 -- Type: MHTRF - Manufactured Home Trans. Recovery Fund -- Current Principal: \$0.00 -- Current Interest: \$0.00 -- Current Fees: \$0.00 -- Current Costs: \$0.00 -- Current Other: \$0.00										
C & K Homes, Inc. 202000073.002	D-2018-06-Disciplinary Fine	01/16/2020	10,400.00		8,000.00	0.00	2,400.00	0.00	0.00	10,400.00
Court: RICGD - City of Richmond General District Court -- For: Final Order entered 1-23-19 -- Debtor2: Dennis Ray Kidd -- Originator: RBM - Robert B. McEntee, Jr. -- Responsible: NWW - Nanora W. Westbrook -- Status: 01/16/2020 010 - OPEN -- Status Code: 010 -- Status Date: 01/16/2020 -- Type: MHTRF - Manufactured Home Trans. Recovery Fund -- Current Principal: \$8,000.00 -- Current Interest: \$0.00 -- Current Fees: \$2,400.00 -- Current Costs: \$0.00 -- Current Other: \$0.00										
Golden Rule Homes, Inc. 202000074.001	T-2012-8-Transaction Fund	01/16/2020	3,000.00		0.00	0.00	0.00	0.00	0.00	0.00
Court: RICGD - City of Richmond General District Court -- For: Final Order entered 8-10-13 -- Originator: RBM - Robert B. McEntee, Jr. -- Responsible: NWW - Nanora W. Westbrook -- Status: 01/16/2020 010 - OPEN -- Status Code: 010 -- Status Date: 01/16/2020 -- Type: MHTRF - Manufactured Home Trans. Recovery Fund -- Current Principal: \$0.00 -- Current Interest: \$0.00 -- Current Fees: \$0.00 -- Current Costs: \$0.00 -- Current Other: \$0.00										
Golden Rule Homes, Inc. 202000074.002	D92012-8-Disciplinary	01/16/2020	1,000.00		1,000.00	0.00	0.00	0.00	0.00	1,000.00
Court: RICGD - City of Richmond General District Court -- For: Final Order entered 8-10-13 -- Originator: RBM - Robert B. McEntee, Jr. -- Responsible: NWW - Nanora W. Westbrook -- Status: 01/16/2020 010 - OPEN -- Status Code: 010 -- Status Date: 01/16/2020 -- Type: MHTRF - Manufactured Home Trans. Recovery Fund -- Current Principal: \$1,000.00 -- Current Interest: \$0.00 -- Current Fees: \$0.00 -- Current Costs: \$0.00 -- Current Other: \$0.00										
Glenwood Walker 201702015.001	T-2014-14 Transaction Recovery	11/29/2017	28,600.00	06/16/2020	22,000.00	1,486.37	6,290.00	0.00	0.00	29,776.37
Court: RICGD - City of Richmond General District Court -- For: Claimant: Terry Tatum-Final Order-3-30-15 -- Debtor2: Glenwood A. Walker -- Judgment Date: 05/16/2019 -- Originator: RBM - Robert B. McEntee, Jr. -- Responsible: NWW - Nanora W. Westbrook -- Status: 11/06/2019 304 - JUDGMENT - PAYMENT PLAN -- Status Code: 304 -- Status Date: 11/06/2019 -- Type: MHTRF - Manufactured Home Trans. Recovery Fund -- Current Principal: \$22,000.00 -- Current Interest: \$1,471.90 -- Current Fees: \$6,290.00 -- Current Costs: \$0.00 -- Current Other: \$0.00 -- Last Payment Date: 06/16/2020 -- Last Payment Amount: \$40.00										
Glenwood Walker 201702015.002	D-2014-14 Disciplinary	11/29/2017	2,600.00		2,000.00	135.12	600.00	0.00	0.00	2,735.12

Debtor Balance Report

Detail

Interest As Of: 06/30/2020

Client: Department of Housing & Community Development
 Main Street Centre 600 East Main Street, Suite 300
 Richmond, VA 23219

Member: None
 Status: All

Sort Order: Debtor Name

Type: All

Debtor Name Claim No.	Ref. Acct. No.	Open Date	Initial Balance	Last Pmt Date	Principal Balance	Interest Balance	Fees Balance	Costs Balance	Other Balance	Current Balance
Court: RICGD - City of Richmond General District Court -- For: Claimant: Terry Tatum-Final Order 3-30-15 -- Debtor2: Glenwood A. Walker -- Judgment Date: 05/16/2019 -- Originator: RBM - Robert B. McEntee, Jr. -- Responsible: NWW - Nanora W. Westbrook -- Status: 05/16/2019 302 - JUDGMENT -- Status Code: 302 -- Status Date: 05/16/2019 -- Type: MHTRF - Manufactured Home Trans. Recovery Fund -- Current Principal: \$2,000.00 -- Current Interest: \$133.81 -- Current Fees: \$600.00 -- Current Costs: \$0.00 -- Current Other: \$0.00										
Glenwood Walker 201702016.001	T-2016-01 Transaction Recovery	11/29/2017	20,800.00	06/16/2020	16,000.00	1,080.96	4,560.00	0.00	0.00	21,640.96
Court: RICGD - City of Richmond General District Court -- For: Claimant: Elia Devora-Final Order 6-30-16 -- Debtor2: Glenwood A. Walker -- Judgment Date: 05/16/2019 -- Originator: RBM - Robert B. McEntee, Jr. -- Responsible: NWW - Nanora W. Westbrook -- Status: 11/07/2019 304 - JUDGMENT - PAYMENT PLAN -- Status Code: 304 -- Status Date: 11/07/2019 -- Type: MHTRF - Manufactured Home Trans. Recovery Fund -- Current Principal: \$16,000.00 -- Current Interest: \$1,070.44 -- Current Fees: \$4,560.00 -- Current Costs: \$0.00 -- Current Other: \$0.00 -- Last Payment Date: 06/16/2020 -- Last Payment Amount: \$30.00										
Glenwood Walker 201702016.002	D-2016-01 Disciplinary	11/29/2017	3,250.00		2,500.00	168.90	750.00	0.00	0.00	3,418.90
Court: RICGD - City of Richmond General District Court -- For: Claimant: Elia Devora-Final Order 6-30-16 -- Debtor2: Glenwood A. Walker -- Judgment Date: 05/16/2019 -- Originator: RBM - Robert B. McEntee, Jr. -- Responsible: NWW - Nanora W. Westbrook -- Status: 05/16/2019 302 - JUDGMENT -- Status Code: 302 -- Status Date: 05/16/2019 -- Type: MHTRF - Manufactured Home Trans. Recovery Fund -- Current Principal: \$2,500.00 -- Current Interest: \$167.26 -- Current Fees: \$750.00 -- Current Costs: \$0.00 -- Current Other: \$0.00										
GRAND TOTAL:			70,988.05		51,500.00	2,871.35	14,600.00	0.00	0.00	68,971.35
TOTAL COUNT:					8					

(Page left blank intentionally)

Transaction Recovery Fund Payments Issued in the Past Six Years

Terry Tatum vs Budget Homes

Final Order - March 3, 2015
Transaction Recovery Fund - \$22,000
Disciplinary Fine - \$2,500

Elia Devora vs Budget Homes

Final Order - July 8, 2016
Transaction Recovery Fund - \$16,000
Disciplinary Fine - \$2,500

Edwin Rodrigues vs Infinity Housing Solutions*

Final Order - August 24, 2017
Transaction Recovery Fund - \$5,000
Disciplinary Fine - \$7,500

James Parker Newman vs C & K Homes

Final Order - January 23, 2019
Transaction Recovery Fund - \$1,029.27
Disciplinary Fine - \$8,000

Total Transaction Recovery Payments = \$44,029.27

Total Disciplinary Fines = \$20,500

*A judgement against Infinity Housing Solutions (IHS) by the Circuit Court of Spotsylvania County requires IHS to pay the court \$100 per month which is forwarded to the Manufactured Housing Transaction Recovery Fund.