

Manufactured Home Owners Association Of New Jersey

BYLAWS

(Approved October 14, 2023)



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ARTICLE I – OFFICES: CORPORATE SEAL

Section 1. Registered Office and Agent: The registered office of the Manufactured Homeowners Association Of New Jersey, Inc. (hereafter, MHOA-NJ) shall be outlined in the Articles of Incorporation.

Section 2. Corporate Seal. MHOA-NJ shall have no corporate seal.

ARTICLE II – PURPOSE

Section 1. MHOA-NJ is formed exclusively for religious, charitable, scientific, and educational purposes, all within the meaning of Section 501(c)(3) of the Internal Revenue Code of 1986, as the same may be amended, modified, or replaced by any future United States Internal Revenue law, and not for pecuniary profit.

Section 2. The specific purpose of this organization is educational. This organization will provide an influential voice for manufactured homeowners and other park residents to express their needs and concerns in the community. Through action and communication, this organization will serve as a vehicle to promote meaningful social change, protect their legal rights, and improve the quality of life in manufactured home parks. This organization will also promote residents' health, safety, and welfare and address issues affecting the quality of their housing. Our function is primarily that of an advocate, a proponent of the social changes that would improve the lives of residents in our communities.

Section 3. Limit of Purpose and Activities: No substantial part of the activities of the corporation shall be the carrying on of propaganda or otherwise attempting to influence elections, and the corporation shall not participate in or intervene in (including the publishing or distribution of statements) any political campaign on behalf of or in opposition to any candidate for public office. Notwithstanding any other provision of these articles, this corporation shall not, except to an insubstantial degree, engage in any activities or exercise any powers that are not in furtherance of the purposes of this corporation.

Section 4. The MHOA-NJ shall have and exercise all rights and powers as are now, or may hereafter be, conferred on or exercised by nonprofit corporations under the Act, other laws of the State of New Jersey, or any other applicable laws, in furtherance of the MHOA-NJ's purposes, including, but not limited to the following:

- (a) To solicit the support of MHOA-NJ's activities from public or private sources.
- (b) To contract with other organizations, both for-profit and nonprofit, with individuals, and with governmental agencies to further these purposes.
- (c) To receive, administer, hold and invest funds for MHOA-NJ, and to that end take and hold by bequest, devise, gift, grant, purchase, lease, or otherwise, either absolutely or jointly with any other person, corporation, or other entity, any property, real, personal, tangible or intangible or any undivided interest therein, without limitation as to the amount of value; to sell, convey, transfer, fit or otherwise dispose of any such funds or property and to invest, reinvest, or deal with the principal or the income thereof in such manner as, in the judgment of the Trustees, will best promote the purposes of MHOA-NJ;
- (d) To raise and distribute funds either directly or through related organizations or other organizations exempt from Federal tax under Section 501(c)(3) of the Code in furtherance of MHOA-NJ's purposes, subject to limitations on the nature and extent of such activities applicable to organizations exempt from Federal tax under Section 501(c)(3); and

- (e) To otherwise operate exclusively for charitable, religious, scientific, or educational purposes within the meaning of the Code.

Section 5. Notwithstanding any other provision of these Bylaws, no part of the net earnings of MHOA-NJ shall inure to the benefit of, or be distributable to, its Trustees, Officers, Directors, or other persons, except that MHOA-NJ shall be authorized and empowered to pay reasonable compensation or salary for services rendered and make payments in furtherance of the purposes set forth herein. Furthermore, no Trustee, Director, or Officer shall be entitled to share in the distribution of any of the corporate assets upon dissolution of MHOA-NJ Corporation.

Exceptions to section 5

- (a) Travel costs and any other expense of any officer on official business shall be paid, if requested, as long as receipts are provided and subject to the approval of the Executive Board.
- (b) Authenticated telephone bills and office supplies shall be paid, subject to the approval of the Board of Directors Committee.

Section 6. Notwithstanding any other provisions of these Bylaws, the corporation shall not carry on any activities not permitted to be carried on by (1) a corporation exempt from Federal income tax under Section 501(c)(3) of the Code (or the corresponding provision of any future United States Internal Revenue Law); or (2) a corporation, contributions to which are deductible under Section 170(c)(2) of the Code (or the corresponding provision of any future United States Internal Revenue Law).

ARTICLE III – SERVICE AREA

Section 1. MHOA-NJ conducts its organizing activities throughout the State of New Jersey. MHOA-NJ chapters may be formed throughout this service area. MHOA-NJ Board of Directors may support new chapters or assist chapter leadership in dissolving existing chapters as it deems appropriate. MHOA-NJ's Board of Directors may approve organizing activities beyond this designated area for special exceptions.

ARTICLE IV – MEMBERSHIP

Section 1. MHOA-NJ is a membership organization of manufactured homeowners living in manufactured home communities (primarily residential land-lease communities). MHOA-NJ regular membership applies to an entire household, and every adult (person over 18 years of age) residing in a household is considered a member. However, for elections and voting purposes, each household has one vote. The Board shall establish annual membership dues.

Section 2. Associate memberships may be conferred after written application by the proposed applicant if the Board authorizes such memberships. The Board will set associate membership dues. Associate members are those without voting privileges who contribute time, expertise, or financial assistance to MHOA-NJ or homeowners/residents of manufactured home parks.

Section 3. The Executive Committee may confer honorary membership.

Section 4. No members shall have a conflict of interest by owning or being employed by a non-resident-owned manufactured home community.

Section 5. Voting on all issues at the MHOA-NJ Annual Meeting is for members only. No proxy votes or absentee votes are allowed.

Section 6. Any member actively working against the bylaws and mission, as defined by the Executive Board of the Association, may be removed as a member by a majority vote of the Executive Board.

ARTICLE V – MEMBERSHIP PRIVILEGES & RESPONSIBILITIES

Section 1. All household members who wish to be members should be listed on the membership application. Whenever the consent of members is required on any question, there shall be only one vote for each household.

Section 2. Each member is entitled to:

- a. All official publications.
- b. Referrals for legal guidance on affairs relevant to manufactured housing.
- c. Bring to the attention of the Board any issues or problems related to manufactured home living to obtain advice in handling the issue.
- d. Other benefits which the Board may approve.

Section 3. Each regular member who has held a membership card for six (6) months is eligible to hold office in the Association.

ARTICLE VI– CHAPTERS

Section 1. The MHOA-NJ Board has sole authority to approve MHOA-NJ chapters.

Section 2. Chapters may be incorporated or unincorporated and shall be considered separate legal entities from the Manufactured Homeowners Association of New Jersey, Inc. Each Chapter shall be legally responsible for any actions it takes, and such acts shall not be the responsibility of the Manufactured Homeowners Association of New Jersey, Inc. unless authorized in writing by the Executive Committee. Chapters shall operate autonomously in funding and leadership from MHOA-NJ; however, all MHOA-NJ advisory committee members (if the committee is deemed needed and is appointed) must be MHOA-NJ members.

Section 3. Municipal-level Alliances are formed to give members and chapters a voice at the municipal level and to participate in broader MHOA-NJ issues if there are at least two parks and the organization has at least one member in each park. Municipal Alliances will be treated as chapters and will garner all chapters' benefits and responsibilities.

Section 4. Any new Chapter shall adopt governing documents that shall not conflict with the Articles of Incorporation and By-Laws of the Manufactured Home Owners Association of New Jersey, Inc. Chapters should carefully consider the requirements of NJSA 46:8C-2 through 46:8C-21 (New Jersey's Manufactured Housing Protection Act) when establishing a homeowners association or MHOA- NJ Chapter. This NJ law provides homeowner associations with certain rights when they meet minimum organizational standards.

Section 5. The Board of Directors may terminate the cooperating relationship between the Manufactured Home Owners Association of New Jersey, Inc. and any Chapter for cause on sixty (60) days' written notice. Still, the Chapter shall be given a reasonable opportunity, within the specified sixty (60) days, to show cause why such cooperating relationship should not be terminated.

Section 6. Any chapter of a chapter organization that includes in its certificate of incorporation a provision that it is a chapter of MHOA-NJ shall, upon revocation of its charter by the chapter organization, continue to be a corporation until dissolved in accordance with all Federal and NJ laws which govern the corporation.

Section 7. No chapter, corporation, or other entity shall adopt or use a name or symbol indicating that it is affiliated with MHOA-NJ unless it is a chapter of the organization or does so with the consent of the MHOA-NJ Board of Directors.

ARTICLE VII – CHAPTER PRIVILEGES & RESPONSIBILITIES

Section 1. Chapters participate in MHOA-NJ programs, address manufactured home park issues, and receive support from MHOA-NJ staff. Chapters shall cooperate with the work of the Manufactured Homeowners Association of New Jersey, Inc. by:

- (a) Keeping members current and fully informed on the organization's activities.
- (b) Creating an appreciation by members of the need for and the importance of their active support.

Section 2. Duties

- (a) Each Chapter is responsible for seeing that their members of the Manufactured Homeowners Association of New Jersey, Inc. Dues should be collected and sent to the administrative office of MHOA-NJ on an annual schedule and within a 12-month period. Transactions shall be drawn to the order of the Manufactured Homeowners Association of New Jersey, Inc. (MHOA of NJ).
- (b) At chapter meetings, the Secretary shall inform members of all correspondence received. The Chapter may send information regarding Chapter activities and interests to the Executive Director, Newsletter Editor, or Association Secretary for potential inclusion in Association publications.

Section 3: Each Chapter shall provide MHOA-NJ with the following information and update it on an annual basis. It is the responsibility of the MHOA-NJ Board of Directors to review that chapters have provided the materials and to help chapters meet these requirements.

- (a) Membership roster showing all changes in membership status within the Chapter, such as admission, expulsions, or suspensions of members, etc., sent to the business address of MHOA-NJ.
- (b) Chapters need to provide MHOA-NJ with their members' names, addresses, and contact information to facilitate communication of critical information directly to MHOA-NJ members.

Section 4: Chapter Privileges

- (a) Chapters shall receive copies of all publications of MHOA-NJ (newsletters, bulletins, legislative reports, etc. In addition, Chapters receive special materials from the MHOA-NJ organization that relate to specific topics and issues that chapters identify as important.
- (b) Each chapter may make use of MHOA-NJ web hosting, coordinated email addresses, etc.
- (c) Each Chapter has the right to access expertise on the Board of Directors or form Board committees for fundraising, membership issues, organizational questions, and other issues that chapters need assistance with.
- (d) Each chapter can expect that an MHOA NJ Board Member or Representative may attend and provide workshops to the chapters as requested.
- (e) Chapters will have access to MHOA-NJ's legal referral system. This referral system will provide the names and information of attorneys who have agreed to set fees and free initial consultations. All requests and advice are to be provided at no cost to the chapter requesting it. The Board must approve all requests.
- (f) Chapters may use the logos and other affiliation indicators of MHOA-NJ.
- (g) (MHOA-NJ is constantly looking to increase benefits for chapters, and each chapter will be provided access to any additional benefits that the Board of Directors authorizes.

ARTICLE VIII – DUES AND ASSESSMENTS

Section 1. Dues payable to the State Association shall be paid on an annual schedule that will be honored by the Board. The MHOA- NJ Board will establish yearly dues.

Section 2. Chapters will notify their members of the pending renewals, collect the renewals, and forward them to MHOA-NJ for processing. A membership roster with the members' contact information shall be submitted to the Board. The Chapter shall initiate follow-up procedures on all delinquent renewals directly with the non-renewing memberships. Non-affiliated members shall be contacted directly by the MHOA-NJ before the expiration of membership.

Section 3. If any dues or assessments levied against a member are not paid on or before the due date, the member's status will be considered in default. Still, a grace period of thirty (30) days will be allowed for any payment, during which time the membership will be in force. Should the member fail to pay the amount due at the expiration of their grace period, they shall forfeit their membership privileges.

Section 4. A member who has forfeited membership for non-payment of dues or assessments may reapply for membership by remitting the annual dues and written application.
(See Appendix C, page 14)

ARTICLE IX – THE EXECUTIVE BOARD

Section 1. The term of office for all MHOA-NJ Board members shall run for a four-year period.

Section 2. The Board Officers shall consist of 1) the President, 2) Vice-President, 3) Treasurer, 4) Board Secretary. Each of these positions will be filled by an election held by the membership at MHOA-NJ's Annual Meeting. Optional/Additional Board positions may include Newsletter Editor, Membership Coordinator, or other positions deemed necessary, and with the approval of a simple majority of the Board. All Board Members shall cast one vote on issues, resolutions, etc.

Section 3. When the Board votes on issues, resolutions, etc., the President shall abstain from voting unless there is a tied vote; at this time, the President may cast the deciding vote to resolve the tied vote.

Section 4. The term of office for all elected and appointed officials shall be a four (4) year period. The positions of President and Secretary shall be voted upon in alternate years with that of the Vice President and the Treasurer.

Section 5. The annual meeting/convention will be held once a year virtually or in person at a time and date decided by the Board.

Section 6. The President may establish permanent or standing committees as well as temporary or ad-hoc committees to conduct programs and activities. The president may appoint members to the board to fill a vacancy. The President may expand the size of the board by consent of a simple majority of the Board.

ARTICLE X – POWERS – THE BOARD

Section 1. The Board shall have general charge and control of this organization's affairs, funds, and property.

This includes but is not limited to, the authority to:

- (a) Choose MHOA-NJ's issues, programs, and projects.
- (b) Approve the annual budget and oversee MHOA-NJ's finances.
- (c) Establish organizational policies.
- (d) Develop and monitor MHOA-NJ's strategic plan.
- (e) Conduct the annual planning process and develop the Annual Work Plan.
- (f) Certify and review the status of parks as MHOA-NJ chapters.

In addition, Board members have the responsibility to:

- (a) Prepare for each board meeting by reading the board packet and other materials. Maintain current knowledge of MHOA-NJ's issues, programs, and activities.
- (b) Attend all regular and special board meetings at regular intervals, participate actively, and provide input.
- (c) Notify the President if you are unable to attend a meeting

ARTICLE XI – DUTIES OF ELECTED & APPOINTED OFFICIALS

Section 1 PRESIDENT

- (a) The President shall be the Chief Administrative Officer of the Association and shall be responsible for the execution of its policies and programs and the efficient functioning of its organization under the general direction of the Board of Directors and pursuant to the Constitution and By-Laws, and the directives of the Convention.
- (b) Make assignments and re-assignments of such duties and functions of elected officers and committees as are not set out in the By-Laws subject to the approval of the Board.
- (c) Preside at all Conventions of the Association and all meetings of the Executive Committee or appoint another to oversee such conventions and meetings.
- (d) Appoint all committees and be an ex-officio member thereof.

Section 2 VICE-PRESIDENT

Shall be the Chief Executive Officer of the Association in the absence of the President.

Section 3 RECORDING SECRETARY

- (a) Shall keep accurate records of the proceedings of all Board meetings and at special meetings as the Board shall deem necessary.
- (b) Keep accurate records of the proceedings of the Convention.
- (c) Have charge of all secretarial records of the Association.

Section 4 TREASURER

Perform such other duties as the Executive Director and Board shall deem necessary.

Section 5 MEMBERSHIP COORDINATOR

- (a) Assist the Executive Director in maintaining contact with Chapter Leaders.
- (b) Periodically consult with the Executive Director and provide suggestions for improved interactions between the Board and Chapters.
- (c) Coordinate efforts with local chapter celebrations or regional events.
- (d) This position may be assigned to the Executive Director by consent of the President.

ARTICLE XII – STANDING COMMITTEES

Section 1. Committee members and committee chairs shall be appointed at the Convention by the President to serve until the next Convention.

Section 2. The Bylaws Committee shall be appointed by the President if the need arises to review the association's bylaws.

Section 3. Other committees may be formed, and members appointed by the President upon approval of the Board.

ARTICLE XIII – NOMINATIONS & ELECTIONS

Section 1. Nominations and elections for officers shall be made at the annual Convention after all regular and special committee reports have been made.

Section 2. Any active member approved by the nomination committee may be a candidate for election, provided they have been a member in good standing of MHOA-NJ for at least six months and must be over 18 years of age.

Section 3. A nominating committee appointed by the President shall receive requests by nominees for the Board positions. (Floor nominations have been removed). The nominating officer shall conduct the elections at the Convention.

Section 4. If the positions that are being elected have only one candidate, then the election may be done by acclamation; otherwise, all elections must be by secret ballot with a majority vote deciding. In the event there is no opposition for a certain office, the Recording Secretary shall cast one ballot.

Section 5. Each household shall have one vote. The votes shall be counted by a committee of at least two members appointed by the nominating officer.

Section 6. The election of Board Officers shall be staggered to provide a smooth transition for the optimal functioning of the Board.

ARTICLE XIV – ANNUAL MEETING & CONVENTION

Section 1. The annual Association Convention shall be held in person or using video conferencing or other means adopted by the Board.

Section 2. The President is the presiding officer at the Convention. If the President so chooses, he may appoint a surrogate to be the presiding officer. The Recording Secretary serves as the Secretary for the Convention.

Section 3. In order to maintain order, the presiding officer may appoint a Sergeant-At-Arms.

ARTICLE XV – NOTICE OF MEMBERS’ AND BOARD MEETINGS

Section 1. Yearly schedules of the Board Meetings are provided to each Board member. Changes in the schedule are generally approved at the previous meeting but may be made by the President whenever deemed necessary.

Section 2. Board Meetings may be conducted by any telecommunication platform, or Board Members may phone into meetings if the technology to do so has been provided.

ARTICLE XVI – OFFICIAL PUBLICATIONS

Section 1. The Association shall have its own publication to:

- (a) Be an organ for giving notices to members.
- (b) Keep members informed of Association activities
- (c) Keep members aware of the news of the Manufactured Home and Civic/ World

Section 2. The Association shall be responsible for all monies earned and bills incurred by the publication.

ARTICLE XVII – RULES OF ORDER

Section 1. 51% of Board members in good standing constitute a quorum and must be present at any Board meetings before voting or business can occur.

Section 2. The meetings and proceedings of MHOA-NJ shall be regulated and controlled according to Robert’s Rules of Orders (as revised) for parliamentary procedure; in cases where these bylaws and Robert’s Rules conflict, MHOA-NJ bylaws will prevail.

ARTICLE XIII – BOOKS AND RECORDS

Section 1. The Board of MHOA-NJ shall maintain, at the registered office of MHOA-NJ, originals or copies of all pertinent records and information in accordance with established best practices.

Section 2. The fiscal year shall be the calendar year.

ARTICLE XIX – NON-DISCRIMINATION

The terms and conditions of the bylaws will be applied equally to all citizens of the State of New Jersey without discrimination on the basis of race, color, creed, national origin, sex, age, religion, sexual orientation, mental or physical ability, political affiliation, marital status, status in regard to public assistance, veteran status, or ex-offender status, in compliance with all Federal, State and local laws.

ARTICLE XX – AMENDMENTS

These bylaws may be amended by the MHOA-NJ membership, provided that thirty days' notice of a motion is given and that two-thirds (2/3) of the voting MHOA-NJ members present at the announced MHOA-NJ annual membership meeting(s) vote in favor of the proposed amendments.

ARTICLE XXI – DISSOLUTION OF CORPORATION

Upon the dissolution of the corporation, assets shall be distributed for one or more exempt purposes within the meaning of section 501(c)(3) of the Internal Revenue Code or the corresponding section of any future federal tax code or shall be distributed to the federal government, or state or local government, for a public purpose.

ARTICLE XXII – SEVERABILITY

If the application of any provision of bylaws to a situation is finally determined by a court of competent jurisdiction to be invalid, such determination shall not affect the validity of any other provisions of these bylaws, which can be given effect without the application of the provision determined to be invalid as applied. To this end, the provision of all articles, sections, subsections, or subdivisions herein and the various applications thereof are declared to be severable.