



# HOUSING NOW

## July 2021

### 29<sup>th</sup> ANNUAL SUMMER OUTING: AUGUST 4, 2021

Our 29<sup>th</sup> Annual Summer Outing is a great opportunity for camaraderie, networking and just plain fun! This year's Outing will be held on August 4, 2021 at Drumlins Golf & Country Club in Syracuse. Registration and sponsorship forms can be found on our website at: [www.nyhousing.org/events/2021-summer-outing](http://www.nyhousing.org/events/2021-summer-outing)

One thing we hope you immediately notice is that prices have been **held at the reduced 2019 rates!** We did this in 2019 and the turnout was the best in many years. We encourage our members to bring as many of your fellow employees as possible.

While many members are out on the course, we will be holding the 3-hour Continuing Education Course from 9:00 am until 12:00 pm. We encourage those taking the CE course to spend the afternoon

at the clam bake. It is a wonderful time for those that are new to our industry to meet with other members and strengthen working relationships. To register for the lunch, please visit: [www.nyhousing.org/events/2021-summer-outing](http://www.nyhousing.org/events/2021-summer-outing)

We will observe any and all guidelines from both NYS and the CDC regarding the safety and health of our members and participants. We already have a sponsor for individual hand sanitizers for all participants – thanks, Blevins!

This is going to be a great time to get together after the long time spent apart. This is **your** association and **your** Summer Outing. Let's make it a memorable one that we can build on. **We look forward to seeing you all there!**



#### GOLFERS NEEDED!

You haven't registered yet? Visit:  
[www.nyhousing.org/events/2021-summer-outing](http://www.nyhousing.org/events/2021-summer-outing)  
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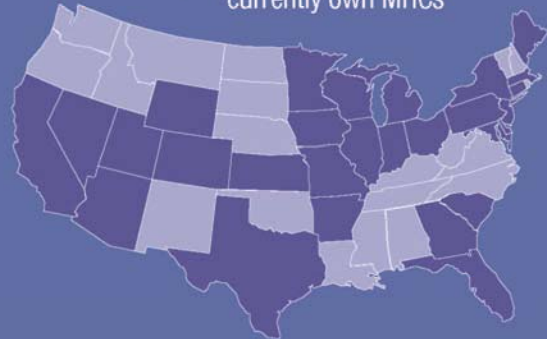


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## FROM THE NYHA PRESIDENT



**JOE BUSHEY**

### WE'RE HALF WAY THERE!

I hope all of you had a safe and enjoyable 4<sup>th</sup> of July holiday. It's amazing how quickly time goes by and waits for none us. 2021 is already more than half gone, and the next six months promise to go by even faster than the first did.

Now more than ever, I encourage you to reflect on your personal and professional goals that you set for the year. Hopefully you are making steady progress towards what you wanted to accomplish this year. I suggest looking at it as a halftime break. The most successful teams are the ones that always make the best adjustments at halftime. Take the necessary time to evaluate what you have done right, and keep doing it, and just as importantly, identify what you need to change and recommit to making it happen.

Please take the time and set aside August 4<sup>th</sup> to join us at Drumlin's County Club for our 29<sup>th</sup> Annual Summer Outing. Work on your golf game and improve your business all in one day! We have been blessed with a very busy first 6 months of the year; let's use this day as a chance to reflect on what we have accomplished together, as well as plan for the great days ahead! I'm told we have great numbers already signed up for this year's Outing and I am really looking forward to seeing everyone in Syracuse in just a few short weeks.

I would like to take this opportunity to thank Bob Capenos and Kathy Burke for all that they do keeping NYHA organized and on top of its' game. I also want to thank Mark Glaser for his efforts staying on top of everything for us in Albany. Finally, I am grateful for the entire NYHA Board of Directors for the hard work and time that they dedicate to helping factory-built housing grow in New York.

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## **EMERGENCY RENTAL ASSISTANCE PROGRAM (ERAP)**

### **APPLICATIONS OPENED JUNE 1, 2021: THERE'S STILL TIME TO APPLY!**

The application process for the Emergency Rental Assistance Program opened June 1<sup>st</sup>, and it is critical that you get your applications in as soon as possible. Manufactured home residents are available in the first round of payments. Residents can apply themselves or the landlord may apply on the resident's behalf. We are providing the link to the Office of Temporary and Disability Assistance as this is the agency tasked with distributing rent relief. Also, please find attached, the landlords checklist and the tenant checklist that will help you prepare to make application.

**Main OTDA Rental Assistance web page:** <https://otda.ny.gov/programs/Emergency-Rental-Assistance/>

#### **When applying, landlords/property owners will need to provide:**

- Completed W-9 tax form.
- Executed lease with tenant applicant, or if there is no written lease, a cancelled check, evidence of funds transfer or other documentation of the last full monthly rent payment.
- Documentation of rent due from tenant (e.g. ledger, etc.) or attestation on application.
- Banking information to receive direct deposit payment.

The property owner or an authorized property management company will be required to sign the application form and associated certifications agreeing that the information provided, including the amount of rental arrears owed, is accurate and does not duplicate a payment received from another program.

#### **The property owner or authorized property management company must also agree to the following terms as a condition of accepting rental arrears payments:**

- The ERAP payment satisfies the tenant's full rental obligations for the time period covered by the payment.
- Waive any late fees due on any rental arrears covered by the ERAP payment.

- Not increase the monthly rental amount above the monthly amount due at the time of application for ERAP assistance for months for which rental assistance is received and for one year from receipt of the ERAP payment.

Not evict the household on behalf of whom the ERAP payment is made for reason of expired lease or holdover tenancy for one year from the receipt of the ERAP payment. An exception to this requirement shall be made if the dwelling unit contains four or fewer units and the property owner or owner's immediate family members intend to immediately occupy the unit for use as a primary residence.

#### **Benefits:**

- Up to 12 months of rental arrears payments for rents accrued on or after March 13, 2020.
- Up to 3 months of additional rental assistance if the household is expected to spend 30 percent or more of their gross monthly income to pay for rent.
- Up to 12 months of electric or gas utility arrears payments for arrears that have accrued on or after March 13, 2020.

Payments will be made directly to the landlord/property owner and utility company on behalf of the tenant. Tenant applicants will be notified of the amounts paid on their behalf. If a landlord is difficult to locate or does not otherwise provide information needed to complete the application, funds will be held for up to 180 days to allow sufficient time to locate the landlord and collect required information as well as to provide tenant protections and maximize landlord participation.

Please be aware seven communities that received funding for emergency rental assistance directly from the federal government opted to administer their own programs. **Residents of City of Rochester and Monroe County, the City of Yonkers, Onondaga County and the towns of Hempstead, Islip and Oyster Bay** must apply with their local programs for emergency rental assistance and are ineligible for assistance from the state-administered Emergency Rental Assistance Program.

## **MHI TOUTS IMPORTANCE OF MANUFACTURED HOUSING FOR ADDRESSING SUSTAINABLE HOMEOWNERSHIP**

During a listening session hosted by the Federal Housing Finance Agency (FHFA) about closing the gap to sustainable homeownership, MHI discussed how manufactured housing can help reduce the racial homeownership gap and enable sustainable homeownership. In its remarks, MHI strongly argued FHFA can advance racial equity in housing by vigorously enforcing Fannie Mae's and Freddie Mac's (the Enterprises) statutory responsibility to serve low-income and underserved minority borrowers through its Duty to Serve (DTS) mandate to serve manufactured housing. Stating the proposed 2022-2024 DTS Plans do not adequately address the Enterprises' statutory requirement to serve manufactured housing, MHI called on FHFA to hold the Enterprises accountable and for Fannie Mae and Freddie Mac to re-affirm their previous commitment and expand financing for manufactured homes for all qualified consumers, including through support for chattel financing. Further, MHI stressed that exclusionary zoning laws have an important role in causing racial disparities in the housing market. MHI called on FHFA to work with HUD to address restrictive local ordinances, which can include limitations or outright prohibitions against manufactured homes, which impede the goal of achieving racial equity in homeownership.

## **CFPB ISSUES FCRA TENANT SCREENING ENFORCEMENT COMPLIANCE BULLETIN**

The Consumer Financial Protection Bureau (the Bureau) issued an enforcement compliance bulletin and policy guidance regarding consumer reporting of rental information under the Fair Credit Reporting Act (FCRA). The Bulletin details areas under the FCRA and Regulation V that the Bureau will be paying particular attention to; specifically, the Bureau intends to look carefully at the accuracy and dispute-handling practices of credit reporting agencies that report rental information.

## **U.S. SUPREME COURT KEEPS CDC FEDERAL EVICTION MORATORIUM IN PLACE**

The U.S. Supreme Court has rejected an emergency request to block the U.S. Centers for Disease Control and Prevention's (CDC) federal eviction moratorium. The Court's ruling means the federal eviction moratorium will remain in effect until it expires on July 31, 2021. The CDC Order was originally set to expire on June 30, 2021 but was extended last week. In its announcement, the CDC stated this action "is intended to be the final extension of the moratorium."

In the 5-4 decision, Justice Brett Kavanaugh stated, "Because the CDC plans to end the moratorium in only a few weeks, on July 31, and because those few weeks will allow for additional and more orderly distribution of the congressionally appropriated rental assistance funds, I vote at this time to deny the application to vacate the District Court's stay of its order." However, Justice Kavanaugh also said he agreed with the federal judge's determination that the CDC had exceeded its authority in enacting the moratorium. This means the eviction moratorium will end on July 31 and the CDC needs legislative action to extend it beyond then.

## **CHECK OUT THE LATEST RESOURCES ABOUT THE BIDEN ADMINISTRATION AND THE 117<sup>TH</sup> CONGRESS**

Visit MHI's federal resources page to get the latest information about President Biden's cabinet member selections and key federal agency positions that still must be filled. Learn which Members of Congress sit on the committees that have jurisdiction over manufactured housing issues and view profiles of the new members of the 117<sup>th</sup> Congress.

If you have any questions, please contact MHI's Policy Dept. at [MHlgov@mfghome.org](mailto:MHlgov@mfghome.org) or 703-558-0675.



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# HOW DOES THE NEW NYS HERO ACT IMPACT YOUR BUSINESS?

## Risk Management Update from Haylor, Freyer & Coon

As many of you know, Governor Andrew Cuomo signed the New York Health and Essential Rights Act ([NY HERO Act](#)) into law this past May. The law mandates extensive new workplace health and safety regulations in response to the COVID-19 pandemic.

NYS has developed a new Airborne Infectious Disease Exposure Prevention [Standard](#), a Model Airborne Infectious Disease Exposure Prevention [Plan](#), and industry-specific model plans for the prevention of airborne infectious diseases. Employers are required to comply within 30 days from the DOL release date. The standard and prevention plan were released this week so the clock is ticking toward that **August 5th deadline.**

### **SAFETY PLANS**

Section 1 of the HERO Act requires all private employers, of any size, to create a written prevention plan of health and safety standards to protect employees from workplace exposure to airborne infectious diseases. The New York State Department of Labor (NYS DOL), in consultation with the Department of Health, has published a model standard, differentiated by industry, which establishes minimum requirements for such plans, 30 days from the release. The NYS DOL's model standard is to address, among other topics, (i) employee health screenings, (ii) face coverings, (iii) personal protective equipment, (iv) workplace hygiene stations, (v) regular cleaning and disinfecting of shared equipment, and (vi) social distancing. Employers must either adopt the model plan or create their own plan, which meets or exceeds the minimum requirements. Employers must provide the health and safety plan to all current employees, to new employees upon hire, and to all employees upon reopening after a workplace closure due to an outbreak.

***Employers should start reviewing their policies now and be prepared to make any adjustments based on the NYS DOL's model standards. If the employer has an employee handbook, it will also be required to add the plan to the handbook. Employers must also post a copy of the plan in a***

***visible and prominent location within the worksite. It is important for employers to remember that these mandatory safety standards are not just for COVID-19; they are for all airborne infectious diseases. Time to revise your employee handbooks!***

The NYS DOL can fine employers \$50 per day for failure to adopt a safety plan and \$1,000 to \$10,000 for failure to abide by the safety plan, which fines may increase if the commissioner finds that the employer has violated the Act in the preceding six years. The HERO Act also gives employees a private right of action for injunctive relief, attorneys' fees (if successful), and "payment of liquidated damages of no greater than [\$20,000], unless the employer proves a good faith basis to believe that the established health and safety measures were in compliance with the applicable airborne infectious disease standard."

### **SAFETY COMMITTEE**

Section 2 of the HERO Act requires private employers to permit employees to establish joint employer-employee workplace safety committees. Each workplace safety committee shall be composed of employee and employer designees, provided at least two-thirds are non-supervisory employees. Notably, employers must also allow employees to attend training—without suffering a loss of pay—on the function of worker safety committees, rights established under this section, and an introduction to occupational safety and health. Similarly to the safety standards, an employer cannot retaliate against an employee who participates in a safety committee.

Accordingly, New York employers should review their existing safety and return-to-work plans, keep an eye out for regulations from the NYS DOL, and consult with legal counsel to ensure compliance with the HERO Act's new health and safety requirements.

In addition, employers are also prohibited from discriminating or retaliating against employees for:

- Exercising their rights under the HERO Act or the applicable prevention plan;



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## ALUMNUS FINDS NICHE IN MOBILE HOME PARK INVESTING

*By Steve Seepersaud, as seen in the Binghamton Alumni Newsletter*

Housemates moving out ended up being one of the most fortunate things to happen to Jeffrey Cook, MPA '95. The method he chose to singlehandedly cover the cost of the house they had been sharing sparked a multimillion-dollar real estate venture.

He's CEO of Cook Properties NY, a family-owned and operated real estate development company he founded in 1997. The company, based in Rochester, N.Y., owns a portfolio of mobile home parks, commercial office spaces and self-storage sites.

After receiving his master's degree from Binghamton, Cook returned home to the Rochester region to take a market research position and purchased a single-family home to share with two friends. When they left, he couldn't carry the house costs alone so he rented out the home and moved back in with his parents. With a steady, full-time job and several hundred dollars of rental profit each month, Cook hit the market.

"I started buying singles and doubles," Cook said. "I'd pick them up for 20 or 30 grand, finance them and I kept accumulating them. When I got to six or seven houses, my Mom asked when I was going to buy a home for myself. I bought a double for myself, and kept buying more properties ... Eventually, I got to 100 apartments and I quit my job to focus fully on real estate. I sold everything right before the crash in 2008."

After the housing market tanked, Cook moved his business in a different direction, purchasing his first commercial property. He subsequently bought his first mobile home park and that's when the real growth began. He now owns 32 parks, including one in Conklin, N.Y., about 10 miles from the Binghamton University campus.

"Up until five years ago, my brother and I had grown this organically with our own money," Cook said. "We fell into this [tremendous growth] backward. We put offers out on three or four properties, and they were all accepted. That's not necessarily what we wanted, but they were good properties and we had friends and family who wanted to invest. They saw the success we had with

the business, and we brought friends and family in to buy one property here, one property there."

Because Cook was raising funds for private equity, he registered with the federal Securities and Exchange Commission, giving rise to the Cook Properties Fund 20, a private real estate equity fund aiming to acquire \$65 million in mobile home parks across the state.

To put more of his chips in the mobile home space, Cook plans to exit his commercial investments. Calling mobile home parks a recession-proof investment might make it sound too good to be true, but Cook says the sector has performed very well and has potential to deliver 10% or more in returns every year.

"A big problem with office space is that when you get a vacancy, it's a big one and it takes 12 to 18 months to fill it," Cook said. "One of the nice things about being in the mobile home business is that the residents are long-term. The mobile home is their home, so the people have been diligent in paying rent. We have not seen any decline in our collections during the whole pandemic."

None of this is what Cook imagined he would do when he was at Binghamton. A lover of history and politics, Cook thought he'd use his graduate education as a town or county manager. That's not to say that Binghamton didn't have an impact.

"I was there for three semesters, and it was a big part of my life," Cook said. "The statistics and math skills I refined at Binghamton are still helpful today. I had a good time at Binghamton, and learned a lot I will never forget."

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## COMING EVENTS: [www.nyhousing.org/events](http://www.nyhousing.org/events)

Aug 3 NYHA Board Meeting, Syracuse  
Aug 4 Summer Golf Outing, Syracuse  
Aug 4 Continuing Education, Syracuse  
Aug 5 21B & Mechanics Training, Syracuse

Oct 27-29 71<sup>st</sup> Annual Convention, Turning Stone  
Oct 29 Continuing Education, Turning Stone  
Nov 4 21B & Mechanics, Syracuse

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RISK, cont. from Page 7

- Reporting violations of the HERO Act or their employer's prevention plan to any state local, or federal government entity, public officer, or elected official;
- Reporting concerns over potential airborne infectious disease exposure or seeking assistance or intervention with respect to concerns, to their employer or government entity, public officer, or elected official, or
- Refusing to work based on a reasonable good Faith belief that such work poses an unreasonable risk of exposure to an airborne infection disease.

For more information, and a "NY HERO Act Prevention Plan" sample, please visit: <http://blog.haylor.com/how-does-the-new-nys-hero-act-impact-your-business>

# SAVE THE DATE!

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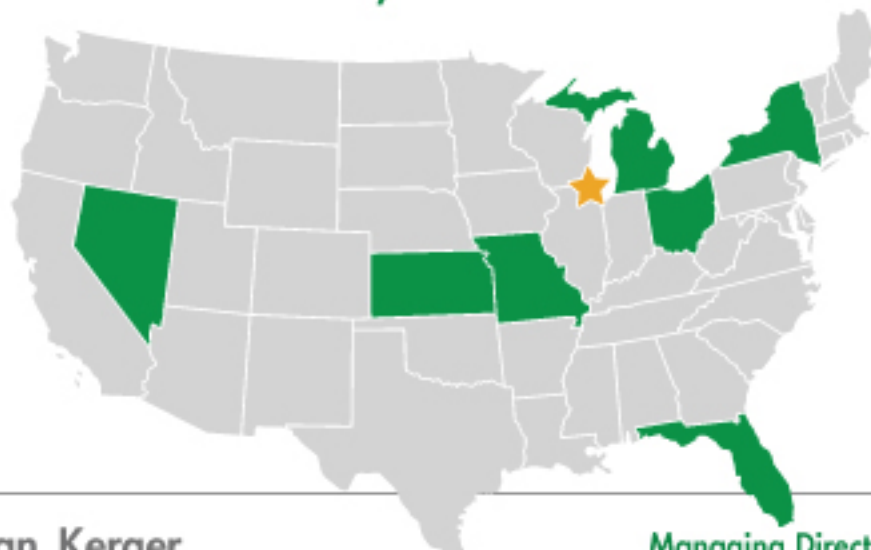


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- Land/home financing
- New & Pre-owned homes
- In community or Private Property



Tim Nolan  
866-870-2612  
tnolan@haylor.com

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