

COOPERATIVE HOUSING

BULLETIN

A member service of the National Association of Housing Cooperatives

August/September 2008

Join Us for
**NAHC's Annual
Conference >**
Houston, TX
Sept. 17-20, 2008

inside

Jerry Voorhis
Legacy

3

Members News

5

FCH-Assisted Co-ops
in Puerto Rico

7

Twin River Cooperative's
Governance and
the Future

9

A Workforce Housing
Shortage

11

NAHC Bylaw
Amendment Notice

14

NAHC

National Affordable Housing Initiative Launched

ROC USA Rolls Out Resident Ownership in Manufactured-Home Communities in 29 States

CFED, Fannie Mae, Ford Foundation, NCB Capital Impact, New Hampshire Community Loan Fund Invest \$7 Million in new organization

Concord, NH – The New Hampshire Community Loan Fund (the Loan Fund), the Corporation for Enterprise Development (CFED) and NCB Capital Impact launched a new organization, ROC USA in May of 2008.

ROC USA aims to help the 3.5 million American families living in manufactured-home communities acquire the communities in which they live. ROC USA's mission is to make resident ownership a viable choice for homeowners in the U.S.

Those are the headlines. Now, how is ROC USA LLC planning to fulfill its mission? By following what the Loan Fund has been doing since 1984 in New Hampshire — help “homeowners” in “parks” buy their communities, when they become available. This is done (in most cases) by establishing *cooperatives* to buy, own and operate resident-



owned communities.

In New Hampshire, the Loan Fund has helped homeowners in 84 communities establish their own corporations to purchase and manage the community.

Beyond New Hampshire, hundreds of cooperatives made up of owners of mobile and manufactured homes have bought communities — in California, Florida and states in between.

However, there has never been a

standardized model or a coordinated strategy, so successes have been localized and dispersed. ROC USA aims to move resident ownership to scale. “We achieve scale when every homeowner in every U.S. community is presented with a viable choice as to whether to buy their community or not,” notes Paul Bradley, ROC USA president.

ROC USA is organized with two

[page 15 >](#)

Houston Conference Promises Extraordinary Programs

NAHC's 48th annual conference, Sept. 17-20 in Houston, promises extraordinary programming and opportunities for education and networking with housing cooperators and professionals nationwide.

Education

We streamlined the educational workshops, cut down the number of tracks and concentrated programs so that you get the most out of the conference. You'll see many new sessions and some very exciting new trainers. If you've been attending the NAHC Conference for many years, please come again. We've got new programming for the longer-termers as well as the first-timers!

The Registered Cooperative Manager (RCM) Training takes place Monday through Wednesday, Sept. 15-17 from 9 a.m. to 5 p.m. This course gives you a competitive edge and the RCM credential to further your co-op manager career.

Four new educational tracks include:

- Creating a Foundation for Your Co-op
- Board Building Blocks
- Advanced Thinking for Co-op Members
- From the Outside Looking In

And a full track on Mortgage Payoffs will be back by popular demand!

Social Events

Outstanding social events are planned

[page 16 >](#)

PUBLISHER Dee Ann Walker, CAE
 EDITOR Roger Willcox
 ASSISTANT EDITOR Terry Edlin

Letters to the Editor are welcome!
 Send to Willcoxr@juno.com.

Please note our new address:
 1444 Eye Street, NW, Suite 700
 Washington, DC 20005-6542

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THE NATIONAL ASSOCIATION OF HOUSING COOPERATIVES

About NAHC

The National Association of Housing Cooperatives is a nonprofit national federation of housing co-ops, other resident-owned or -controlled housing, professionals, organizations, and individuals interested in promoting cooperative housing communities. Incorporated in 1960, NAHC supports the nation's more than a million families living in cooperative housing by representing co-ops in Washington, DC, and providing education and information to co-ops.

Mission Statement

To represent, inform, perpetuate, serve, and inspire the nation's housing co-ops.

NAHC Board of Directors 2007-2008

President	Mark Shernicoff, NY*	Elected 2006
Executive VP	Vernon Oakes, DC*	Elected 2007
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	Paul Solomon, GA*	Elected 2007
	Hope Turner, MI	Elected 2007
	Ruthie Wilder, MD*	Appointed by PAHC
	Roger Willcox, CT	Elected 2006
	Kimalee Williams, CT	Appointed by CVCHA

All elected board directors serve three-year terms.

* Members of the Executive Committee

Member Association Abbreviations:

CAHC	California Association of Housing Cooperatives
CNYC	Council of New York Cooperatives & Condominiums
CSI	CSI Support & Development Services
CVCHA	Connecticut Valley Cooperative Housing Association, Inc.
FNYHC	Federation of New York Housing Cooperatives & Condominiums
HACHA	Heart of America Cooperative Housing Association
MAHC	Midwest Association of Housing Cooperatives
NJFHC	New Jersey Federation of Housing Cooperatives
PAHC	Potomac Association of Housing Cooperatives

A representative of the Southeast Association of Housing Cooperatives will be announced at a later date.

A directory of NAHC board members may be accessed at www.coophousing.org/nahc_board.shtml.

Jerry Voorhis and His Legacy

What a difference a personal philosophy can make. *Service to others, not personal profit is the worthiest and highest principle of living; labor, however lowly, has dignity and value; and teamwork is superior to rugged individualism* is the philosophy by which Jerry Voorhis lived and worked. This philosophy and his deeply rooted religious faith framed the vision and gave him the ability to get people and organizations working together for the common good. He has left an enduring impact. He began his long career as a laborer, then a teacher, a congressman and finally a cooperative leader.



Jerry Voorhis

Jerry was born in 1901 in Ottawa, Kan., where his father, Charles, played semi-pro baseball before joining General Motors and moving to Pontiac, Mich., to become vice president of the Pontiac division. Charles Voorhis retired in 1925 as vice president of Nash Motor Co. in Kenosha, Wis. Jerry's conservative, religious parents lived by traditional values and personal integrity. Jerry lived these values as well, to the benefit of millions.

Jerry went to Hotchkiss School, a boarding academy in Connecticut, from which he went "automatically" to Yale, graduating with honors in 1923. While at Yale, he was introduced to the Social Gospel (http://en.wikipedia.org/wiki/Social_Gospel) and took seriously the broad social responsibilities of a true Christian. As president of the Christian Association, he worked with underprivileged boys, Polish immigrants and the Yale Hope Mission. After graduating, he joined the Hod Carriers Union as a blue-collar laborer.

While recuperating from pneumonia in 1924 at his parents' home in Kenosha, Jerry met Louise Livingston. They married at her home in Washington, Iowa, shortly thereafter and moved to North Carolina, where he worked again as a laborer. Jerry was offered a job in Lake Villa, Ill., working with underprivileged boys. He taught three grades, coached athletics and spoke in the chapel each morning. They were there for only a year when a family friend, an Episcopal bishop, asked Jerry to move to Laramie, Wyo., to organize and finance an orphanage for 25 boys. Jerry, Louise and their young family moved again.

Then in 1926 Charles Voorhis, retired and living in Pasadena, Calif., proposed that Jerry move there to become the headmaster of the Voorhis School for Boys in Claremont, Calif. They relocated in 1927, bringing some boys from the Wyoming orphanage.

Jerry completed his master's degree in education at Claremont College while the school was being built.

The Voorhis School for Boys was completed in 1928 with two cottages, each housing 12 boys and a "cottage mother." When construction was fully completed and with a long waiting list, 65 students were lucky enough to move in. Paul Bullock, a social scientist and writer, described the school as "an oasis of cooperation and unselfishness in a society gone mad with greed. On a hilltop surrounded by woods and ravines and a canyon, it was like a utopian community: there were groves of trees bearing fruits of every variety, workshops in which the young men learned useful vocational skills, simple and attractive Spanish-style cottages in which students and staff lived together, playing fields for sports in which everyone participated and, above all, a chapel, with its cross silhouetted against towering, snow-capped Mount Baldy in the background."

Living by the Golden Rule, exemplified by the simplicity of the chapel that permeated every aspect of life at the school, life was lived in sharp contrast to the frenetic capitalism of the 1920s. The fields and orchards of the school provided a measure of self-sufficiency and, with drastic budget and salary cuts, the school survived the Great Depression. Although Charles Voorhis' wealth diminished, it was not wiped out.

Jerry's philosophy became democratic socialist and he helped to organize the Pomona Valley Congress of Workers and Farmers to empower politically the impoverished and dispossessed. In 1934, he ran as a Democratic candidate for California's 49th District at the same time that Upton Sinclair ran for governor of California. Both men received many votes but neither won. Jerry ran for Congress in the 12th District as a progressive Roosevelt Democrat in 1936 and supported "unemployment insurance, larger pension funds, monetary reform and strict neutrality in foreign

Jerry adeptly got many personality types and diverse cooperatives to work together, and we are the richer for it.

affairs.” Roosevelt won by a landslide and Jerry won, too. He was elected for five terms. In 1938, the Voorhis School property was donated to the state of California and became the southern campus of the California Polytechnic College.

In 1946, Jerry ran against Richard Millhouse Nixon in a nasty campaign in which Nixon implied that Jerry was “soft on Communism” (http://en.wikipedia.org/wiki/Jerry_Voorhis), a depressingly familiar smear tactic that, regrettably, still works. Given the anti-Communist hysteria of the McCarthy era, it is hardly surprising, but no less disappointing. Jerry observed: “To one practice, Nixon has been faithful: he has done whatever, at any given time, would advance his political career.”

Right after his election defeat, Jerry was offered the position of executive director of the Cooperative League of the USA, a job he really wanted. He moved to Chicago in 1947 and started at a salary of \$7,500 with one secretary. Of course, the finances were in disarray and a number of members were disaffected, so his work was cut out for him. He won back members’ confidence and built alliances with a diverse group of cooperatives, focusing on expanding the reach of cooperatives to urban areas, credit unions, and housing and community development. Jerry adeptly got many personality types and diverse cooperatives to work together, and we are the richer for it. His Episcopalian background helped him to convince church leaders in South and Central America to support cooperative enterprises in accordance with Catholic and Protestant principles of social justice.

The National Association of Housing Cooperatives was formally established in the 1950s. Jerry’s pivotal role brought diverse groups such as

the United Housing Foundation of New York, the Cooperative League, the Nationwide Insurance Companies, the Foundation for Cooperative Housing and the AFL-CIO together to support NAHC and provide more than half its income in the early years. He saw that nonprofit and cooperative housing provided a more economical, better functioning model than for-profit housing and worked with union-sponsored housing in New York and co-op housing developments elsewhere in the country.

When he retired as executive director of the Cooperative League in 1966, he became president of NAHC, its first committed executive leader. In two short years, he secured a grant from the Cooperative Foundation to research and publish the first *Directory of Housing Cooperatives in the U.S.* in 1970. Although he retired in 1968, he personally assumed the job of assembling the data. He continued to represent NAHC on the CLUSA board until 1976, when dwindling personal finances and his wife’s ill health ruled out attending board meetings.

For 15 years after his retirement, he wrote a monthly column, “The Human Side of the Marketplace,” which CLUSA distributed to its co-op newsletter editors for reprinting. His message is even more timely today than when he wrote it.

Sen. Paul Douglas wrote in *The American Scholar*: “I have seen the eyes of hardened politicians moisten at the mention of [Jerry Voorhis’] name, and I believe he is truly one of the saints of the Earth.” NAHC annually bestows the Jerry Voorhis Award as a testament to our gratitude for his leadership and his enduring gift to the cooperative movement and to those who follow and carry on this important work that enriches all of our lives. **CHB**

The Voorhis Award

NAHC established the Voorhis Award in 1984 as its highest award for individual achievement in support of housing cooperatives. Awarded annually, it also recognizes the lifetime principles and achievements of Jerry Voorhis.

A candidate for the Voorhis Award is nominated each year by an NAHC Board Committee. Selections are made with attention to the following aspects of “lifetime contributions.” “Long-term commitment to and consistent application of basic Rochdale principles and practices as applied to housing cooperatives as stated in the NAHC Bylaws.” “Outstanding leadership on both the national and state levels and their home communities.”

Voorhis Award Recipients

1984	Fred Thornthwaite	1996	Alfred Reynolds
1985	Roger Willcox	1997	Marlene Cooper Stiggers
1986	Simon Gallet	1998	Almeda Ritter
1987	George Schechter	1999	Joel David Welty
1988	Harold Ostroff	2000	Abraham Kazan
1989	Charles & Eva Rappaport	2001	Alex N. Miller
1990	Paul Golz & Lydia Joseph Jakobi	2002	Mary Ann Rothman
1991	Thomas Condit	2003	Andrew Reicher
1992	Herbert H. Fisher & Ida Curtis Fisher	2004	Fred Wood
1993	Paul Fisher	2005	Barbara Meskunas
1994	Dr. Herman Curtis	2006	Terry Lewis
1995	Wallace J. Campbell	2007	Chuck Synder

The Council of New York Cooperatives & Condominiums is pleased to report that the property tax abatement program for homeowners in New York City cooperatives and condominiums has been extended for four more years, thanks in large part to the efforts of CNYC and its Action Committee for Reasonable Real Estate Taxes.

The abatement program was first enacted in 1996 following the assertion by a blue ribbon panel that homeowners in New York City cooperatives and condominiums pay far higher property taxes than do owners of single-family homes of comparable value. The abatement was to be an interim measure while the city developed a permanent plan for property tax fairness, but with no plan forthcoming, the abatement has now been renewed repeatedly and will be in place until June 30, 2012.

CNYC and the action committee, working in concert with the Federation of New York Housing Cooperatives and Condominiums, continues to press for a permanent program of property tax fairness.

CSI Support & Development Services would like to congratulate Nancy Evans who is its new general manager. Evans has been with the company for 22 years and was recently promoted by the board of directors from her position as corporate controller.

Please Participate in This Survey!

The University of Wisconsin Center for Cooperatives currently is conducting the first ever census of cooperative businesses in the United States. The purpose of the project is to determine the economic impact of cooperatives on the national economy.

Our primary goal, regarding the housing sector, is to get accurate numbers of housing cooperatives and units at the national and state levels. This will enable us to create a map that will depict the number of cooperatives at a national level. At this time, we also are gathering data by calling a random sample of cooperatives in each sector and conducting a brief survey. The survey asks for information on the organizational structure and governance of housing cooperatives. It also requests some brief financial data. The survey may be completed online through the following link to our website http://owen.uwcc.wisc.edu/online_survey.

The information gathered by the Center for Cooperatives is completely confidential and when reported will be shown solely as aggregate data. In order to have a nationally representative sample of the housing sector, the center would like to have 40% of housing cooperatives participate in the census. Currently, we have only a 7% participation rate. It is important that the housing sector participate in this project because without this data it will be difficult to reflect accurately the impact that housing cooperatives have had on the national economy. The university will be publishing its findings in October 2008. It is not too late for housing cooperatives to be represented accurately in the study.

The University of Wisconsin Center for Cooperatives may be contacted at 230 Taylor Hall, 427 Lorch Street, Madison, WI 53706-1503; phone: 608-262-3981; fax: 608-262-3251; info@uwcc.wisc.edu.

continued >

Massachusetts Governor Vetos Bad Bill

The Massachusetts Legislature, for a second time, approved a bill that did not permit a housing coop to reject an applicant for any reason other than the applicant's ability to pay. Gov. Duval Patrick vetoed the bill in mid-August after much lobbying by the cooperative community.

The bill arises out of a dispute between a wealthy Bostonian's frustrated effort to join a cooperative. There were apparently no discrimination laws violated since the cooperative was not charged with any legal discrimination in its refusal to accept the applicant who otherwise could well afford the monthly assessments.

NAHC has opposed the legislation and has appealed to the governor to veto the law since it seriously infringes on a housing cooperatives' right to make nondiscriminatory selection of its member/shareholders and mold the character of and set the standards for its own community. **The NAHC Government Relations Committee, under the chairmanship of Mary Ann Rothman, CNYC executive director, and other NAHC members have been working with Massachusetts housing cooperatives on the issue.**

Co-ops Represented on New Manager Licensing Board

Virginia Gov. Tim Kaine has appointed former NAHC Executive Director Doug Kleine as a homeowner representative on the newly created Common Interest Community Board. The board will oversee implementation of licensing requirements for managers of condominiums, cooperatives and homeowner associations. The requirements were enacted by the state legislature earlier this year in response to alleged embezzlement from dozens of communities by a large management company in the Washington, D.C., area.

Kleine has served on five governing boards for common interest communities and previously trained low-income co-op boards in Washington, D.C., and throughout the country. He currently is executive director of the Association for Conflict Resolution, headquartered in D.C.

Champlain Housing Trust Wins UN World Habitat Award

The Burlington Community Land Trust, initiated by Burlington, Vt., in 1984 has provided permanently affordable housing for more than 2,100 low- and moderate-income families and individuals. Its shared-equity program of home ownership has been replicated nationwide and in other countries.

Now known as Champlain Housing Trust (www.champlainhousingtrust.org), it will receive this year's World Habitat Award by UN Habitat (www.unhabitat.org) at the global celebration of World Habitat Day in Luanda, Angola, on Oct. 6.

In 2007, the organization's efforts resulted in 117 new homebuyers, amounting to almost \$20 million in mortgage commitments. Over the next 18 months, it will create or preserve 320 more permanently affordable apartments and owner-occupied homes. It is a chartered member of NeighborWorks. **CHB**

PAHC Fall Training



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Facsimile: 410-276-5969

FCH-Assisted Co-ops In Puerto Rico

By Ken Odenheim

HISTORY: In 1967, FCH Services Inc. (FCH), the technical arm of the Foundation for Cooperative Housing, signed an agreement with the Cooperative Development Administration (CDA), a cabinet-level agency of the commonwealth of Puerto Rico, to assist it in the development, marketing and management of cooperative housing on the island.

John Koenes, a former Federal Housing Administration official who headed up the Chicago Regional office of FCH, was sent to Puerto Rico as FCH's representative. By late 1967, Koenes requested reassignment back to the mainland, and Ken Odenheim, a bilingual and bicultural development staffer of the Detroit region, was sent as a replacement together with his six-month-old-son, Keith, and wife, Claire, in January 1968.

During the next two years, Odenheim,

backstopped by FCH President Roger Willcox and Bill Tennant, senior lawyer from Krooth & Altman, and with the day-to-day collaboration of CDA, put together a development program that saw 2,978 co-op housing units in about 10 co-ops brought to fruition. Co-op projects, encompassing the width and breadth of the island, were located in Rio Piedras, Carolina, Caguas, Ponce, Aguirre and Arecibo. The rest of the story is about how the co-ops have fared in the four decades that have passed.

Odenheim's tenure lasted two full years. During that time, his daughter, Elena, was born in Santurce, he was appointed to the graduate faculty of the University of Puerto Rico and took on further responsibilities as a field instructor for the university, bringing two graduate student interns into CDA to do co-op housing organization. As the children grew, the Odenheim family relocated from a house in the Rio Piedras suburbs to an apartment in the beach area, where they remained for the duration.

Types of Co-op Projects

Co-ops developed under this collaboration had a variety of designs, financing and constituencies.

Villa Victoria, a 129-unit, moderate-income co-op in Caguas, a small interior city, was composed of semi-detached duplexes.

Villa Cooperativa, a 304-unit high-rise for middle-income members was built in Carolina, near San Juan's international airport. **Rolling Hills**, a 170-unit, moderate-income high-rise co-op was a rental conversion.

Jardines de San Francisco, a 344-unit high-rise for moderate-income members was a conversion from a nonprofit rental prior to the end of construction. **Los Robles**, another 344-unit conversion, had been a moderate-income rental property. **Jardines de San Ignacio**, a 514-unit, moderate-income co-op shares its grounds. All three are located in the municipality of Rio Piedras.



Jardines de San Francisco





La Ceiba



Co-ops in Puerto Rico

Housing cooperatives built in Puerto Rico since FCH completed its introductory programs in:

- Bayamon (Villa Navarra, 168 units, 1970)
- Carolina (Torres de Carolina, 280 units, 1971)
- San Juan (Jardines de Valencia, 240 units, 1973)
- Trujillo Alto (Ciudad Universitaria, 268 units, 1974)
- Bayamon (La Hacienda, 125 units, 1974)
- Caguas (Villa Maria, 217 units, 1975)
- San Juan (El Alcazar, 239 units, 1975)
- Trujillo Alto (Jardines de Trujillo Alto, 192 units, 1987)
- San Juan (Empleados UPR, 108 units, 1992)
- San Juan (Alejandro Tapia y Rivera, 27 units, 1995)

The co-op associations are la Comisión Nacional de Vivienda Cooperativa de Puerto Rico and COSVI.

La Guadalupe, a 298-unit, new construction high-rise for moderate-income members in Ponce on the island's south coast.

La Ceiba, a 348-unit, mostly high-rise co-op shares the grounds in Ponce. In Aguirre, some 15 miles east of Ponce, a 100-unit, low-rise co-op for agricultural workers was developed with Farmers Home Administration funding.

Villa los Santos, a 297-unit, low-rise, middle-income co-op was built in Arecibo, on the island's north central coast.

Photos taken in October 2007 provide evidence of the care and pride of ownership given to the co-ops.

How Did the Co-ops Turn Out?

An island-wide association of Puerto Rican co-ops was created and is active in bringing to light issues of concern to the co-ops, their governments and their members. An association of co-op property managers also was organized to pursue separate issues pertaining to management and welcomed Odenheim on his visit in 2007.

Physically, the co-ops sparkle. They clearly show the high maintenance and care received over the last 40 years. There was little evidence of deferred maintenance. Long waiting lists and occupation by successive generations of original families further attest to the co-ops' desirability. The co-op government appears to be strong with no absence of candidates for elective office. Committees, with the help of co-op management, are in place and operational. Member lethargy seems to be less rampant than in many mainland co-ops.

In 2004, the cooperative law in Puerto Rico was amended to provide individual deeds to co-op members and to require that the co-ops remain

whole owners of all community facilities and amenities. In this way, cooperators achieved a well-verbalized wish to own their individual units but safeguarded the cooperatives' continued control over community spaces. The author is unaware of how many co-ops' members might have initiated this measure.

Ownership issues are similar to those faced by many mainland co-ops today that have reached or are close to mortgage payoff. Next steps are being widely debated with some mention of condominium conversion coupled with individual financing.

Puerto Rico is a land where the promise of home ownership has been a strongly held goal of its families. Whether families continue to live as cooperators or convert to other ownership choices, the co-ops have been instrumental in helping them learn to live together, collaborate, manage their communities and make plans for the future. The co-ops also have provided their members with an important financial stake in accumulated equity, tax relief and a community to call their own. [CHB](#)

Odenheim lives in Las Cruces, N.M., with his wife, Claire. They have two children and three grandchildren. He has been on the faculty of New Mexico State University since 1979. Odenheim holds a General Appraisal Certificate, flies airplanes and has worked with housing co-ops since 1967. During that time, he has been involved in developing some 9,728 units of cooperative housing throughout the United States and Latin America. He organized Housing Support Inc. in 1973 and continues to work through that organization. His most recent visit to Puerto Rico was in 2007. He was the AFL-CIO's national housing director.

Twin Rivers Cooperative's Governance and the Future

By Herbert H. Fisher

Discussions of housing cooperative governance have been stimulated recently by court decisions concerning the business judgment rule and a recent New Jersey Supreme Court decision dealing with freedom of speech in a common-interest ownership development known as the Twin Rivers Homeowners Association. The association's board had voted to control the placement of political signs in the common areas of property it governed.

The discussions arising out of the Twin Rivers case center on whether condominium and home ownership governance, acting as mini-governments, are prone to abuse by uncontrolled boards of directors.

The business judgment rule provides that "as long as it could not be shown that the board acted without authority or not in good faith, the courts would not go behind the decision-making of the corporate board." This rule as it applies to housing cooperatives was reviewed at some length in the April/June 2008 *Bulletin*.

To the growing extent that cooperators complain to the media, to governmental agencies, to their elected representatives or end up in litigation contesting rules and the board ends up winning as occurred in the Twin Rivers case, there is greater risk of judges using restrictive condominium and homeowner association law to decide cooperative cases or there is a push to get legislation applicable to cooperatives enacted.

The discussions arising out of the Twin Rivers case center on whether condominium and home ownership governance, acting as mini-governments, are prone to abuse by uncontrolled boards of directors. The discussions are not new. In Prof. Evan McKenzie's book *Privatopia*, there is a detailed indictment of principally condominium governance practices, but McKenzie specifically states that his conclusions should not be applied to housing cooperatives, in which he did not find evidence of the abuses described in his book.

Despite this admonition, however, housing cooperative board members must be wary because housing cooperatives have not always distinguished themselves from other forms of common-residential ownership. In these other forms of governance, the governing body does not have title to all aspects of the real estate that provides the housing service. It governs what is owned by individual residents as well as what is owned in common (condominium and homeowner association properties). In housing cooperatives, some tenant associations and co-housing models, all aspects of the property are owned by an

entity controlled by the residents. As a result, we have seen legislation adopted, such as the Uniform Common Interest Community Act, in which cooperatives are lumped in with the non-title-owning condominium and homeowner associations, which it is principally drafted to cover.

We had the experience, back in the early days of condominiums, of Congress holding hearings on a condominium and cooperative abusive practices relief bill; and, even after two days of testimony full of stories of condominium abuses and no testimony of cooperative abuses, the legislators would not drop the word "cooperative" from the resulting statute. As a result, cooperatives today are unjustifiably blemished by being linked to wrongdoing in condominium governance.

All of this leads to further confusion on the part of the public as to what a housing cooperative really is. It leads to confusion in the courts as to whether the courts should not apply condominium law precedent to cooperatives.

Housing cooperative leadership, boards, management, attorneys and accountants need to be more alert to resisting this application of condominium/home ownership association criticism and push for remedial legislation also applicable to housing cooperatives. In Illinois, cooperators were successful in preventing the adoption of the Uniform Common Interest Community Act because its proponents did not drop housing cooperatives from its applicability. It shows that housing cooperatives can represent a small but effective voting block if their local legislative representatives are made aware of their existence and interests.

It is important to keep housing cooperatives separate because they are unique economic entities and this uniqueness has contributed to their past operational success and survival, despite some very substantial adverse economic circumstances. Just con-

sider that most of the FHA housing insured under 221(d) (3)BMIR and 236 programs, except for housing cooperatives, does not exist anymore. Consider that a substantial number of the LIHTC properties are in financial trouble. Let us recognize the truth of the matter. Private investment capital concepts have not proved successful in sustaining affordable housing. Cooperative ownership has.

Also running contrary to the true needs of housing cooperatives is the push within our own housing cooperative community to expand the scope of housing cooperative existence. The effort is made to make them look and sell more like single-family home ownership, condominium and/or home ownership association models by touting housing cooperatives primarily as wealth-enhancement mechanisms. Enhancement of membership/share values by share loan financing is promoted when there is no other economic need within the cooperative to do so. An analysis of those efforts discloses that they are not cooperator-driven but promoted by lenders seeking the business of housing cooperatives.

To the growing extent that cooperators complain to the media, to governmental agencies, to their elected representatives or end up in litigation contesting rules and the cooperative ends up winning (as it did in Twin River case), there is greater risk of judges using restrictive condominium and homeowner association law to decide cooperative cases or there is a push to get legislation applicable to cooperatives enacted.

Housing cooperative boards should keep this environment in mind when they adopt rules and regulations. This is particularly true with the expanding application of the business judgment rule making it harder to attack a board's decision.

Therefore, judgments need to be made based on whether a rule is really necessary and whether there are less restrictive or oppressive ways of accomplishing the agreed upon goal. Rules should not be adopted based upon an individual board member's proclivities or sensitivities but on what is needed and best for the community. Rules should not be based upon personal conflicts or what benefits one group and not another unless its can be demonstrated that it also benefits the community.

The future is in the hands of cooperators if we recognize and understand what value and benefits we have in our cooperative as a cooperative and what is needed to sustain our common future. **CHB**

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A Workforce Housing Shortage—A Cooperative Solution

Starting a Workforce Housing Cooperative (WoHo Co-op)

By David J. Thompson

Have you found an affordable house? No? Join the club. HUD reports that 12 million renter and homeowner households pay more than 50 percent of their annual income for housing.¹ In some regions, households at 80-120% of median income cannot find a home within their economic reach. In high population growth areas, housing demand far outstrips supply.

The turbulent financial markets, sparked by the collapse of the subprime mortgage market, and the stunning rise in oil and gas prices can only make the affordable housing crisis worse. No one is spared, as affordable housing is an issue for both employees and employers. Many employers find that recruiting and retaining employees revolves around the economics of the local housing market, especially for employees in the 80-120% range of median income.

In July 2007, the median home price listed on the market in Davis, Yolo County, Calif., was \$556,000. Using the conventional formula of 20% down and 35% of income for housing, a family household income of \$112,800 would be required for a mortgage on a median-priced home.

Recruiting university employees, local school teachers, city staff, retail employees, office staff and almost any employee in the 80-120% of median income range is very difficult given the severe limitations of the local housing market. The reality is that new employees and their families will not buy a home if they take the job, or they typically will purchase one in more affordable communities 15 to 50 miles away. This scenario is repeated throughout the West and in many parts of the country.

As conferences and papers during the past decade addressed workforce housing, numerous plans and ideas surfaced and different employers tried various methods. Regrettably, few success stories are replicable because the problem is complex and the solutions are inconsistent.

Among the options, one model has consistently proven effective: Limited equity housing cooperatives



(co-ops) offer a practical solution for employees in the 80-120% median-income range. Throughout this article the word “co-op” specifically describes a limited equity housing cooperative. See my article (*Cooperative Housing Journal*, 2004) that describes Dos Pinos, a co-op in Davis, Calif., and the economic

advantages accruing to its members. Workforce housing co-ops offer the following advantages:

- Co-ops are easier to move into and out of, no unit to sell or buy, just transfer of the share.
- A waiting list of buyers alleviates the need and expense of marketing the unit.
- Employees can transfer to different units within the co-op with little cost as household size changes.
- Workforce employees get their first entry into a form of home ownership.
- There're low down payments, no closing costs, minimal paperwork.
- Households do not need to qualify for a mortgage or take out a loan as long as they qualify to pay the monthly carrying charges.
- The co-op maintains the units.
- California law and most state laws require co-ops to be owner occupied.
- Co-op homes become less expensive over time relative to the market.
- Co-op homes provide the same tax advantages as conventional home ownership.
- A co-op home is advantageous even for short-term employees.
- Co-ops need only one subsidy for the life of the unit.
- Once subsidized, a co-op unit is affordable

Recruiting university employees, local school teachers, city staff, retail employees, office staff and almost any employee in the 80-120% of median income range is very difficult given the severe limitations of the local housing market.

forever and never needs further subsidy.

- The savings in a co-op unit always stay in town.
- With conventional ownership, equity gains accrue to the seller. In limited equity co-ops, to keep them affordable, equity gains accrue to the cooperative.

Some Workforce Housing Co-op Scenarios

Choice of Building Type

Keeping the unit cost low is critical for employees in 80–120% of median-income range. Often, the



workforce housing effort focuses on heavily subsidizing single-family homes. Multifamily structures are more economical because construction and administrative costs are spread over the number of units, so a greater number of people are economically housed.

Using Leased Land or Converting Existing Apartment Buildings

A company, city or school district has or obtains land and leases it to the co-op for 99 years. The co-op builds a multifamily community on site. The leasing entity then reserves the right for its employees to have priority on the waiting list for all or at least some of the units. Initially, the leasing entity could have first preference given to its own employees and make any remaining units available to the public. For example, if the leasing entity is a school district, it could give second preference to city employees, then to all others who work in the city and finally to the general public. These waiting list priorities based on underlying land leases can apply indefinitely in the filling of vacancies. So once the cooperative is financed and built, no further

“subsidies” by the original sponsors are needed.

Land leasing arrangements of this sort also can be useful in developing attractive conversion arrangements for existing apartment buildings.

In any event, the co-op members would be entitled to receive the homeowner mortgage interest and property tax deductions applicable to their dwelling units.

Workforce Housing Sponsors

Either as a single entity or as a group, employers, unions or public agencies could jointly sponsor a WoHo Co-op. Each single entity could agree to sponsor a set number of units in a co-op. For example, each entity could pledge \$20,000 to sponsor a unit for which it retains reservation rights for its own employees or union members. If the sponsor lacks employees or union members to fill the unit, the co-op could fill it from the waiting list. When a unit turns over, the sponsors who had not taken their share of sponsored units could be given first priority on the waiting list. Sponsors also could provide their employees or union members with the \$5,000 down payment. What a recruiting tool or a union benefit it would be in a tight housing market to be able to offer a home to an employee or a union member! The sponsor(s) also could retain the right to nominate a minority of the cooperative’s board members to continue its involvement and to grow the co-op.

Financing

The conventional financing structure of a WoHo Co-op can involve four elements (see sidebar). Using an example of a purchase price of \$200,000: A) equity of \$5,000 from the member or from the member’s employer with a match of up to \$15,000 from the WISH or IDEA program of the Federal Home Loan Bank, a no-interest loan forgiven over five years (see *Cooperative Housing Journal* cited above); B) up to \$20,000 in equity per unit from an employer, interest only, principal replaced by next employer; C) subsidy financing from local, state and federal programs generally at 3% interest only, and D) conventional blanket loan financing. In a co-op you also can use a 10-year interest-only loan from the Community Investment Program of the Federal Home Loan Bank or from a conventional lender. An interest-only loan in a co-op is an effective way of spreading financing costs more fairly over a 40 year period.

A family of four at 80% of median income in Davis, Calif., can afford this housing unit, with a housing expense of 35% of their annual income. And, they would be eligible for their share of the property taxes and mortgage interest deductions.

With a \$20,000 investment, an employer could

Structure of the initial financing of a WoHo Co-op unit in a multi-unit co-op.

Per co-op unit cost	\$200,000
Member or employee equity (see A)	\$ 5,000
FHLB WISH/IDEA acts as equity, no interest (see A)	\$ 15,000
One-time employer equity per reserved unit (see B)	\$ 20,000
Subordinate debt (see C) (3% interest only)	\$ 50,000
Conventional debt (see D)	\$110,000
	\$200,000

permanently have a right to a housing unit reserved for one of its employees.

International Sample of Workforce Co-op Housing

La Familistere, Guise, France

In the 1840s, Jean-Baptiste-André Godin put into practice the first large-scale experiment in social utopia. In this experiment, the factories and the community were run as one cooperative. The community housed about 3,000 people and had its own residential buildings, cooperative stores, a garden, a nursery, schools and a theatre. This experiment lasted in cooperative form until 1968. Former employees and their descendants still live in the apartments.



Unite D'Habitation

Freidorf, Basle, Switzerland

A 150-home cooperative community was built by Co-op Switzerland for its employees in Basle in 1919 and opened by the president of Switzerland. (*NAHC Housing Bulletin*, July/August 2004). Freidorf



still serves only the co-op's employees. Freidorf is an attractive village modeled after the "Garden City Movement" in England. Freidorf has many amenities. Annual turnover is a very low 3%.

Unite D'Habitation, Marseille, France

A housing cooperative sponsored by the French government for the civil servants was needed to rebuild ravaged Marseille after World War II. Unite overlooks the Mediterranean, is 17 stories high and the largest single apartment block ever built in France. Initially, it housed 1,600 people. It is known for numerous architectural and construction innovations.

Atchison Village, Richmond, Calif.

The 450-unit Atchison Village was built in 1941 to house the workers at the nearby Kaiser shipyard. Atchison Village is the mythical home of "Rosie the Riveter." After the war, the housing was transferred to the Atchison Village Mutual Homes Corp. to operate as a housing cooperative for the people who built the Liberty ships. The 56-acre "Village" is called an "oasis of affordability" in the East Bay. (It is further described in the *NAHC Cooperative Housing Bulletin*, April 2008.)

These examples of cooperative housing for employees are repeated in many countries. Each one of these co-ops has good quality homes with the lowest cost housing in their localities. As a result, each co-op has a sizeable waiting list and death of the member is often the only time when there is an opening.

WoHo Co-ops are a workable, low-cost solution compared with other home ownership models. The weakness is that most employers think in terms of only one home for one employee. What is needed are sponsors with the vision to provide permanently affordable workforce housing for a significant number of employees and/or union members so they can live and work in the same community. Who will step forward? **CHB**

David J. Thompson is a principal in Neighborhood Partners in Davis, Calif. You may see much of its housing work at www.community.coop/davis. David may be reached at dthompcoop@aol.com.

¹www.hud.gov/offices/cpd/affordablehousing

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NOTICE TO NAHC MEMBERS

The Board of Directors of NAHC has approved the following housekeeping amendments to the NAHC Bylaws and recommends adoption by the membership of NAHC. Voting on the amendments will take place on Saturday, September 20, 2008 at the NAHC Annual Business Meeting, The Westin Galleria, Houston, Texas.

Shaded wording is proposed to be removed.

Bold, italicized wording is proposed to be added.

Article III

Section 2. Any qualified applicant shall be accepted for membership upon proper application and the payment of member dues. The Executive Committee shall determine the qualification and proper category of membership for all applicants, and may delegate by resolution, this determination to the Executive Director. The Board of Directors may alter the decision of the Executive Committee, or the Executive Director, by a simple majority vote of directors present and voting. **The applicant shall be given a chance to reply full to any and all questions raised on its qualifications.**

Section 3. All housing cooperatives serviced by **within the jurisdiction** of an Association of Housing Cooperatives should be members of said Association, and should be represented by that Association. **However, the Association, or the Corporation, may grant a waiver if a cooperative cannot be reasonably serviced by the Association, or for other reasons deemed appropriate. If such a waiver is granted, the otherwise qualified housing cooperative shall be eligible for membership as a regular member of the Corporation. In any instance where a jurisdictional dispute shall arise it shall be settled by a two-thirds vote of the Corporation's Board of Directors after all parties to said dispute have been heard.**

Article V

Section 4. All meetings shall be conducted according to **the current edition of** Robert's Rules of Order, **Newly Revised.** The items of business and procedure at the Annual Meeting and at other meetings of the Corporation, as far as applicable shall include: (1) determination of a quorum; (2) reading and disposal of minutes of last meeting; (3) reports of officers, directors and committees; (4) election of directors; (5) appointment of directors by Association Members; (6) completion of unfinished business; (7) transaction of new business; and (8) adjournment. **Except as otherwise required, All** questions shall be decided on the basis of those present and voting.

Article VI

Section 4. In addition to the directors elected under Section 3, each Association Member representing at least **five (5) two (2)** housing cooperatives and **paying dues for a minimum of six hundred** (600) member families shall appoint: (1) one director for its first six hundred (600) member families and (2) one additional director for the next two thousand (2,000) of its member families for whom it has paid dues, and (3) one additional director for the next five thousand (5,000) member families for whom it has paid dues, and (4) one additional director for the next ten thousand (10,000) of its member families for whom it has paid dues. Directors so appointed shall serve one year terms. No Association Member shall have more than four (4) appointed directors. Resignations or vacancies in positions of appointed directors shall be filled by the Association Member which made the original appointment. The Association Member appointed directors shall be automatically confirmed after the election of directors at each Annual Meeting and the replacement authorized of any such appointed director for the balance of their term by said Association Member for proper representation.

Each appointed director shall be either (a) a member **or officer** of the governing body or employee of the appointing Association Member, or (b) a member **or officer** of the governing body or an employee of a housing cooperative for which the appointing Association Member has currently paid dues. The eligibility of the appointed director shall be certified in writing, at the time of appointment, by the appointing Association Member.

Article VIII

Section 56. Contract Review Committee. At its first meeting each year, the Board shall elect a **five (5) three (3)** person Contract Review Committee, composed entirely of directors who have not and do not anticipate contracting for financial gain with the Association. This Committee shall review, solely for the purpose of preventing conflict of interest or the appearance of such conflict, any proposed contracts for provision of professional services in which a director, officer or employee is a potential recipient of payment or benefit, other than in their capacity as such, regardless of amount. All decisions of the Contract Review Committee shall be final unless or until overridden by the Board of Directors.

Section 67. Failure to comply. Failure to comply with the provisions of **a**Article VIII shall disqualify a member from sitting in any Insider position, including as an elected or appointed director.



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Suite 700
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20005-6542
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Each of these CTAPs is a nonprofit affordable housing organization now working in this market segment in a collaborative and coordinated manner.



subsidiaries, which — based on experience in the successful New Hampshire model — solve the two basic problems homeowners face when attempting to acquire their communities: access to qualified technical help and access to timely financing.

ROC USA Network's nine Certified Technical Assistance Providers (CTAPs) provide technical assistance and training programs in 29 states. Each of these CTAPs is a nonprofit affordable housing organization now working in this market segment in a collaborative and coordinated manner. High-quality commercial mortgage financing from ROC USA Capital is the second support. CTAPs also seek other available financing to find the best possible financing for the cooperative. [CHB](#)

Resident Owned, Land Only Cooperative Coalition

Memo by Judy Sullivan and Mary Ann Rothman

Today there are approximately 50,000 manufactured-home communities in the United States. In most, the community (land and infrastructure) itself is owned by an investor while the manufactured home is owned by the family that lives in it, putting the family's ownership at risk of rising rents or even displacement should the community be converted to another use.

A growing minority of the manufactured-home communities in the United States are resident-owned. Homeowners in these communities own their homes and form cooperatives to purchase the community land. This allows them to ensure the continuity, stabilize the cost, and gain the true attributes and benefits of their homeownership. Like other homeowners, they are able to deduct their home mortgage interest and property taxes on their home from federal income tax. However, unlike all other homeowners (including all other cooperative homeowners), they are unable to take this deduction for their share of the cooperative land.

NAHC and ROC USA, an organization of manufactured-home technical assistance providers, have joined together to form a Resident Owned Land Only Cooperative Coalition to seek legislation allowing homeowners whose residences are located in land-only cooperatives the same rights under Section 216 of the IRS Code as all other homeowners. The National Cooperative Bank recently joined our growing coalition.

We have targeted members of the U.S. House of Representatives Ways and Means Committee whose districts or states contain large numbers of manufactured-home communities, and we are contacting them to seek support for our amendment to Section 216. Passage of this legislation will be a tremendous boost to cooperative homeownership in the United States.

On July 24, NAHC send the following letter to the Rep. Pete Stark (D-Calif.).

Representative Fortney H. "Pete" Stark
229 Cannon House Office Building
Washington, DC 20515

Re: Resident Owned Land Only Cooperatives

Dear Representative Stark,

Today there are approximately 50,000 manufactured home communities in the United States. In most, the community (land and infrastructure) itself is owned by an investor while the manufactured home is owned by the family that lives in it, putting the family's ownership at risk of rising rents or even displacement should the community be converted to another use. A growing minority of the manufactured home communities in the United States are resident-owned. Homeowners in these communities own their home and form cooperatives to purchase the community land. This allows them to ensure the continuity and stabilize the cost and gain the true attributes and benefits of their homeownership. Like other homeowners, they are able to deduct their home mortgage interest and property taxes on their home from federal income tax. However, unlike all other homeowners (including all other cooperative homeowners), they are unable to take this deduction for their share of the cooperative land.

In California alone, there are approximately 4,000 manufactured home communities with thousands of residents who are adversely affected by being treated less favorably than other homeowners. These are affordable housing communities that are desperately needed, given today's housing and economic situation.

Mary Ann Rothman
Chair, NAHC Government Relations Committee

Paul Bradley, Founding President of ROC USA

Paul Bradley is the founding president of ROC USA LLC, an independent social enterprise based in Concord, N.H., that was launched in May. The organization's mission is to preserve affordable housing by making resident ownership of manufactured-home communities viable nationwide.

Prior to his appointment at ROC USA, Bradley served as vice president for the New Hampshire Community Loan Fund, where he managed and grew the fund's 24-year-old Manufactured Housing Park Program (MHPP) by expanding its cooperative development program and initiating single-family lending and new production.

During Bradley's tenure at the fund, loan receivables increased from \$3 million to \$30 million and the number of resident-owned communities more than doubled from 40 to 82, increasing resident-ownership's market share in New Hampshire to 19 percent. Single-family lending exceeded \$10 million in three years and a major sector

change objective was met — an unprecedented \$10 million initiative by Fannie Mae to finance single-family homes in resident-owned communities. Under Bradley's direction, MHPP developed the nation's first manufactured-home community consisting entirely of EnergyStar-rated manufactured homes.

In 2004, Bradley initiated a national training program for nonprofit organizations that were interested in developing resident-ownership programs outside of New Hampshire. It was the success of this program, known as "The Meredith Institute" that led the Ford Foundation to provide planning support for the development of ROC USA.

Bradley, an author and frequent speaker on market-based strategies aimed at improving manufactured-housing markets, is a native of New Hampshire. He received a bachelor's degree in economics in 1986 from the University of New Hampshire. In 2008, he graduated from the NeighborWorks Achieving Excellence Program, an executive training program offered through Harvard University's Kennedy School of Government. **CHB**



Paul Bradley



➤ Houston [continued from page 1]



Buffalo Soldier Museum

throughout the meeting, including a tour of the Buffalo Soldiers Museum featuring a reenactment of Harriet Tubman. Tickets are only \$25 and include transportation. Want to know more about Buffalo Soldiers? See www.buffalosoldiermuseum.com. If you're interested in space travel and have always wondered about NASA and how it

works, hop on the bus to the Johnson Space Center (www.spacecenter.org) where you can touch a Moon rock, witness a shuttle launch and enjoy a guided tour of NASA. You'll see the world's best collection of space suits and much, much more. Price is \$35. Both of these events are scheduled for Wednesday, Sept. 17.

The highlight of your visit might be the Friday night event when you'll travel to the Triangle 7 Rodeo Arena for an extraordinary evening of south Texas fun, complete with barrel racing, calf roping and bulldogging. If you must, take a turn riding the mechanical bull! Meet Mollie Stevenson, member of the Cowgirl Hall of Fame, and learn from the cowboys who will circulate among the crowd. Don't forget to pack your boots so you can scoot around the floor and learn to line dance as a DJ keeps the music going. Price is \$75.

Houston

Houston is an exciting city with Texas flavor — the fourth-largest metropolitan area in the United States. With 90 spoken languages, its flavor is international — in addition to barbecue. Fourth-largest in the United States also describes both the



Johnson Space Center

► Houston [continued from page 16]



Barbara Bears and Caleb Mitchell in Houston Ballet's Nutcracker
PHOTO CREDIT: JIM CALDWELL



Houston Rodeo

fine arts museum and the museum district, which link to downtown via light rail. The Buffalo Soldiers National Museum commemorates the contributions of African-American soldiers from the Revolutionary War to modern times. The theater district covers 17 blocks, second only to New York City. Add to that pro football, rodeos, the Astrodome and, of course, the NASA Space Center. Grab this opportunity to meet with housing cooperators and professionals who work with housing cooperatives from across the nation. This is a unique experience that you won't get anywhere else.

ROC USA

On Friday, Sept. 19, ROC USA, Resident Owned Communities, presents a program focusing on the timely issue of mobile home park land ownership. For those who aren't attending the entire conference, this program is available for a \$35 fee in advance or \$50 on site. ROC USA Capital is a national financing facility that provides specialized purchase financing for both the members and the cooperatives involved. Its financing packages hold one element paramount: it makes membership in the cooperative affordable so all homeowners in a community can join and be a part of the democratic process. www.rocusa.org

Don't forget to register early to ensure travel and hotel accommodations at the Houston The Westin GALLERIA from Sept. 17-20. [CHB](#)



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- Planning the New Board Orientation
- Building Your Cooperative's Budget
- How to Read a Financial Statement and Audit
- Working with Property Managers
- Welcoming and Orienting New Members to the Cooperative

Board of Directors Building Blocks (Track 2)

- Building the Governance/Management Team
- Fiduciary Duties and the Treasurer
- The Importance of Minutes
- Choosing Management: From the RFP to Contract
- Employment Practices of Cooperatives
- Excellent in Governance: How About Training?

Advanced Thinking for Cooperative Members (Track 3)

- Promoting and Living Green in Cooperative Housing
- New Community Vision: Where Needs Meet Resources
- Aging in Place
- Building Relations with Other Kinds of Cooperatives
- The Up Side of Refinance in a Down Market
- Resident-Owned Manufactured Housing Communities

From the Outside Looking In (Track 4)

- If You Promote It, They Will Demand It! The 4 Ps of Marketing
- Lobbying 101
- Community Projects that Work!
- So How Do I Look? Curb Appeal Is Everything
- Skip the Newsletter. Go Directly to the Web
- Attorney's Roundtable

Mortgage Payoff (Track 5)

- Social and Legal Choices
- Building an Informed Decision-Making Process
- Planning & Financing Major Rehab & Capital Improvement Projects
- Individual & Corporate Financing: Share Loans, Blanket Loans & Reserves

Fundraising and Development Strategies (General Session, Saturday morning)

RCM Certification Training (Monday, Tuesday and Wednesday, Sept. 15-17)