

RIVERBEND OF NAPLES  
MOBILE HOMEOWNERS ASSOCIATION  
**BYLAWS SUPPLEMENT**

I. TABLE OF OWNERS/OCCUPANTS AND THEIR RIGHTS AS DISCUSSED WITHIN THIS DOCUMENT

OWNER/OCCUPANT TYPE	RIGHT TO LIVE IN RIVERBEND?	RIGHT TO VOTE?	RIGHT TO RUN FOR THE BOARD?	MEMBER? (NAME ON MEMBERSHIP CERTIFICATE)	OWNER? (NAME ON LEASE)
Equity Member	No	Yes	Yes	Yes (Can request special "Equity Member" Certificate if not planning to apply for occupancy)	Yes
Resident Member	Yes with approval	Yes	Yes	Yes	Yes
Primary Occupant	Yes, with approval	Yes	Yes	Yes	In certain situations
Approved Resident	Yes, with approval	No	No	No	No
Permitted Health Care Resident	Yes, with approval	No	No	No	No
Guest	Only up to 30 days per 12 months	No	No	No	No

II. OWNERS, EQUITY MEMBERS AND RESIDENT MEMBERS/PRIMARY OCCUPANTS (Sections 2, 3 and 12) WITH LEASE AND/OR MEMBERSHIP

**Owners.** An owner is someone who acquires a share (719.103(26) F.S.) and is issued a lease to show ownership. We can't deprive anyone (including corporations or LLCs) of owning property (a share), because owning property is a human right according to Article 17 of the U.N.'s Universal Declaration of Human Rights (<https://www.un.org/en/universal-declaration-human-rights/index.html>), and because of relatively recent court cases, interfering in a sale could result in legal liability, something known as "restraint of alienation" (See example in the 2008 Florida Bankruptcy Court case involving a sale of a townhome ([https://www.govinfo.gov/content/pkg/USCOURTS-flsb-1\\_07-bk-14797/pdf/USCOURTS-flsb-1\\_07-bk-14797-0.pdf](https://www.govinfo.gov/content/pkg/USCOURTS-flsb-1_07-bk-14797/pdf/USCOURTS-flsb-1_07-bk-14797-0.pdf))). Thus, every person has a right to acquire property and everyone has a right to sell that property.

**Equity Members.** As discussed above, we can't control who buys, receives as a gift, or inherits a unit, however, we can protect our community by controlling who lives in that unit. That's why our new Bylaws

are based on two steps in the new shareholder process: Step 1 is when the share is acquired (protected by law) and the new owner is automatically an “Equity Member.” Step 2 occurs when the new owner (“Equity Member”) in Step 1 is approved by the Board of Directors to live in Riverbend as a resident.

A new owner who has not been approved yet (“Equity Member”) has 2 important legal rights as an owner: 1) The right to vote and 2) The right to run for the Board. Until the new owner gets approval by the Board, he/she does not have the right to live in the unit. Most new owners (“Equity Members”) immediately submit an application to the Board of Directors to live in Riverbend and become a “Resident Member,” but sometimes, an Equity member can’t, or doesn’t want to apply, i.e. they are minors who inherited the share, or they are in prison, or they inherited the share and plan to sell it right away. In that case, they may remain an “Equity Member” until they decide to apply or sell. Sometimes, a new owner may be a company or group of people, and because they can’t all live in the unit (we want to ensure that only a single family lives in our units and not a crowd of people who plan to timeshare), we require the company or group to choose one person called a “Primary Occupant” to apply to live in Riverbend. (More on that later) Once a new owner (“Equity Member”) is approved, that person becomes a legal resident (“Resident Member”) just like everyone else who lives in Riverbend.

**Resident Members.** A “Resident Member” is an owner (a previous “Equity Member”) who has been approved to live in a unit. A Resident Member has 3 important legal rights: 1) The right to vote; 2) The right to run for the Board; and 3) ***The right to live in the unit.*** As we do now, the Board of Directors must approve a new owner to live in Riverbend based on certain criteria. The criteria must not be discriminatory with regard to someone’s characteristics such as race, gender, national origin, or religion, but since we are a 55 and older park registered under the Housing for Older Persons law, we can discriminate on the basis of the characteristics of family status and age (i.e. families with children and requirement of age 55 or older). In addition, if our Bylaws allow, we can deny an application for behavioral reasons, for example, if the applicant has a history of financial irresponsibility, or has legal issues, such as convictions of a felony, etc. Our new Bylaws has a list of these reasons for denying an applicant (see Section 12.2(C)(1)).

In order to protect our community, the Board of Directors also has the authority to do the reverse: The Board can transfer a “Resident Member” back to “Equity Member” for illegal activities, or breach of the Lease or other obligations. This would only happen in extreme circumstances and would require working with an attorney. If this happened, the member in question would be required to vacate the unit.

**Primary Occupant.** A “Primary Occupant” is relevant when someone buys, inherits, or is gifted a unit but wants to (or is required to) designate someone else live in it. When two or more unmarried people or a business entity, such as a corporation or an LLC, own a unit, they must designate a “Primary Occupant” to live in the unit. An example might be if IBM buys the unit. Obviously the whole company can’t live in it, so they designate a Primary Occupant. Another example might be if someone buys or inherits the unit but specifically wants “Aunt Jane and Uncle Louis” to live in it, and designates Uncle Louis as the Primary Occupant. Our Association would then treat Uncle Louis as the prospective shareholder and approve him as a member to live there with his family. The purpose of a Primary Occupant designation is so that a unit is used as a single family unit, no matter how it is owned. (A single family unit means a single household, which can include relatives or live-in significant others, as long as they normally reside together.) The Primary occupant would be legally treated as if he/she were a sole actual owner and his/her family would be “Approved Residents” (covered below).

Once approved, the “Primary Occupant” is a member and can live in the unit with his/her family. He/she is also the voting member and will receive all official notices for the unit. (A Voting Certificate will no longer be needed). He/she can run for the board too. The “Primary Occupant” can be changed only as frequently as the Bylaws allow, or more often if approved by the board (when the Primary occupant may be unable to fulfill his/her duties, such as mental incompetence, death, divorce, moving away, etc.). The Primary Occupant is given a Membership Certificate but may or may not be an owner. For example, if IBM buys the unit as above, their Primary Occupant’s name would be on the Membership Certificate but not on the lease as an owner (IBM would be on the lease); or if 5 siblings buy the unit together and choose one of them to be the Primary Occupant, then only their Primary Occupant’s name would be on the Membership Certificate but all 5 siblings would be on the Proprietary Lease as the owners.

### III. RESIDENTS WITHOUT LEASE OR MEMBERSHIP (Sections 2 and 11)

**Approved Resident.** An “Approved Resident” is: 1) someone who normally lives with the member or primary occupant, but who does not want membership, or is unable to be a member, and is approved to live in the unit with the member or primary occupant; or 2) a guest who has stayed 30 days with the member and is approved to continue living there. All Approved Residents must get board approval to live in our community, just as any applicant for membership, which includes filling out an application form, signing and initialing all required forms, and having a background check; however, the Approved Resident is not on the Membership Certificate, has no voting rights and cannot run for the Board.

**Permitted Health Care Resident.** A “Permitted Health Care Resident” is an adult over 18 years of age who is hired (receives money or room and board) to give live-in, long-term or terminal healthcare to one of our members. Sometimes referred to as a “caregiver,” this person need not have any professional licensure or certification, and can be any adult, including the Approved Resident or a family member. The care that is provided must be necessary to help with performing daily activities (like walking, talking, eating, dressing, bathing/grooming, etc) or to help give medical treatment (such as medications, breathing treatments, wound care, physical therapy, etc). The person lives in the unit with the member. The Permitted Health Care Resident must be: 1) approved by the Board of Directors just like an applicant for membership; or 2) approved by the Board of Directors based on the screening process completed by the agency that supervises the person, as long as it includes a background check. The Permitted Health Care Resident is an exception to the age requirements and is considered a reasonable accommodation for a disability under the Fair Housing Act. The Permitted Health Care Resident is not on the Membership Certificate, has no voting rights and cannot run for the Board.

**Guest.** A “Guest” is a type of temporary resident which is a day visitor or someone who stays overnight with the Resident Member/Primary Occupant or Approved Resident 30 days or less every 12 months, and who does not pay any money or exchange anything of value for the privilege of living there (renting or subleasing is prohibited). A guest can apply to become an “Approved Resident” if he/she wishes to stay beyond the allotted 30 days.

#### IV. SELF-TEST

See if you can fill in the squares in the table below without referring to the table on page 1.

OWNER/OCCUPANT TYPE	RIGHT TO LIVE IN RIVERBEND?	RIGHT TO VOTE?	RIGHT TO RUN FOR THE BOARD?	MEMBER? (NAME ON MEMBERSHIP CERTIFICATE)	OWNER? (NAME ON LEASE)
Equity Member					
Resident Member					
Primary Occupant					
Approved Resident					
Permitted Health Care Resident					
Guest					

#### Scoring:

25-30 squares correct = Congratulations! You are an expert on this stuff

20-25 squares correct = You've definitely got a basic understanding

15-20 squares correct = You'll be just fine with a little bit more study

10-15 squares correct = Try re-reading the material a couple of times

5-10 squares correct = Consider a tutor

0-5 squares correct = No comment