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*Attorney for Amicus Curiae*

IN THE SUPREME COURT OF THE STATE OF MONTANA  
Case No. DA 22-0498

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GREENER MONTANA PROPERTY MANAGEMENT, LLC, TRAVIS  
MARTINEZ, Individually and KRISTYN MARTINEZ, Individually,

Plaintiffs and Appellees,

v.

HYDI CUNNINGHAM,

Defendant and Appellant.

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On Appeal from the Montana Twenty-First Judicial District Court,  
Lewis & Clark County, the Honorable Howard F. Recht, Presiding

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**MOTION OF MONTANA HOMEOWNERSHIP NETWORK D/B/A  
NEIGHBORWORKS MONTANA  
FOR LEAVE TO PARTICIPATE AS *AMICUS CURIAE*  
IN SUPPORT OF DEFENDANT/APPELLANT**

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Montana Homeownership Network d/b/a NeighborWorks Montana  
("NWMT") respectfully moves this Court for leave to participate as *amicus curiae* in this  
matter in support of Defendant and Appellant Hydi Cunningham. Pursuant to

Montana Rule of Appellate Procedure 12(7), NWMT provides the following information:

### **STATEMENT OF INTEREST**

NWMT was started in 1998. Since its inception, NWMT has supported affordable housing opportunities for low- and moderate-income Montanans through education and counseling of renters and homeowners, down payment assistance and second mortgages, financing to help develop or preserve affordable rentals, and resident owned community work in manufactured home communities. NWMT has 18 full-time staff located in four cities across Montana with the main office headquartered in Great Falls, Montana. The organization is governed by a 15 member board of directors with broad reach across the state. The Board includes members who are landlords, homeowners, renters, and who work for for-profit entities, non-profit organizations, and government.

NeighborWorks Montana's mission is to strengthen communities through education and financing that gives every Montanan the opportunity to live in a home where they can thrive. NWMT wants every Montanan to have a safe and stable home. This includes working with manufactured homeowners to develop resident owned communities. When a park owner is interested in selling the manufactured home community, NWMT can sometimes help the homeowner-tenants purchase the park. To date NWMT has helped form 17 resident owned communities with over 670 homes.

NWMT strongly supports manufactured<sup>1</sup> homeownership and ensuring that manufactured homeowners are not wrongfully evicted from their rented lots. In particular, NWMT is interested in ensuring that any decision from this Court protects Montana’s manufactured homeowner-tenants from eviction without cause. Defendant-Appellant Hydi Cunningham asserts that the manufactured home lot landlords may not evict homeowner-tenants from their rented lots without cause. NWMT has extensive experience working with manufactured homeowners.

**REASONS WHY NWMT’S *AMICUS* BRIEF IS DESIRABLE**

In 2008, NWMT became a Certified Technical Assistance Provider (CTAP) as part of the national ROC USA Network. ROC USA is a non-profit social venture scaling resident ownership of manufactured home communities. The resident owned community model was created in New Hampshire over 35 years ago, and ROC USA has been working to take that model to a national scale. Through the ROC program NWMT helps homeowners purchase and successfully manage their manufactured home communities.

NWMT has helped 17 resident owned communities form in Montana with over 670 homes. NWMT works with interested sellers to negotiate a purchase contract, and then works closely with residents to support them in the formation of a resident

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<sup>1</sup> Because many “mobile” homes include built-on porches, decks, and outbuildings and cannot be moved without risking substantial structural damage, they are not truly “mobile.” In this motion and any future briefing, NWMT will use “manufactured” and “mobile” interchangeably.

corporation, development of their governance and leadership structures, due diligence for the real estate purchase, and securing appropriate funding and financing. NWMT then works with communities after purchase for at least the first 10 years of resident ownership to support further governance and leadership development, successful operations, and community projects including infrastructure and improvements.

NWMT also often serves as a lender to these projects. NWMT is a Community Development Financial Institution (CDFI) with a \$30 million dollar loan fund that supports homeownership and housing preservation and development. NWMT currently has loaned upwards of \$4.2M into ROC acquisitions and leveraged an additional \$20 million in other financing sources, as well as helping to secure over \$14 million in funding and financing for infrastructure improvements.

In addition to the ROC program NWMT has worked in a number of other aspects of mobile home development and finance. NWMT works closely with mobile home dealers to secure infill homes for vacant lots in existing ROCs and has served as developer for some lots. NWMT has also worked to support new homeowners in purchasing mobile homes through the organization's education and counseling network, by working with local lenders to develop affordable home financing products, and by developing a down payment assistance program for buyers of mobile homes.

An *amicus* brief from NWMT would provide the Court with the expert views and experiences of the organization, which is directly involved in mobile home ownership and land rental policies. As such, NWMT can represent the perspective of those who

live in manufactured homes across Montana. In particular, NWMT will address the importance of manufactured homeownership with respect to Montana's housing crisis, and how the no-cause termination may impact Montanans' ability to own their own homes. NWMT believes it can provide the court with valuable insight into how lot rental terminations are resolved throughout the nation.

**IDENTITY OF PARTY WHOSE POSITION NWMT SUPPORTS**

NWMT supports the position of Defendant and Appellant Hydi Cunningham.

**ALL PARTIES HAVE BEEN CONTACTED**

The parties have been contacted regarding NWMT's participation as *amicus*. The Defendant and Appellant's counsel has no objection to this motion. Counsel for Plaintiff and Appellee has been contacted and does not object.

**THE PROPOSED DATE FOR FILING THE *AMICUS CURIAE* BRIEF**

If NWMT's Motion for Leave to Appear as *amicus curiae* is granted, it proposes to file the *amicus* brief with service by mail on February 16, 2023, the same day that Defendant and Appellant's brief is likely to be due (January 15 is the deadline for the filing of the district court reporter's transcript). This will give Plaintiff and Appellee sufficient opportunity to respond to the *amicus* brief while responding to Defendant and Appellant's brief.

NWMT respectfully requests this Court to grant its Motion for Leave to Participate as *amicus curiae* in this matter for the reasons stated above.

DATED this 18th day of January, 2023.



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Robert Farris-Olsen

*Attorney for Amicus NWMT*

## CERTIFICATE OF SERVICE

I hereby certify that I caused a true and accurate copy of the foregoing Motion for Leave to Appear as *amicus curiae* to be mailed to the following:

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*Counsel for Plaintiff/ Appellee*

*Counsel for Defendant/ Appellant*

This 18th day of January, 2023.



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Robert Farris-Olsen  
*Attorney for NWMT*

## CERTIFICATE OF SERVICE

I, Robert M. Farris-Olsen, hereby certify that I have served true and accurate copies of the foregoing Motion - Amicus to the following on 01-18-2023:

S. Chase Rosario (Attorney)  
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Electronically signed by Amy Kirscher on behalf of Robert M. Farris-Olsen  
Dated: 01-18-2023