

# MAINE STATE LEGISLATURE

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S.  
R. of S.

1

L.D. 2147

2

(Filing No. S-444 )

3

STATE OF MAINE

4

SENATE

5

113TH LEGISLATURE

6

SECOND REGULAR SESSION

7

COMMITTEE AMENDMENT " A " to S.P. 825, L.D. 2147,  
8 Bill, "AN ACT to Provide Greater Protection to Tenants  
9 of Mobile Home Parks."

10

Amend the bill by striking out all of the title  
11 and inserting in its place the following:

12

13

**'AN ACT to Provide Greater Protection to Owners of  
Mobile Homes and Mobile Home Parks.'**

14

15

Further amend the bill by striking out everything  
after the title and before the enacting clause.

16

17

18

Further amend the bill by striking out everything  
after the enacting clause and inserting in its place  
the following:

19

20

'Sec. 1. 14 MRSA §6027, sub-§4, as reallocated  
by PL 1983, c. 480, Pt. A, §10, is amended to read:

21

22

4. Exemptions. This section does not apply to any  
tenancy for a dwelling unit which is:

23

24

25

A. Part of a structure containing no more than 5  
dwelling units, one of which is occupied by the  
landlord;

26

27

B. Part of a structure containing no more than 5  
dwelling units, one of which is a professional

COMMITTEE AMENDMENT "A " to S.P. 825, L.D. 2147

1 office or business;

2 B-1. Located in a mobile home park consisting of  
3 no more than 10 dwelling units, one of which is  
4 occupied by the owner or operator of the park;

5 C. Limited by and subject to superceding federal  
6 law governing dwelling units authorized, approved,  
7 financed or subsidized in whole or in part by a  
8 unit of government;

9 D. Part of a privately owned multi-unit structure  
10 or mobile home park, all units of which are  
11 occupied by or reserved for tenant households with  
12 at least one resident over age 62 in each; or

13 E. A separately-owned condominium unit.

14 **Sec. 2. 14 MRSA §6027, sub-§4-A is enacted to**  
15 **read:**

16 4-A. Application to existing mobile home parks.  
17 If, by January 1, 1989, a mobile home park owner or  
18 operator proves by written or other evidence to the  
19 satisfaction of the Maine Human Rights Commission  
20 that, as of January 1, 1988, there was an effective  
21 and enforced prohibition against renting a specific  
22 lot in that mobile home park to tenants with children,  
23 the mobile home park owner or operator may continue  
24 the restriction against children on that lot. If the  
25 mobile home park owner or operator, following the  
26 procedures under subsection 1, sets aside up to 25% of  
27 the total number of dwelling units in the park to be  
28 rented to tenants without children, the lot or lots  
29 covered by this subsection shall be included in the  
30 number set aside.

31 **Sec. 3. 14 MRSA §6027, sub-§6 is enacted to**  
32 **read:**

33 6. Definitions. For the purposes of this  
34 section, unless the context otherwise indicates, the  
35 following terms have the following meanings.

36 A. "Dwelling unit" includes a space in a mobile  
37 home park.

COMMITTEE AMENDMENT " A" to S.P. 825, L.D. 2147

1        B. "Landlord" includes a mobile home park owner  
2        or operator.

3        C. "Tenant" includes a mobile home owner.

4        **Sec. 4. 30 MRSA §4064, as repealed and replaced**  
5        **by PL 1985, c. 324, is repealed and the following**  
6        **enacted in its place:**

7        §4064. Restrictions on sale or removal of mobile homes

8        1. Park acting as agent; advertising. No mobile  
9        home park owner or operator may:

10       A. Exact a commission or fee with respect to the  
11       price realized by the seller of the mobile home  
12       unless the park owner or operator has acted as  
13       agent for the mobile home owner in the sale under  
14       a written contract;

15       B. Require as a condition of tenancy or continued  
16       tenancy that a mobile home owner designate the  
17       park owner or operator or any other individual or  
18       agent to act as agent for the mobile home owner in  
19       the sale of the mobile home; or

20       C. Restrict in any manner the reasonable  
21       advertising for sale of any mobile home in that  
22       park, except that the mobile home owner shall  
23       notify the park owner or operator before placing a  
24       "for sale" sign or other form of advertising  
25       within the mobile home park.

26       2. Rules. No mobile home park owner or operator  
27       may require a mobile home to be removed from the park  
28       except pursuant to a rule contained in the written  
29       copy of park rules given to the tenant under section  
30       4066-B, subsection 5. The rules shall clearly  
31       describe the standards under which the park owner or  
32       operator may require a tenant to remove a mobile home  
33       from the park.

34       A. These standards shall specify, but not be  
35       limited to, fair and reasonable rules governing  
36       the conditions of:

- 1           (1) Protective exterior coating or siding;
- 2           (2) Roof;
- 3           (3) Windows and doors;
- 4           (4) Plumbing, heating and electrical systems;
- 5           (5) Anchoring system;
- 6           (6) Skirting around the base;
- 7           (7) Steps and handrails;
- 8           (8) Porches, decks or other additions to the  
9           home and the exterior structure;
- 10           (9) Width of home, if less than 11 feet, 6  
11           inches;
- 12           (10) Aesthetic appearance;
- 13           (11) Smoke detectors wired into the  
14           electrical system; and
- 15           (12) Other aspects of the structural safety  
16           or soundness of the home.

17           B. The park owner or operator shall have the  
18           burden of proof to show that the mobile home does  
19           not meet the standards of the rules adopted under  
20           this subsection.

21           C. No aesthetic standard may be applied against  
22           the mobile home if the standard relates to  
23           physical characteristics such as size, except as  
24           provided in paragraph A, subparagraph (9),  
25           original construction materials or color which  
26           cannot be changed without undue financial hardship  
27           to the mobile home owner.

28           D. Neither age of the mobile home nor the  
29           standards established under the National  
30           Manufactured Housing Construction and Safety  
31           Standards Act of 1974, United States Code, Title

H of S.

COMMITTEE AMENDMENT "A " to S.P. 825, L.D. 2147

1           42, Chapter 70, shall by themselves be a  
2           sufficient standard for a park owner or operator  
3           to require removal of a mobile home.

4           E. No mobile home park owner or operator may be  
5           liable for any claim or any damages of any kind  
6           arising from the presence in the park of a mobile  
7           home manufactured before June 15, 1976.

8           F. The Manufactured Housing Board, in conjunction  
9           with the State Fire Marshal, the Department of the  
10           Attorney General, representatives of the  
11           manufactured housing industry, representatives of  
12           mobile home park owners or operators and  
13           representatives of mobile home owners and tenants,  
14           shall develop recommendations concerning the  
15           standards for rules covered by this subsection.  
16           The recommendations shall include standards  
17           designed to ensure the safety of the mobile home  
18           and its occupants, while being objective and  
19           measurable to provide for enforcement. The  
20           recommendations shall be made to the joint  
21           standing committees of the Legislature having  
22           jurisdiction over legal affairs and business  
23           legislation by January 15, 1990.

24           G. This subsection is repealed effective January  
25           15, 1991.

26           3. Buyer's right of rescission. The buyer of a  
27           mobile home located in a mobile home park has the  
28           right to rescind the contract for the purchase of the  
29           mobile home within 30 days of execution of the  
30           contract if:

31           A. At the time of entering into the contract, the  
32           seller or the seller's agent represented to the  
33           buyer or the buyer's agent that the mobile home  
34           may remain in that mobile home park; and

35           B. The buyer is not permitted to keep the mobile  
36           home in that mobile home park or the buyer is not  
37           accepted as a tenant in that mobile home park.

38           Sec. 5. 30 MRSA §4066-B, sub-§1, ¶¶ and G, as  
39           enacted by PL 1975, c. 458, §5, are amended to read:

COMMITTEE AMENDMENT "A " to S.P. 825, L.D. 2147

1 F. Condemnation or change of use of the mobile  
2 home park, provided that, in the case of change of  
3 use, one year's notice is given in writing to the  
4 tenant, unless at the beginning of the tenancy the  
5 tenant is given notice of the scheduled change of  
6 use.

7 G. Renovation or reconstruction of any portions  
8 of the park, provided that 60 days' notice, in  
9 addition to any other notice required by this  
10 section, is given in writing to the tenant and,  
11 provided that in the case of a reconstruction  
12 which changes the number of mobile homes which can  
13 be accommodated on a lot or lots, other than that  
14 required by a state or local governmental body,  
15 one year's notice shall be given in accordance  
16 with paragraph F.

17 Sec. 6. 30 MRSA §4066-B, sub-§9, as enacted by  
18 PL 1985, c. 355, is repealed.

19 Sec. 7. 30 MRSA §4066-B, sub-§10 is enacted to  
20 read:

21 10. Discrimination against tenants with children  
22 prohibited. Discrimination against any tenant with  
23 children is prohibited in accordance with Title 14,  
24 section 6027.

25 Sec. 8. 30 MRSA §4965, sub-§2, as enacted by PL  
26 1983, c. 424, is amended to read:

27 2. Location of manufactured housing.  
28 Municipalities shall permit manufactured housing, as  
29 defined in this section, to be placed or erected on  
30 individual house lots in a number of locations on  
31 undeveloped lots where single-family dwellings are  
32 allowed, subject to the same requirements as  
33 single-family dwellings, except as otherwise provided  
34 in this section. For the locations required by this  
35 section, municipal ordinances may not require that  
36 manufactured housing on individual lots be greater  
37 than 14 feet in width, although municipalities may  
38 establish design criteria, including, but not limited  
39 to, a pitched, shingled roof; a permanent foundation;

R. of S.

COMMITTEE AMENDMENT "A" to S.P. 825, L.D. 2147

1 and exterior siding that is residential in appearance,  
 2 provided that the requirements do not have the effect  
 3 of circumventing the purposes of this section and  
 4 provided further that the design requirements may not  
 5 be used to prevent the relocation of any manufactured  
 6 housing, regardless of its date of manufacture, that  
 7 is legally sited within the municipality as of the  
 8 effective date of this section. It shall not  
 9 constitute compliance with this section simply to  
 10 provide one or more zones or locations where mobile  
 11 home parks or mobile home subdivisions or developments  
 12 are allowed. Municipalities shall have until January  
 13 1, 1985, to comply with this section. Nothing in this  
 14 section may prohibit municipalities from establishing  
 15 controls on manufactured housing which are less  
 16 restrictive than are permitted by this section.  
 17 Municipalities shall not prohibit manufactured  
 18 housing, regardless of its date of manufacture, solely  
 19 on the basis of a date of manufacture prior to June  
 20 15, 1976, or the failure of a unit to have been  
 21 manufactured in accordance with the National  
 22 Manufactured Housing Construction and Safety Standards  
 23 Act of 1974, United States Code, Title 42, Chapter 70.  
 24 Municipalities may apply the design standards  
 25 permitted by this section to all manufactured housing,  
 26 regardless of its date of manufacture, and may apply  
 27 reasonable safety standards to manufactured housing  
 28 built prior to June 15, 1976, or not built in  
 29 accordance with the National Manufactured Housing  
 30 Construction and Safety Standards Act of 1974, United  
 31 States Code, Title 42, Chapter 70.

32 Sec. 9. 30 MRSA §4965, sub-§3 is enacted to  
 33 read:

34 3. Location and regulation of mobile home parks.  
 35 Municipalities:

36 A. Shall permit mobile home parks to expand and  
 37 to be developed in a number of environmentally  
 38 suitable locations in each municipality with  
 39 reasonable consideration being given to permit  
 40 existing mobile home parks to expand in their  
 41 existing locations. A municipality shall not  
 42 select a location for mobile home park development  
 43 which, because of prior lot division, locational



1 setting within the municipality, natural features  
2 or other similar factors, is not reasonably  
3 suitable. This paragraph is effective January 1,  
4 1990; and

5 B. Shall not enact or enforce any ordinance which  
6 requires the minimum size of lots within a mobile  
7 home park to be any larger than that which is  
8 required by the Manufactured Housing Board by rule  
9 under Title 10, section 9005. Municipalities  
10 shall not enact or enforce any ordinance  
11 concerning the construction of private roads  
12 within mobile home parks which is more restrictive  
13 than the standards established by the National  
14 Fire Protection Association standard 501A and the  
15 American National Standards Institute standard  
16 225.1. Notwithstanding any provision in this  
17 subsection, a person developing or expanding a  
18 mobile home park shall have the burden to prove  
19 that development will not pollute a public water  
20 supply or aquifer or violate any provision of  
21 state law relating to land development,  
22 subdivision or use. This paragraph is effective  
23 January 1, 1989.

24 Sec. 10. 32 MRSA, c. 113, sub-c. VI is enacted  
25 to read:

26 SUBCHAPTER VI

27 OPINIONS OF VALUE

28 §13251. Opinions of value; mobile homes

29 Any person engaging in real estate brokerage who  
30 prepares an opinion of value or appraisal for the  
31 purchase or sale of a mobile home shall clearly  
32 indicate in the opinion or appraisal the value of the  
33 mobile home separate from the value of the land on  
34 which the mobile home is located. If the owner of the  
35 mobile home does not own the land on which the mobile  
36 home is located, the opinion or appraisal shall  
37 indicate that fact.'

R. of S.

COMMITTEE AMENDMENT " A " to S.P. 825, L.D. 2147

1 STATEMENT OF FACT

2 The purpose of this amendment is to provide more  
3 protection for owners of mobile homes and residents of  
4 mobile home parks as well as helping mobile home park  
5 owners and operators provide safe, attractive and  
6 affordable communities for mobile homes.

7 Sections 1, 2, 3, 6 and 7 extend current Maine law  
8 prohibiting unjust discrimination against housing  
9 rental to families with children to cover mobile home  
10 parks. There is a current and chronic need for  
11 affordable housing for Maine families with children.  
12 Section 1 exempts smaller mobile home parks with 10  
13 mobile homes or less, one of which is occupied by the  
14 owner or operator of the park, from the  
15 antidiscrimination requirement. It also clarifies  
16 that mobile home parks reserved exclusively for the  
17 elderly are also exempt.

18 Section 2 recognizes that some mobile home parks  
19 or sections of parks have been established as  
20 adult-only communities. Although this is actually  
21 contrary to declared public policy, section 2  
22 recognizes the expectations and investments in such  
23 communities by allowing the practice to continue under  
24 certain circumstances. If the mobile home park owner  
25 or operator provides satisfactory written or other  
26 evidence to the Maine Human Rights Commission by  
27 January 1, 1989, which shows that there was a policy  
28 and actual practice of prohibiting children in a  
29 specific rental lot as of January 1, 1988, that policy  
30 will be allowed to be continued as it applies to that  
31 particular lot. The mobile home park owner or  
32 operator must prove that the policy existed and was  
33 enforced for each lot desired to be exempted. All  
34 lots exempted will be counted as part of the up to 25%  
35 set-aside allowed under current law for excluding  
36 children, should the park owner or operator notify the  
37 Human Rights Commission that the owner or operator  
38 chooses to take advantage of the 25% exclusion.

39 Section 4 governs sales and removals of mobile  
40 homes. The first subsection has the same effect as  
41 current law concerning the sale of mobile homes  
42 located in mobile home parks, plus clarifies that the

COMMITTEE AMENDMENT " A " to S.P. 825, L.D. 2147

1 mobile home owner must notify the park owner or  
2 operator before advertising within the park that the  
3 mobile home is for sale. The second subsection  
4 explains permissible content of park rules concerning  
5 removal of mobile homes from the park. The park owner  
6 has the burden of proving that a particular mobile  
7 home does not meet the standards of the rules before  
8 the mobile home must be removed. The mobile home's  
9 age or the fact that it was built before the 1976  
10 Housing and Urban Development Standard, cannot, by  
11 themselves, be used to force removal of a mobile  
12 home. The rules may require the removal of unsafe  
13 homes. The mobile home park owner or operator is not  
14 liable for any claim or damages arising from the fact  
15 that a pre-1976 mobile home is present in the park.

16 Because the standards for rules are not very  
17 specific, the Manufactured Housing Board and other  
18 interested parties will report back to the Legal  
19 Affairs Committee by 1990 to recommend objective and  
20 measurable standards which will make compliance and  
21 enforcement easier. The entire second subsection is  
22 repealed one year later to require appropriate and  
23 timely action.

24 The third subsection gives the buyer of a mobile  
25 home the opportunity to cancel out of the contract if  
26 the mobile home park where the mobile home is located  
27 does not accept the buyer as a tenant or requires that  
28 the mobile home be removed.

29 Section 5 requires that one-year notice be given  
30 to the tenants of the mobile home park before a change  
31 of use or major renovation of the park.

32 Section 8 applies to mobile homes located on lots  
33 outside mobile home parks. This is already addressed  
34 by current law. By retaining the phrase "in a number  
35 of locations," it lets municipalities maintain  
36 currently designated areas in which they permit  
37 manufactured homes; they will not have to open up new  
38 areas. The new language requires municipalities to  
39 permit the relocation of any home already legally  
40 sited within the municipality. It prevents  
41 municipalities from prohibiting older homes solely  
42 because they were not built to the Housing and Urban

R. of S.  
COMMITTEE AMENDMENT " A " to S.P. 825, L.D. 2147

1 Development code, but permits them to apply safety  
2 standards and the same design criteria which apply to  
3 newer mobile homes. The new language specifically  
4 allows municipalities to apply the permissible design  
5 standards and reasonable safety standards.

6 Section 9 concerns zoning of mobile home parks.  
7 The first paragraph requires that, as of January 1,  
8 1990, municipalities must permit mobile home parks to  
9 expand and be developed in a number of environmentally  
10 suitable locations. Municipalities cannot choose only  
11 undesirable or unsuitable areas. The second new  
12 paragraph clarifies that municipalities cannot require  
13 lots in mobile home parks to be any larger than the  
14 size required by rules of the Manufactured Housing  
15 Board. It also prohibits municipalities from  
16 requiring that private roads within the mobile home  
17 parks be constructed to standards more stringent than  
18 the road standards established by the National Fire  
19 Protection Association and the American National  
20 Standards Institute. The developer still has the  
21 burden of proving that the development will not  
22 pollute a public water supply or aquifer or violate  
23 any state law concerning land, subdivision or use.  
24 The second paragraph is effective January 1, 1989, to  
25 give municipalities time to revise their ordinances to  
26 be in compliance with this requirement.

27 The last section of the bill as amended requires  
28 that anyone who engages in real estate brokerage and  
29 prepares an appraisal or opinion of value for the  
30 purchase or sale of a mobile home must provide certain  
31 information. The opinion or appraisal must clearly  
32 list the value of the mobile home as separate from the  
33 value of the land. It must also specify if the land  
34 is not owned by the owner of the mobile home. This  
35 will avoid the problem where mobile home buyers are  
36 misled by opinions of values and appraisals which  
37 include the mobile home and its location as a single  
38 value.

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