

MAINE STATE LEGISLATURE

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(Emergency)
SECOND REGULAR SESSION

ONE HUNDRED AND THIRTEENTH LEGISLATURE

Legislative Document

No. 2147

S.P. 825 In Senate, January 26, 1988
Approved for Introduction by a Majority of the Legislative
Council pursuant to Joint Rule 26.
Reference to the Committee on Legal Affairs suggested and
ordered printed.

JOY J. O'BRIEN, Secretary of the Senate

Presented by Senator ESTES of York.

Cosponsored by Senator GAUVREAU of Androscoggin, Senator
BRANNIGAN of Cumberland, Representative PRIEST of Brunswick.

STATE OF MAINE

IN THE YEAR OF OUR LORD
NINETEEN HUNDRED AND EIGHTY-EIGHT

AN ACT to Provide Greater Protection to
Tenants of Mobile Home Parks.

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4 **Emergency preamble.** Whereas, Acts of the
5 Legislature do not become effective until 90 days
6 after adjournment unless enacted as emergencies; and

7 Whereas, a rapid increase in land and housing
8 costs have made mobile homes the only housing
9 affordable by many Maine citizens; and

1 Whereas, the shortage of spaces has led to a rapid
2 increase in complaints from mobile home owners of
3 restrictive practices of park operators; and

4 Whereas, legislation and rules adopted last year
5 have affected many moderate-income mobile home owners
6 who will suffer permanent economic loss and loss of
7 housing opportunities if legislative action is not
8 taken; and

9 Whereas, in the judgment of the Legislature, these
10 facts create an emergency within the meaning of the
11 Constitution of Maine and require the following
12 legislation as immediately necessary for the
13 preservation of the public peace, health and safety;
14 now, therefore,

15 Be it enacted by the People of the State of Maine as
16 follows:

17 Sec. 1. 30 MRSA §4061-B, as enacted by PL 1975,
18 c. 458, §3, is amended to read:

19 §4061-B. Purchase of equipment

20 No mobile home park owner or operator shall ~~may~~
21 require a resident therein to purchase from ~~said~~
22 the owner or operator underskirting, equipment for
23 tying down mobile homes or any other equipment
24 required by law, local ordinance or regulation of the
25 mobile home park. The park operator may determine by
26 rule or regulation the style or quality of such
27 equipment to be purchased by the tenant from the
28 vendor of the tenant's choosing, except that rules may
29 not impose upon existing occupants of the park new
30 requirements of equipment without notice in accordance
31 with this section and section 4062. In addition to
32 such notice as is required by section 4062, the park
33 operator's regulation may not require the purchase of
34 equipment or services which in total would impose
35 costs on the tenant of more than 10% of the tenant's
36 rent for the period between the date notice of the
37 requirement is given by the park operator and the date
38 of implementation of the requirement.

1 **Sec. 2. 30 MRSA §4062**, as enacted by PL 1973,
2 c. 548, is amended to read:

3 §4062. Fees, charges, assessments, regulations

4 A mobile home park owner or operator shall be
5 required to disclose fully in writing all fees,
6 charges, assessments and rules and regulations
7 prior to a mobile home dweller's assuming occupancy in
8 the park. No fees, charges or assessments so
9 disclosed may be increased or rules and regulations
10 changed by the park owner or operator without
11 specifying the date of implementation of said the
12 fees, charges, assessments or rules and
13 regulations, which date shall be no less than 30 days
14 after written notice to all tenants, except that in
15 the case of new charges or regulations which would
16 impose new costs upon the occupant which are greater
17 than 10% of the monthly rent, the date of
18 implementation shall be sufficient to ensure that the
19 new costs are no more than 10% of the tenant's rent
20 for the notice period.

21 **Sec. 3. 30 MRSA §4064, sub-§1**, as enacted by PL
22 1985, c. 324, is amended to read:

23 1. Park acting as agent; advertising. No mobile
24 home park may exact a commission or fee with respect
25 to the price realized by the seller, unless the park
26 owner or operator has acted as agent for the mobile
27 home owner in the sale pursuant to a written
28 contract. No mobile home park owner or operator may
29 require as a condition of tenancy or continued tenancy
30 that a mobile home owner designated the park owner or
31 operator or any other individual or agent to act as
32 agent for the mobile home owner in the sale of the
33 home owner's mobile home. No mobile home park may
34 restrict in any manner the reasonable advertising for
35 sale of any mobile home in that park, nor the
36 reasonable conduct of real estate agents in connection
37 with the sale of any mobile home in the park.

38 **Sec. 4. 30 MRSA §4064, sub-§2**, as enacted by PL
39 1985, c. 324, is repealed and the following enacted in

1 its place:

2 2. Right to sell mobile home within park. No
3 mobile home park owner or operator may deny any tenant
4 the right to sell at a price of the tenant's own
5 choosing the tenant's mobile home within the park or
6 require the tenant or purchaser to remove the mobile
7 home from the park on the basis of that sale. The
8 park owner or operator may reserve the right to
9 approve the purchaser of the mobile home as a tenant,
10 but such approval may not be unreasonably withheld.
11 The park owner or operator may require as a condition
12 of approval that the purchaser and the purchaser's
13 household meet the current rules of the park and
14 provide the names of no more than 2 references from
15 whom the park owner or operator may seek information
16 concerning the behavior and financial reliability of
17 the purchaser.

18 **Sec. 5. 30 MRSA §4064, sub-§3 is enacted to**
19 **read:**

20 3. Limits on safety and aesthetic standards. No
21 mobile home park owner or operator may require a
22 mobile home to be removed from the park at the time of
23 sale or otherwise on grounds of age, safety or
24 appearance except pursuant to rules in accordance with
25 this section. No mobile home may be prohibited solely
26 due to the date of its manufacture. For the purposes
27 of meeting rules regarding safety, a mobile home shall
28 be presumed to be safe if it is established that the
29 mobile home was constructed according to any
30 nationally recognized construction code or standard.
31 Failure to meet any such standard or code shall raise
32 no presumption that the mobile home is unsafe, nor may
33 such failure be used as a reason for withholding
34 approval of an on-site sale. The park owner or
35 operator shall have the burden of showing that the
36 mobile home is unsafe, unsanitary or fails to meet the
37 reasonable aesthetic standards of the park. No
38 aesthetic standard may be applied against the mobile
39 home if such standard relates to physical
40 characteristics such as size, original construction
41 materials or color which cannot be changed without
42 undue financial hardship to the tenant.

1 **Sec. 6. 30 MRSA §4066**, as enacted by PL 1973,
2 c. 548, is amended to read:

3 §4066. Space for purchaser of mobile home from owner
4 of park

5 A tenancy or other estate at will or lease in a
6 mobile home park may not be terminated solely
7 primarily for the purpose of making the tenant's space
8 in the park available for a person who purchased a
9 mobile home from the owner of the mobile home park
10 or his the owner's agents.

11 **Sec. 7. 30 MRSA §4066-B, sub-§1, ¶¶F and G**, as
12 enacted by PL 1975, c. 458, §5, are amended to read:

13 F. Condemnation or change of use of the mobile
14 home park, provided that in the case of change of
15 use, 2 years' notice is given in writing to the
16 tenant, unless at the beginning of the tenancy the
17 tenant is given notice of the scheduled change of
18 use.

19 G. Renovation or reconstruction of any portions
20 of the park, provided that 60 days' notice, in
21 addition to any other notice required by this
22 section, is given in writing to the tenant, and
23 provided that in the case of a reconstruction
24 which changes the number of mobile homes which can
25 be accommodated on a lot or lots, 2 years' notice
26 shall be given in accordance with paragraph F.

27 **Sec. 8. 30 MRSA §4066-B, sub-§3**, as amended by
28 PL 1981, c. 350, is repealed and the following enacted
29 in its place:

30 3. **Fees.** The owner of a mobile home park or his
31 agents shall not charge any fees to tenants other than
32 charges for rent, utilities, incidental service
33 charges or security deposits, unless otherwise
34 provided for in the original lease or agreement and
35 unless reasonably related to actual services
36 provided. No park owner or operator may impose a
37 charge for pets, unless the park owner or operator
38 establishes

1 that services are rendered and expenses are actually
2 incurred because of the existence of such pets,
3 provided that the park owner or operator may make
4 rules, which at the time of implementation affect only
5 new tenants and the addition of pets by current park
6 residents, governing the number or type of pets per
7 site and providing for a penalty, after 30 days'
8 notice, of not more than \$10 per a month for each
9 violation of such rules.

10 No park owner or operator may establish an additional
11 charge, directly or indirectly, for persons under the
12 age of 18 residing in the mobile home. The park owner
13 or operator may make reasonable rules limiting the
14 occupancy of a mobile home to the total number of
15 persons for which it was designed. No additional
16 charge may be imposed for numbers of people residing
17 in a mobile home unless the park owner or operator
18 establishes that the additional charge is reasonably
19 related to additional services rendered and expenses
20 actually incurred due to additional persons residing
21 in the mobile home.

22 **Sec. 9. 30 MRSA §4066-B, sub-§10 is enacted to**
23 **read:**

24 10. Tenants' right of first refusal. Before a
25 mobile home park may be sold for any purpose and
26 before it may be leased for any purpose that would
27 result in its discontinuance or a change in use, the
28 owner or operator of the mobile home park shall notify
29 all tenants in writing, within 14 days of the receipt
30 of any bona fide offer which the owner intends to
31 accept, either to buy the park for any purpose or to
32 lease it for a changed use, or within 14 days of any
33 advertisement or other public notice by the owner or
34 his agent that the park and the land upon which it is
35 located is for sale or lease. The park owners' notice
36 to tenants shall include the price and terms of the
37 offer to buy or lease the park and the statement that
38 this law grants to tenants the right to first refusal
39 on such a sale or lease, and how tenants may exercise
40 that right. An association of a majority of tenants
41 shall have the right to purchase or lease the park on
42 terms and conditions substantially equivalent to those

1 of any bona fide offer by executing a contract with
2 the owner within 60 days of notice of the offer and
3 obtaining any necessary financing or guarantees within
4 an additional 45 days. No owner may unreasonably
5 refuse to enter into or unreasonably delay the
6 execution of an agreement for sale or lease with a
7 tenants' association that has made a bona fide offer
8 to meet the price and substantially equivalent terms
9 of a 3rd-party offer. The time periods provided in
10 this section may be extended by agreement of the
11 association and the owner, but the owner shall not be
12 required to enter such an agreement after the
13 expiration of the time periods.

14 In any instance in which a homeowners' association of
15 a mobile home park is not the successful purchaser or
16 lessee of a mobile home park, the seller or lessor of
17 the park, at the time of filing the deed or lease
18 agreement for any transfer of the park, shall prove
19 compliance with this section by filing an affidavit of
20 compliance in the registry of deeds where the property
21 is located.

22 Sec. 10. 30 MRSA 4965, sub-§2, as enacted by PL
23 1983, c. 424, is repealed and the following enacted in
24 its place:

25 2. Location of manufactured housing.
26 Municipalities shall permit manufactured housing, as
27 defined in this section, or mobile homes to be placed
28 or erected on any locations where single-family
29 dwellings are allowed, subject to the same
30 requirements as single-family dwellings.
31 Municipalities may not establish any limitations of
32 width or design criteria which do not equally apply to
33 single family dwellings, except that in no event may a
34 municipality prohibit a mobile or manufactured home on
35 the sole grounds of width less than 10 feet or the age
36 of the mobile home.

37 Sec. 11. 32 MRSA §13067, sub-§1, ¶¶K and L, as
38 enacted by PL 1987, c. 395, Pt. A, §212, are amended
39 to read:

40 K. Continuing to act in a capacity requiring a

1 license under this chapter after expiration,
2 suspension or revocation of that license; and

3 L. Failure to produce to the director any
4 requested documents in the licensee's possession
5 or under his control concerning any transaction
6 under investigation; and

7 Sec. 12. 32 MRSA §13067, sub-§1, ¶M is enacted
8 to read:

9 M. Failure by a broker or salesman to disclose to
10 a buyer of a mobile home within a mobile home park
11 the terms and conditions under which the mobile
12 home may remain within the park or be required to
13 be moved from the park.

14 **Emergency clause.** In view of the emergency
15 cited in the preamble, this Act shall take effect when
16 approved.

17 STATEMENT OF FACT

18 This bill makes several changes in the law
19 regulating mobile home parks to ensure that mobile
20 home owners cannot be forced to remove a mobile home
21 solely due to age, and to ensure that municipalities
22 treat mobile homes the same as other single-family
23 dwellings.

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