

# MAINE STATE LEGISLATURE

The following document is provided by the  
**LAW AND LEGISLATIVE DIGITAL LIBRARY**  
at the Maine State Law and Legislative Reference Library  
<http://legislature.maine.gov/lawlib>



Reproduced from scanned originals with text recognition applied  
(searchable text may contain some errors and/or omissions)



# 114th MAINE LEGISLATURE

## SECOND REGULAR SESSION - 1990

---

Legislative Document

No. 2169

H.P. 1563

House of Representatives, January 9, 1990

Reported by Representative CARROLL for the Commission on Manufactured Housing pursuant to Private and Special Law 1987, chapter 139.

Reference to the Joint Standing Committee on Legal Affairs suggested and printing ordered under Joint Rule 18.

A handwritten signature in cursive script that reads "Ed Pert".

EDWIN H. PERT, Clerk

---

STATE OF MAINE

---

IN THE YEAR OF OUR LORD  
NINETEEN HUNDRED AND NINETY

---

**An Act Regarding Homeowners' Rights When Mobile Home Parks are Sold.**

---



2 **Be it enacted by the People of the State of Maine as follows:**

4 **10 MRSA §9094-A** is enacted to read:

6 **§9094-A. Restrictions on sale of a mobile home park**

8 **1. Notice of offer or no change of use.** If a mobile home  
10 park owner receives an offer to purchase the mobile home park and  
12 if the park owner intends to accept that offer, the park owner  
14 shall give 45 days' notice to the tenants of the park that the  
16 park owner has received an offer to purchase the park which the  
18 park owner intends to accept. During the 45-day period, the park  
20 owner may not execute a contract for the purchase and sale of the  
22 park. Notice must include a separate notice mailed to each park  
24 tenant by regular mail.

26 **2. Exception; agreement to maintain use.** Notwithstanding  
28 subsection 1, a mobile home park owner may sell the mobile home  
30 park without notifying the tenants, if the purchase and sale  
32 agreement provides for a deed containing a covenant forbidding  
34 the purchaser from changing the use of the park for 2 years after  
36 the transfer and which allows tenants of the mobile home park to  
enforce that covenant.

38 **3. Enforcement.** Any mobile home owner, group of mobile  
40 home owners or homeowners association aggrieved by a mobile home  
42 park owner's violation of this section may bring an action for  
injunctive relief and damages and attorney's fees against the  
violateur in Superior Court.

32 **STATEMENT OF FACT**

34 This bill is a unanimous final recommendation of the  
36 Commission on Manufactured Housing, established by Private and  
Special Law 1987, chapter 139.

38 Many times when parks are sold the new owner changes the use  
40 of the park and there is a loss of mobile home lots. The purpose  
42 of this bill is to give mobile home park tenants notice of, and  
thus opportunity to respond to, offers to buy the park.

44 If a park owner receives an offer to purchase the park and  
46 the park owner anticipates acceptance of that offer, the owner  
48 can follow one of 2 courses. First, the owner can notify all the  
50 tenants that an offer has been received. Notice by regular mail,  
52 as opposed to certified mail, is sufficient. The tenants than  
have 45 days to try to negotiate with the owner to sell or lease  
the park to them or perhaps find a buyer who will not change the  
use of the park. The park owner cannot complete the sale until  
those 45 days have passed. This does not create a right of first  
refusal for the tenants and the park owner is under no obligation

2 to accept any alternative advance by the tenants. This is  
intended to ensure that the park owner will receive bona fide  
4 offers, and that the negotiations between a willing buyer and  
seller will not be burdened by a possible outstanding right of  
the tenants to require the park owner to accept a matching offer.

6  
8 Second, the park owner may elect to sell the park without  
providing notice to the tenants, if the contract for sale  
provides for covenants in the deed forbidding the purchaser from  
10 changing the use of the park for 2 years and allowing tenants to  
enforce the covenant.