

# MAINE STATE LEGISLATURE

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# 114th MAINE LEGISLATURE

## SECOND REGULAR SESSION - 1990

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Legislative Document

No. 2212

H.P. 1595

House of Representatives, January 22, 1990

Reported by Representative PRIEST 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.

*Ed Pert*

EDWIN H. PERT, Clerk

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STATE OF MAINE

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IN THE YEAR OF OUR LORD  
NINETEEN HUNDRED AND NINETY

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**An Act to Establish Mediation for Mobile Home Park Operators and Tenants.**

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

10 MRSA §§9097-A and 9097-B are enacted to read:

§9097-A. Dispute settlement

1. Board duties. The Manufactured Housing Board shall provide mediators and arbitrators to conduct mediation or arbitration in accordance with this section and section 9097-B. The board shall compile a list of available mediators and arbitrators from which the parties may select a mutually acceptable mediator or arbitrator. If the parties cannot agree, the Manufactured Housing Board shall make the selection.

2. Mediation or arbitration not binding; disclosure of financial records; construction. Any mediation or arbitration is not binding unless the parties agree otherwise in writing. Also, unless the parties agree otherwise, mediation required under section 9097-B may not exceed 3 hours. Nothing in this section or section 9097-B is to be construed to require a mobile home park owner to disclose financial records of the mobile home park to mobile home park tenants.

3. Final agency action. A resolution arising from mediation or arbitration as provided in this section is not to be considered final agency action.

4. Cost paid by parties. Parties to mediation shall share the cost of mediation or arbitration equally except, upon proof by a party of inability to pay, the Manufactured Housing Board shall waive the cost of mediation or arbitration for that party and shall pay that party's share.

5. Sunset. This section is repealed on January 1, 1992.

§9097-B. Lot rental increases; reduction in services or utilities; change in rules; evictions; mediation or arbitration

1. Notice of changes. A park owner shall give written notice at least 90 days prior to any change in lot rental amount or reduction in services or utilities provided by the park owner or any change in park rules, including fees, assessments and charges to each affected mobile home owner and the board of the directors of the homeowners association, if an association has been formed.

A. The notice must identify all affected mobile home owners by lot number, name, group or phase. If the affected mobile home owners are not identified by name, the park owner shall make the names and addresses available at the request of any mobile home owner or homeowners association.

2           B. The notice required by this section must include the  
4           change in lot rental amount, services or utilities provided  
6           by the park owner, or park rules, including changes in fees,  
8           assessments and charges and the effective date of the change.

10           C. Rules adopted as a result of restrictions imposed by  
12           governmental entities and required to protect the public  
14           health, safety and welfare may be enforced before the  
16           expiration of the 90-day period but are not otherwise exempt  
18           from the requirements of this chapter.

20           2. Meeting with mobile home owners and park owner upon  
22           request. A committee, not to exceed 5 in number, designated by a  
24           majority of the affected mobile home owners or the board of  
26           directors of the homeowners association, if applicable, may  
28           request a meeting with the park owner or the park owner's  
30           representative to discuss reasons for any change. The park owner  
32           or the park owner's representative shall meet with the committee  
34           or the board of directors to discuss any change at the request of  
36           the committee or the board of directors.

38           3. Request for mediation of change. Within 15 days after  
40           the date of the meeting requested pursuant to subsection 2, the  
42           committee representing the mobile home owners or the board of  
44           directors of the homeowners association may notify the park owner  
46           in writing that the change is unreasonable and request that the  
48           dispute be submitted to mediation pursuant to section 9097-A.

50           4. Arbitration upon agreement by parties. If both parties  
52           agree in writing before, during or after mediation, the parties  
              may submit the dispute to arbitration.

5. Relation to court action. Except for an action to evict  
              a tenant, an action relating to a change governed by this section  
              may not be filed in any court until mediation or arbitration  
              required by this section has been held.

6. Failure to participate; change suspended. If a park  
              owner fails to participate in a meeting requested under  
              subsection 2 or in mediation requested under subsection 3, the  
              park owner may not implement any change proposed in the notice of  
              changes.

7. Evictions. Any tenant who receives a notice of eviction  
              under section 9097, subsection 1, may request an individual  
              meeting with the park owner pursuant to the procedures of  
              subsection 2 and mediation pursuant to the procedures of  
              subsection 3. The park owner shall participate in the meeting or  
              mediation if requested. If the parties agree, the parties may  
              submit the dispute to arbitration. If a number of tenants are  
              being evicted due to renovations or reconstruction of the park,

2 the meeting with the park owner and subsequent mediation  
3 authorized by this section is satisfied by the park owner meeting  
4 with the affected tenants or their representatives in a group  
5 meeting or mediation. The mediation guaranteed by this  
6 subsection does not stay the tenant's eviction date.

7 8. Sunset. This section is repealed on January 1, 1992.

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12 **STATEMENT OF FACT**

13 This bill is a minority recommendation of the Commission on  
14 Manufactured Housing, established by Private and Special Law  
15 1988, chapter 139.

16 This bill establishes a nonbinding system for mediation and  
17 arbitration of disputes between mobile home park owners and  
18 tenants. Currently, Superior Court action provides the only  
19 mechanism available to tenants to resolve disputes concerning  
20 rent increases, park rules, evictions and other management  
21 procedures that seem unreasonable or unlawful. Mediation  
22 provides a less expensive, less time-consuming option. In  
23 addition, mediation may provide results more responsive to the  
24 needs of tenants and the owner of a particular park.

25 Mobile home park tenants are often anxious that the park  
26 owner will unfairly evict them or subject them to burdensome  
27 rules. Often these fears are quickly relieved by the park  
28 owner's and tenants' discussion of their differences.

29 The mediation program in this bill is nonbinding and the  
30 only obligations of the park owner are to attend a requested  
31 meeting and a mediation session. If the park owner concludes  
32 that the tenants' complaints are without merit, mediation is  
33 completed and the park owner's decision stands. In this bill,  
34 mediations are limited to 3 hours, unless all parties otherwise  
35 agree. Also, the park owner is under no obligation to disclose  
36 financial records of the mobile home park to park tenants.

37 This bill includes a sunset provision effective January 1,  
38 1992, to allow the Legislature to assess the effectiveness of a  
39 need for the bill's mediation provisions.