

MAINE STATE LEGISLATURE

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115th MAINE LEGISLATURE

FIRST REGULAR SESSION-1991

Legislative Document

No. 1319

H.P. 922

House of Representatives, March 26, 1991

Reference to the Committee on Legal Affairs suggested and ordered printed.

A handwritten signature in cursive script, reading "Ed Pert".

EDWIN H. PERT, Clerk

Presented by Representative LAWRENCE of Kittery.

Cosponsored by Senator MILLS of Oxford and Representative McKEEN of Windham.

STATE OF MAINE

IN THE YEAR OF OUR LORD
NINETEEN HUNDRED AND NINETY-ONE

An Act Concerning Mobile Home Parks.

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

Sec. 1. 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 can not agree, the Manufactured Housing Board shall make the selection.

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

3. Final action. A resolution arising from mediation or arbitration as provided in this section is not considered final 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 This section is repealed on January 1, 1993.

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

1. Notice of changes. A mobile home park owner shall give written notice at least 30 days prior to any change in lot rental amount or reduction in services or utilities provided by the mobile home park owner or any change in mobile home park rules, including fees, assessments and charges to each affected tenant and the officers of the homeowners' association, if an association has been formed.

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

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

8 C. Rules adopted as a result of restrictions imposed by
10 governmental entities and required to protect the public
12 health, safety and welfare may be enforced before the
 expiration of the 30-day period but are not otherwise exempt
 from the requirements of this chapter.

14 2. Meeting with tenants and mobile home park owner upon
16 request. A committee, not to exceed 5 in number, designated by a
18 majority of the affected tenants or the officers of the
20 homeowners' association, if applicable, may request a meeting
22 with the mobile home park owner or the mobile home park owner's
 representative to discuss reasons for any change. The mobile
 home park owner or the mobile home park owner's representative
 shall meet with the committee or the officers to discuss any
 change at the request of the committee or the officers.

24 3. Request for mediation of change. Within 15 days after
26 the date of the meeting requested pursuant to subsection 2, the
28 committee representing the tenants or the officers of the
30 homeowners' association may notify the mobile home park owner in
 writing that the change is unreasonable and request that the
 dispute be submitted to mediation pursuant to section 9097-A.

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

36 5. Relation to court action. Except for an action to evict
38 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.

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

46 7. Evictions. Any tenant who receives a notice of eviction
48 under section 9097, subsection 1, may request an individual
50 meeting with the mobile home park owner pursuant to the
 procedures of subsection 2 and mediation pursuant to the
 procedures of subsection 3. The mobile home park owner shall
 participate in the meeting and mediation if requested. If the

parties agree to arbitration, the parties may submit the dispute to arbitration. If a number of tenants are being evicted due to renovations or reconstruction of the mobile home park, the request for a meeting with the mobile home park owner and subsequent mediation authorized by this section is satisfied by the mobile home park owner meeting with the affected tenants or their representatives in a group meeting or mediation. The mediation guaranteed by this subsection does not stay the tenants' eviction date.

8. Application. This section applies only to owners and tenants of mobile home parks licensed for 50 or more individual mobile home lots.

9. Sunset. This section is repealed on January 1, 1993.

Sec. 2. Allocation. The following funds are allocated from Other Special Revenue to carry out the purposes of this Act.

1991-92

**PROFESSIONAL AND FINANCIAL REGULATION,
DEPARTMENT OF**

Manufactured Housing Board

Positions	(0.5)
Personal Services	\$7,500
All Other	8,000

Provides funds for an additional part-time clerk and the waiver of mediation or arbitration costs.

**DEPARTMENT OF PROFESSIONAL AND FINANCIAL
REGULATION
TOTAL**

\$15,500

STATEMENT OF FACT

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

2 The mediation program in this bill is nonbinding and the
3 only obligations of the mobile home park owner are to attend a
4 requested meeting and a mediation session. If the mobile home
5 park owner concludes that the tenants' complaints are without
6 merit, mediation is completed and the mobile home park owner's
7 decision stands. In this bill, mediations are limited to 3
8 hours, unless all parties otherwise agree. Also, the mobile home
9 park owner is under no obligation to disclose financial records
10 of the mobile home park to mobile home park tenants.

12 This bill includes a sunset provision effective January 1,
13 1993 to allow the Legislature to assess the effectiveness of the
14 mediation provisions.

16 This bill also allocates \$15,500 to cover the costs of an
17 additional part-time clerk for the Department of Professional and
18 Financial Regulation and waivers of mediation or arbitration.