

MAINE STATE LEGISLATURE

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118th MAINE LEGISLATURE

FIRST REGULAR SESSION-1997

Legislative Document

No. 20

S.P. 22

In Senate, January 9, 1997

**An Act to Clarify the Law Concerning Evictions from Mobile Home
Parks.**

(EMERGENCY)

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

A handwritten signature in cursive script that reads "Joy J. O'Brien".

JOY J. O'BRIEN
Secretary of the Senate

Presented by Senator FERGUSON of Oxford.
Cosponsored by Representative CHIZMAR of Lisbon.

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

4 Whereas, it is necessary that this legislation be enacted as
6 an emergency measure to ensure the health and safety of residents
in mobile home parks throughout the State; and

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

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

16 **Sec. 1. 10 MRSA §9097, sub-§1,** as amended by PL 1989, c. 662,
18 is further amended to read:

20 **1. Eviction of tenant.** A tenancy may be terminated by a
park owner or operator only for one or more of the following
22 reasons:

24 A. Nonpayment of rent, utility charges or reasonable
incidental service charges, ~~provided~~ except that no action
26 for possession may be maintained if, prior to the expiration
of a notice to quit, the tenant pays or tenders all
28 arrears due plus 5% of the outstanding rent or a maximum
of \$5 as liquidated damages;

30 B. Failure of the tenant or the tenant's family members,
32 cohabitees, guests or invitees to comply with local
ordinances or state or federal law, rules or regulations
34 relating to mobile homes or mobile home parks, ~~provided that~~
as long as the tenant first is given written notice of
36 failure to comply with those restrictions and a reasonable
opportunity to comply with the restrictions;

38 C. Damage by the tenant or the tenant's family members,
40 cohabitees, guests or invitees to the demised property,
except for reasonable wear and tear;

42 D. Repeated conduct of the tenant or the tenant's family
44 members, cohabitees, guests or invitees upon the mobile home
park premises ~~which~~ that disturbs the peace and quiet or
46 safety of other tenants in the mobile home park;

48 E. Failure of the tenant or the tenant's family members,
50 cohabitees, guests or invitees to comply with reasonable
written rules of the mobile home park as established by the
52 park owner or operator in the rental agreement at the
beginning of the tenancy or as subsequently amended,

2 provided-~~that~~ as long as the tenant first is given written
notice of failure to comply and a reasonable opportunity to
comply with those rules;

4
6 F. Condemnation or change of use of the mobile home park,
~~provided-that~~ as long as, in the case of change of use, one
8 year's notice is given in writing to the tenant, unless at
the beginning of the tenancy the tenant is given notice of
the scheduled change of use;

10
12 G. Renovation or reconstruction of any portions of the
park, if:

14 (1) In the case of a temporary eviction, the park
owner or operator:

16 (a) Gives affected tenants 30 days' notice in
18 writing, unless the temporary eviction is
necessary to correct conditions posing an
20 immediate threat to one or more tenants' health or
safety; and

22 (b) Pays the removal and relocation costs of
24 tenants, except for those tenants who agree
otherwise in a signed writing separate from the
26 lease; or

28 (2) In the case of a permanent eviction, other than an
eviction due to reconstruction or renovation required
30 by a federal, state or local governmental body, of one
or more mobile homes currently located in the park, the
32 park owner or operator:

34 (a) Gives each tenant one year's notice in
writing; or

36 (b) To each tenant for whose home the park owner
38 has found a reasonable alternative location
acceptable to the tenant, gives 6 months' written
40 notice and pays removal and relocation costs;

42 H. Under terms and expressed conditions in the original
lease or rental agreement ~~which~~ that is entered into by the
44 tenant and landlord; or

46 I. Violation by a tenant or the tenant's family members,
cohabitees, guests or invitees of paragraph A, B or E, 3 or
48 more times in a 12-month period, notwithstanding the fact
that the tenant in each case corrected the violation after
50 being notified of the violation by the park owner or
operator. For purposes of termination under this paragraph,

2 the tenant or the tenant's family members, cohobitees guests
3 or invitees must have engaged in at least 3 separate
4 instances of misconduct.

6 **Emergency clause.** In view of the emergency cited in the
7 preamble, this Act takes effect when approved.

8

10

SUMMARY

12 A recent decision by a judge of the Maine District Court
13 held that a tenant in a mobile home park could not be evicted
14 because a guest or family member of the tenant had violated the
15 community's rules but the tenant had not. This ruling makes it
16 impossible to deal effectively with disruptive or malicious
17 behavior by anyone other than the individual who is the owner of
18 the manufactured home. This bill makes it possible an evict to
19 the tenant for the misbehavior of the tenant's family members,
20 cohobitees, guests or invitees, as well as that of the tenant.