

MAINE STATE LEGISLATURE

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131st MAINE LEGISLATURE

FIRST REGULAR SESSION-2023

Legislative Document

No. 887

S.P. 378

In Senate, February 28, 2023

An Act to Amend the Regulation of Mobile Home Parks

Reference to the Committee on Labor and Housing suggested and ordered printed.

A handwritten signature in black ink, appearing to read "D M Grant".

DAREK M. GRANT
Secretary of the Senate

Presented by President JACKSON of Aroostook.
Cosponsored by Speaker TALBOT ROSS of Portland and
Senators: BAILEY of York, CARNEY of Cumberland.

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

Sec. 1. 10 MRSA §9094-B is enacted to read:

§9094-B. Change of use; notice required

Notwithstanding sections 9094 and 9094-A, if the owner of a mobile home park wants to change the use of a mobile home park and the change of use would result in the eviction of the tenants of the mobile home park, the owner of a mobile home park shall give the tenant that is subject to eviction a written notice of the owner's intent to evict not less than 12 months before the change of use of the mobile home park. The notice must be mailed to each tenant.

Sec. 2. 10 MRSA §9097-A, sub-§2, as enacted by PL 1991, c. 361, §1 and affected by §3, is amended to read:

2. Unenforceable provisions. The following rental agreement or rule provisions are specifically declared to be unenforceable and in violation of Title 5, section 207:

A. Any provision that absolves the park owner or operator from liability for the negligence of the park owner or operator or the agent of the park owner or operator;

B. Any provision that requires the tenant to pay the legal fees of the park owner or operator in enforcing the rental agreement;

C. Any provision that requires the tenant to give a lien upon the tenant's property, including a tenant's mobile home, for the amount of any rent or other sums due the park owner or operator; and

D. Any provision that requires the tenant to acknowledge that the provisions of the rental agreement, including tenant rules, are fair and reasonable;

E. Any provision that binds the tenant to arbitration in lieu of a civil trial; and

F. Any provision that requires the tenant to agree to a possessory lien.

SUMMARY

This bill provides that if an owner of a mobile home park wants to change the use of a mobile home park and that change of use results in evictions, the owner must give each tenant subject to eviction written notice of intent to evict not less than 12 months before the change of the use of the mobile home park. It also provides that a rental agreement that binds a tenant to arbitration in lieu of a civil trial and any provision that requires a tenant to agree to a possessory lien is unenforceable and in violation of the Maine Unfair Trade Practices Act.