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HOUSING AND ECONOMIC DEVELOPMENT

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**STATE OF MAINE
HOUSE OF REPRESENTATIVES
132ND LEGISLATURE
FIRST SPECIAL SESSION**

COMMITTEE AMENDMENT “ ” to H.P. 1150, L.D. 1723, “An Act to Amend the Laws Governing Manufactured Housing Communities to Prevent Excessive Rent and Fees Increases”

Amend the bill by striking out everything after the enacting clause and inserting the following:

'Sec. 1. 10 MRSA §9093, sub-§2, as repealed and replaced by PL 2023, c. 594, §1 and affected by §13, is amended to read:

2. Increases or changes. The mobile home park owner or operator shall give at least 30 days' written notice to all tenants before changing any rules, except that any notice of an increase in rent or fees must be consistent with the notice requirements for residential estates in section 9093-B and in Title 14, sections 6015 and section 6016.

Sec. 2. 10 MRSA §9093-B is enacted to read:

§9093-B. Manufactured housing community increase in lot rent and fees

1. Lot rent and fees; notice requirement. An owner of a manufactured housing community shall provide notice of an increase in lot rent or fees no less than 90 days before the effective date of the increase to the owner of a manufactured home in the community.

2. Notice contents. The notice under subsection 1 must include:

A. The name, address, telephone number and e-mail address of the owner of the manufactured housing community;

B. The amount of the increase in rent or fees, in dollars, and the type of fee increased;

C. The average lot rent and fees by the type of fee, as a dollar amount, for a manufactured housing community with equivalent services and amenities in the area at the time of the notice;

D. The average lot rent, calculated pursuant to paragraph C, increased by 1% above the Consumer Price Index for the Northeast Region, or its successor index, as published

by the United States Department of Labor, Bureau of Labor Statistics or its successor agency, in dollar amounts, referred to in this section as "the allowed lot rent increase";

E. The average fee for each type of fee, calculated pursuant to paragraph C, increased by 1% above the Consumer Price Index for the Northeast Region, or its successor index, as published by the United States Department of Labor, Bureau of Labor Statistics or its successor agency, in dollar amounts, referred to in this section as "the allowed fee increase"; and

F. A statement of the manufactured home owner's right to request mediation and the requirements to make a request.

3. Request for mediation. If the dollar amount of the proposed lot rent increase is above the allowed lot rent increase or the dollar amount of the proposed fee increase is above the allowed fee increase for the type of fee increased, owners of manufactured homes in the housing community may request the proposed lot rent or fee increase be subject to mediation, if:

A. A number of owners representing 51% or more of the households in the community sign a written request for mediation; and

B. The written request is mailed, by certified mail, to the owner of the manufactured housing community within 90 days of the date of the notice required by subsection 1.

4. Mediation. Within 15 days of the date of the notice under subsection 3, paragraph B, the parties shall mutually select an independent 3rd-party mediator to facilitate the discussion of the proposed lot rent or fee increase. Within 30 days of the date the request for mediation was mailed under subsection 3, the parties shall meet with the mediator for the purpose of attempting to resolve the dispute. The owner of the manufactured housing community shall pay all costs for the mediator and the mediation. If the owner of the manufactured housing community acts in bad faith with respect to the request for mediation or the mediation process, the lot rent or fee increase may not take effect for at least 6 months from the date the request for mediation is mailed under subsection 3. Failure of the owner of the manufactured housing community, or the owner's authorized representative, to participate in mediation, is an example of bad faith.

For purposes of this section, "manufactured housing community" has the same meaning as in section 9081, subsection 2, except that in this section "manufactured housing community" includes a mobile home park.'

Amend the bill by relettering or renumbering any nonconsecutive Part letter or section number to read consecutively.

SUMMARY

This amendment, which is the majority report of the committee, replaces the bill. It requires the owner of a manufactured housing community to provide written notice of a lot rent or fee increase to each owner of a manufactured home in the community. It provides an opportunity for the owners of manufactured homes in the community to request the owner of a manufactured housing community to participate in, and pay for, mediation if at least 51% of the households in the community make such a request. It specifies that if the owner acts in bad faith with respect to the mediation, the proposed lot rent or fee increase may not go into effect for 6 months and that if an owner of a manufactured housing

1 community is not present at mediation or fails to send a representative with authority to
2 reach agreement at the mediation, the owner of the manufactured housing community has
3 acted in bad faith.