

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31
32
33

Date: (Filing No. S-)

HOUSING AND ECONOMIC DEVELOPMENT

Reproduced and distributed under the direction of the Secretary of the Senate.

**STATE OF MAINE
SENATE
132ND LEGISLATURE
FIRST SPECIAL SESSION**

COMMITTEE AMENDMENT “ ” to S.P. 477, L.D. 1145, “An Act to Protect Residents Living in Mobile Home Parks”

Amend the bill by inserting after the title and before the enacting clause the following:

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

Whereas, current law requires a mobile home park owner that intends to accept an offer to purchase the mobile home park to notify the mobile home owners in the mobile home park and give the mobile home owners time to make an offer to purchase the mobile home park;

Whereas, current law allows a mobile home park owner to reject an offer from at least 51% of the mobile home owners to purchase the mobile home park even if the offer is at the same price and has substantially equivalent terms and conditions as the offer the mobile home park owner intends to accept;

Whereas, the sale of mobile home parks as part of an investment portfolio is increasing in the State and often results in an increase in lot rent and fees to the mobile home owners who live in the mobile home park;

Whereas, this increase in rent and fees is reducing the affordability of mobile home ownership, further exacerbating the housing crisis in the State;

Whereas, mobile home park owners are currently considering competing offers for the sale of mobile home parks as part of an investment portfolio and from a group of mobile home owners;

Whereas, this legislation must take effect before the expiration of the 90-day period in order to address these issues;

Whereas, in the judgment of the Legislature, these facts create an emergency within the meaning of the Constitution of Maine and require the following legislation as

COMMITTEE AMENDMENT

1 immediately necessary for the preservation of the public peace, health and safety; now,
2 therefore,'

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

5 '**Sec. 1. 10 MRSA §9094-A, sub-§1**, as repealed and replaced by PL 2023, c. 378,
6 §1, is amended to read:

7 **1. Notice required.** The owner of a mobile home park shall give written notice of
8 the intent to sell the mobile home park to each owner of a mobile home in the mobile home
9 park and to the Maine State Housing Authority. The owner of the mobile home park may
10 not make a final unconditional acceptance of an offer for the sale of the mobile home park
11 earlier than the 60th day after the date the notice ~~was mailed as required by this subsection~~
12 containing the information required by this subsection is mailed as required by this
13 subsection and received by the Maine State Housing Authority. The notice must include:

14 A. A statement that a group of mobile home owners or a mobile home owners'
15 association of the mobile home park has a first option to purchase the mobile home
16 park and may make an offer to purchase the mobile home park within 60 days of the
17 mailing date of the notice date the notice containing the information required by this
18 subsection is mailed in accordance with this subsection and received by the Maine State
19 Housing Authority; and

20 B. Either:

21 (1) The price, terms and conditions for which the owner of the mobile home park
22 intends to sell the mobile home park; or

23 (2) The price, terms and conditions of any acceptable offer the owner of the mobile
24 home park has received for the mobile home park, including a signed copy of the
25 written offer that contains a description of the property. The owner may redact the
26 name, address, contact information or other identifying information of the party
27 making the offer.

28 If an owner of a mobile home park intends to accept an offer to purchase the mobile home
29 park and the mobile home park is to be included in an investment portfolio by the purchaser,
30 the price, terms and conditions specific to the mobile home park must be specified in the
31 notice required by this subsection.

32 The notice must be mailed by certified mail, return receipt requested, to each mobile home
33 owner at the mobile home owner's home address and to the Maine State Housing Authority.

34 **Sec. 2. 10 MRSA §9094-A, sub-§3-A**, as enacted by PL 2023, c. 378, §4, is
35 repealed and the following enacted in its place:

36 **3-A. Group of mobile home owners or mobile home owners' association first**
37 **option to purchase.** A group of mobile home owners or a mobile home owners'
38 association has the first option to purchase a mobile home park, and the owner of a mobile
39 home park shall consider an offer from a group of mobile home owners or a mobile home
40 owners' association subject to the following conditions.

41 A. An owner of a mobile home park shall consider any offer from a group of mobile
42 home owners or a mobile home owners' association received by the 60th day after the
43 date the notice containing the information required by subsection 1 is mailed as

1 required by subsection 1 and received by the Maine State Housing Authority as long
2 as the mobile home owners of at least 51% of the mobile homes in the mobile home
3 park that are occupied by the mobile home owner or a family member of the mobile
4 home owner sign a petition or otherwise indicate in writing that they support making
5 the offer.

6 B. An owner of a mobile home park shall negotiate in good faith with a group of
7 mobile home owners or a mobile home owners' association concerning a purchase offer
8 made under this subsection.

9 C. An offer made by a group of mobile home owners or a mobile home owners'
10 association must include a purchase and sale agreement.

11 D. If the proposed purchase and sale agreement from a group of mobile home owners
12 or a mobile home owners' association matches the price and otherwise has substantially
13 equivalent terms and conditions of the offer the mobile home park owner has
14 conditionally accepted or plans to accept, the group of mobile home owners or the
15 mobile home owners' association must have the first option to purchase the mobile
16 home park at the price, terms and conditions stated in its purchase and sale agreement.

17 E. A mobile home park owner may not unreasonably refuse to enter into or
18 unreasonably delay the execution of or closing on a purchase and sale agreement with
19 a group of mobile home owners or a mobile home owners' association that has proposed
20 a bona fide purchase and sale agreement to meet the price and substantially equivalent
21 terms and conditions of an offer for which notice is required to be given under
22 subsection 1.

23 F. Notwithstanding the requirement that the offer from a group of mobile home owners
24 or a mobile home owners' association be on substantially equivalent terms and
25 conditions, a mobile home park owner may not reject a proposed purchase and sale
26 agreement solely on the basis of the inclusion of a financing contingency.

27 G. A group of mobile home owners or a mobile home owners' association may not be
28 required to pay a nonrefundable deposit at the time of execution of a purchase and sale
29 agreement as a condition of acceptance.

30 H. If an owner of a mobile home park accepts the offer made by a group of mobile
31 home owners or a mobile home owners' association, the group of mobile home owners
32 or the mobile home owners' association must obtain appropriate financing and a
33 commercially reasonable time to close on the sale before the 90th day after the
34 execution date of the purchase and sale agreement.

35 I. If a group of mobile home owners or a mobile home owners' association fails to
36 secure financing necessary for the purchase and sale agreement during this 90-day
37 period, or such longer period as the parties may agree to, or fails to close on the sale in
38 compliance with the purchase and sale agreement executed by the parties, the mobile
39 home park owner has no further duties under this section with respect to the proposed
40 sale, lease or transfer of the mobile home park.

41 J. If a purchase and sale agreement between a mobile home park owner and a group
42 of mobile home owners or a mobile home owners' association does not result in a
43 purchase and the mobile home park owner offers to sell the mobile home park at a
44 different price or with different terms and conditions or receives a subsequent offer to

1 purchase at a different price or with different terms and conditions that the mobile home
2 park owner intends to accept, the requirements of this section apply separately to each
3 subsequent offer.

4 **Sec. 3. 10 MRSA §9094-A, sub-§6** is enacted to read:

5 **6. Assignment of rights.** A group of mobile home owners or a mobile home owners'
6 association that has rights under this section may, upon a majority vote, assign those rights
7 to the following entities as long as the entity agrees to continue operating the property as a
8 mobile home park:

9 A. The municipality in which the mobile home park is located;

10 B. The Maine State Housing Authority or a municipal housing authority established
11 under Title 30-A, section 4721 whose area of operation, as defined in Title 30-A,
12 section 4702, subsection 1, includes the municipality in which the mobile home park
13 is located; or

14 C. A nonprofit organization.'

15 Amend the bill by adding before the summary the following:

16 '**Emergency clause.** In view of the emergency cited in the preamble, this legislation
17 takes effect when approved.'

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

20 SUMMARY

21 This amendment, which is the majority report of the committee, adds an emergency
22 preamble and emergency clause to the bill. It retains the current law that a group of mobile
23 home owners or a mobile home owners' association has 60 days within which to make an
24 offer to a mobile home park owner to purchase the mobile home park currently on the
25 market or for which the park owner has received a purchase offer the park owner intends
26 to accept. It also adds or clarifies the following:

27 1. If the offer from a group of mobile home owners or a mobile home owners'
28 association is at the same price and substantially equivalent terms and conditions as an offer
29 the mobile home park owner intends to accept, the group of mobile home owners or the
30 mobile home owners' association has the first option to purchase the park;

31 2. A group of mobile home owners or a mobile home owners' association has 90 days
32 after the execution of a purchase and sale agreement with the mobile home park owner
33 within which to secure appropriate financing;

34 3. The purchase and sale of a mobile home park must occur within a commercially
35 reasonable time after the receipt of the commitment for appropriate financing;

36 4. If a group of mobile home owners or a mobile home owners' association fails to get
37 financing within the 90-day period or fails to close within a commercially reasonable time,
38 the mobile home park owner has no further obligations with respect to the proposed sale;

39 5. A mobile home park owner may not reject an offer from a group of mobile home
40 owners or a mobile home owners' association solely on the basis that the offer includes a
41 financing contingency;

