

STATE OF MAINE

—
IN THE YEAR OF OUR LORD
TWO THOUSAND TWENTY-SIX

—
H.P. 1506 - L.D. 2231

**An Act to Support Owners of Manufactured Housing, Mobile Homes and
Tiny Homes**

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

Sec. 1. 10 MRSA §9093-B, as enacted by PL 2025, c. 399, §2, is amended 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.

1-A. Lot rent increase; limitation per calendar year. An owner of a manufactured housing community may not increase the lot rent more than once per calendar year.

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 lot 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; and

G. The percentage change for the previous 12-month period in 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, beginning with the month the notice is provided.

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~~ percentage increase in lot rent or fees is greater than the percentage change under subsection 2, paragraph G plus 1%, 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. It is bad faith for the owner of the manufactured housing community, or the owner's authorized representative, to require, request or obtain a nondisclosure agreement or similar agreement from a manufactured home owner as part of the mediation process.

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.

Sec. 2. 29-A MRSA §669, as amended by PL 2019, c. 650, §8, is further amended to read:

§669. Cancellation of certificate of title to manufactured housing and tiny homes; conversion to residential real property

1. Real property transactions. This section governs cancellation of a certificate of title to manufactured housing or a tiny home by the owner of the manufactured housing or tiny home ~~when the manufactured housing or tiny home becomes affixed to real property owned by the owner of the manufactured housing or tiny home~~ issued by the Secretary of State and the conversion of the manufactured housing or tiny home to residential real property.

2. Cancellation. A certificate of title to manufactured housing or a tiny home may be cancelled by the Secretary of State if the owner of the ~~real property~~ manufactured housing or tiny home records the following documents in the registry of deeds for the county in which the real property ~~is located~~ upon which the manufactured housing or tiny home is permanently affixed is located and files a request under subsection 4:

- A. The original certificate of title to the manufactured housing or tiny home;
- B. A description of the manufactured housing or tiny home, including model year, make, width, length and identification number, and a statement by any recorded lienholder on the certificate of title that the security interest has been released or that such security interest will be released upon cancellation of the certificate of title as set forth in this section;
- C. The legal description of the real property upon which the manufactured housing or tiny home is permanently affixed; and
- D. A sworn statement by the owner of the real property upon which the manufactured housing or tiny home is permanently affixed, as shown on the real property deed, ~~that the owner of the real property is the owner of the manufactured housing or tiny home and that the manufactured housing or tiny home is permanently affixed to the real property in accordance with state law;~~

(1) That the owner of the real property upon which the manufactured housing or tiny home is permanently affixed is the owner of the manufactured housing or tiny home and that the manufactured housing or tiny home is permanently affixed to the real property in accordance with state law; or

(2) If the owner of the manufactured housing or tiny home does not own the real property upon which the manufactured housing or tiny home is permanently affixed, that the manufactured housing or tiny home is permanently affixed to real property under a lease agreement or other occupancy agreement.

3. Recording. The register of deeds, upon receipt of the documents set forth in subsection 2, shall record the documents.

4. Request for cancellation for purpose of conversion. An owner of manufactured housing or a tiny home shall file a written request with the Secretary of State for cancellation of the certificate of title to the manufactured housing or tiny home for the purpose of conversion to residential real property after completion of the requirements in subsections 2 and 3 and by returning the recorded certificate of title. ~~The Secretary of State shall cancel the certificate of title upon receipt of the written request from the owner of the manufactured housing or tiny home requesting cancellation of the certificate of title, accompanied by the certificate of title and documents listed in subsection 2 that have been recorded pursuant to subsection 3. Upon cancellation of the certificate of title, the Secretary of State shall issue a document certifying that the certificate of title has been cancelled.~~

A. Prior to cancelling the certificate of title, the Secretary of State shall provide the individual requesting cancellation with a written statement informing the individual that upon cancellation of the certificate of title and satisfaction of the requirements of subsection 9, the manufactured housing or tiny home will be converted to residential real property as defined in Title 33, section 171, subsection 6 and that the conversion

may not be reversed. The Secretary of State shall obtain written confirmation that the individual received the statement.

B. The Secretary of State shall cancel the certificate of title upon receipt of the written request from the owner of the manufactured housing or tiny home requesting cancellation of the certificate of title for the purpose of conversion to residential real property, accompanied by the certificate of title and documents listed in subsection 2 that have been recorded pursuant to subsection 3. Upon cancellation of the certificate of title, the Secretary of State shall issue a document certifying that the certificate of title has been cancelled.

5. Liens. For purposes of perfection, realization and foreclosure of security interests, ~~if a certificate of title has been cancelled pursuant to this section, a separate security interest in the manufactured housing or tiny home does not exist, and the manufactured housing or tiny home may be secured only as part of the real property through a mortgage under Title 33.:~~

A. If a certificate of title has been cancelled and the manufactured housing or tiny home converted pursuant to this section and the owner of the manufactured housing or tiny home owns the real property upon which the manufactured housing or tiny home is permanently affixed, a separate security interest in the manufactured housing or tiny home does not exist, and the manufactured housing or tiny home may be secured only as part of the real property through a mortgage under Title 33; and

B. If a certificate of title has been cancelled and the manufactured housing or tiny home converted pursuant to this section and the owner of the manufactured housing or tiny home does not own the real property upon which the manufactured housing or tiny home is permanently affixed, the manufactured housing or tiny home may be secured separately from the real property upon which it is permanently affixed.

6. Applicability. This section applies to manufactured housing or tiny homes required to be titled under section 651 and to any person who voluntarily elects to cancel a certificate of title to manufactured housing or a tiny home pursuant to this section.

7. Taxation not affected. ~~Nothing in this~~ This section may not be construed to affect the taxation of manufactured housing or tiny homes.

8. No change to common law. ~~Nothing in this~~ This section may not be construed to modify or change existing common law.

9. Conversion. Upon recording the document issued by the Secretary of State under subsection 4, paragraph B that certifies that the certificate of title has been cancelled in the registry of deeds for the county in which the real property upon which the manufactured housing or tiny home is permanently affixed is located, the manufactured housing or tiny home is converted to residential real property as defined in Title 33, section 171, subsection 6.

Sec. 3. 30-A MRSA §4358, sub-§3, ¶A, as enacted by PL 1989, c. 104, Pt. A, §45 and Pt. C, §10 and repealed and replaced by PL 1989, c. 506, §3 and amended by PL 2003, c. 689, Pt. B, §6, is further amended to read:

A. Except as required under Title 38, or an ordinance adopted pursuant to Title 38, a municipality shall may not require for a new mobile home park or the expansion of an existing mobile home park:

(1) The size of any mobile home park lot served by a public sewer system to be larger than the smaller of:

(a) ~~Six~~ Four thousand ~~five~~ hundred square feet; ~~or~~ and

(b) The area of the smallest residential lot permitted in the municipality;

(2) The size of any mobile home park lot with on-site subsurface ~~waste-water~~ wastewater disposal to be larger than ~~20,000~~ 10,000 square feet; or

(3) The size of any mobile home park lot served by a central on-site subsurface ~~waste-water~~ wastewater disposal system approved by the Department of Health and Human Services to be larger than ~~12,000~~ 5,000 square feet, ~~provided that a municipality may require that the overall density of the mobile home park be no more than one home for every 20,000 square feet.~~

Sec. 4. 30-A MRSA §4358, sub-§3, ¶M, as enacted by PL 1989, c. 506, §3, is amended to read:

M. A municipality shall permit mobile home parks to expand and to be developed in a number of environmentally suitable locations in the municipality with reasonable consideration being given to permit existing mobile home parks to expand in their existing locations. A municipality may not select a location for a mobile home park development ~~which~~ that is not reasonably suitable because of:

- (1) Prior lot division;
- (2) Locational setting within the municipality;
- (3) Natural features; or
- (4) Other similar factors.

~~This paragraph is effective January 1, 1990.~~

Sec. 5. 33 MRSA §459-A is enacted to read:

§459-A. Manufactured housing and tiny homes

If a certificate of title to manufactured housing or a tiny home has been cancelled under Title 29-A, section 669 and a document issued by the Secretary of State certifying that cancellation is recorded in the registry of deeds for the county in which the real property upon which the manufactured housing or tiny home is permanently affixed is located pursuant to Title 29-A, section 669, subsection 9, the manufactured housing or tiny home is converted to residential real property as defined in section 171, subsection 6.

Sec. 6. 33 MRSA §767-A is enacted to read:

§767-A. Deed for manufactured housing or tiny home

A deed for manufactured housing or a tiny home may contain the following provisions.

1. Statement on ownership of tract or parcel of land. A deed for manufactured housing or a tiny home may contain one of the following provisions:

A. The tract or parcel of land upon which the manufactured housing or tiny home is situated, or is to be situated, is owned by by deed dated and recorded at Book, Page in the County Registry of Deeds.

Signed this day of,

(Here add acknowledgment); or

B., owner of the tract or parcel of land upon which the aforesaid manufactured housing or tiny home is situated, or is to be situated, hereby consents to the conveyance of the manufactured housing or tiny home.

Signed this day of,

(Here add acknowledgment).

2. Statement on relocation. A deed for manufactured housing or a tiny home may contain the following provision:

Check box if the manufactured housing or tiny home has been relocated from one site to another within Maine. The home was previously located at (state name of park, if any, and street address), Town (City) of, County, State of Maine and title, if any, to the same was recorded at Book, Page, in the County Registry of Deeds. If the relocation is to a county of the State of Maine other than the county in which the deed to the grantor was recorded, a duplicate original of the deed must be recorded in the registry of deeds of the county where the manufactured housing or tiny home is relocated at the same time this deed is recorded.