



130th MAINE LEGISLATURE

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Legislative Document

No. 1580

S.P. 483

In Senate, April 27, 2021

An Act To Provide Protections for Mobile Home Park Residents

Reference to the Committee on Innovation, Development, Economic Advancement and Business suggested and ordered printed.

A handwritten signature in black ink, appearing to read "D M Grant", is positioned above the printed name of the Secretary of the Senate.

DAREK M. GRANT
Secretary of the Senate

Presented by Senator BALDACCI of Penobscot.

Cosponsored by Senator: CURRY of Waldo, Representatives: PERRY of Bangor, RIELLY of Westbrook, ROEDER of Bangor, SUPICA of Bangor.

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

2 **Sec. 1. 10 MRSA §9100-A** is enacted to read:

3 **§9100-A. Duties of mobile home park owner or operator**

4 **1. Duties.** A mobile home park owner or operator shall:

5 A. Comply with codes, statutes, ordinances and administrative rules applicable to
6 mobile home parks;

7 B. Maintain all common areas of the mobile home park in a clean and safe condition
8 and provide access to common areas, including improvements and buildings, at
9 reasonable times for the benefit of the mobile home park residents and their guests;

10 C. Maintain street lights, entry lights and common area lighting, if any, in good
11 working order;

12 D. Maintain in good working order all electrical, plumbing, sanitary, heating,
13 ventilation and air conditioning units and appliances and recreational facilities that the
14 mobile home park furnishes;

15 E. Provide reliable sewage disposal that is adequate to meet the needs of all the
16 residents in the mobile home park;

17 F. Maintain and protect all utilities provided to a mobile home and keep water and
18 sewer lines in good working condition. Maintenance responsibility extends to that
19 point where the normal mobile home utility hook-ups connect to those provided by the
20 mobile home park owner or operator or utility company;

21 G. Maintain in a safe and secure location individual mailboxes for the residents;

22 H. Maintain roads and, if present, sidewalks within the mobile home park in good and
23 safe condition. This maintenance includes snow removal and adequate drainage. The
24 mobile home park owner or operator is responsible for damage to any vehicle that is
25 the direct result of any unrepaired or poorly maintained access road within the mobile
26 home park;

27 I. Take reasonable steps to exterminate insects, rodents, vermin or other pests
28 dangerous to the health and safety of a resident whenever infestation exists on the
29 common premises or in the interior of a mobile home as a result of infestation existing
30 on the common premises;

31 J. Maintain the premises and regrade them when necessary to prevent the accumulation
32 of stagnant water and the detrimental effects of moving water;

33 K. Take all necessary steps to maintain the integrity of the foundation of a resident's
34 mobile home;

35 L. Keep the common areas of the mobile home park free from any species of weed or
36 plant growth that is noxious or detrimental to the health of the residents;

37 M. Provide for the removal of garbage, rubbish and other waste incidental to the
38 occupancy of a mobile home park;

39 N. Cooperate with and assist residents in applying for property tax abatements, as
40 applicable; and

1 O. Comply with mobile home park rules and require other persons on the premises
2 with the consent of the mobile home park owner or operator to comply with those rules
3 and conduct themselves in a manner that does not unreasonably disturb the mobile
4 home park residents or constitute a breach of the peace.

5 **2. Notice to residents prior to interruption in utility service.** The mobile home park
6 owner or operator shall give individual written notice to residents no less than 72 hours
7 prior to an interruption in utility service when the interruption is not due to an emergency
8 or circumstances beyond the owner's or operator's control.

9 **3. Authorization for others to make repairs; emergency repairs.** The mobile home
10 park owner or operator shall authorize a manager, assistant manager or other employee to
11 make repairs that are the responsibility of the mobile home park owner or operator or enter
12 into a contract with a 3rd party for such repairs. The mobile home park owner or operator
13 shall contract with a 3rd party to provide emergency repairs that are the responsibility of
14 the mobile home park owner or operator on occasions when the manager, assistant manager
15 or other designated employee is not physically present in the mobile home park and shall
16 notify each resident in writing of the telephone number where the 3rd party may be reached
17 directly.

18 **4. Self-help for defects.** If the mobile home park owner or operator fails to comply
19 with subsection 1 or 3, a resident may recover damages for the breach and also may notify
20 the mobile home park owner or operator of the resident's intention to correct the condition
21 at the mobile home park owner's or operator's expense. After being notified by the resident
22 in writing, if the mobile home park owner or operator fails to comply within 15 days or
23 more promptly as conditions reasonably require in case of emergency, the resident may
24 cause the work to be done by a contractor and, after submitting to the mobile home park
25 owner or operator an itemized statement, deduct from the resident's rent the actual and
26 reasonable costs of the repair.

27 **Sec. 2. 10 MRSA §9100-B** is enacted to read:

28 **§9100-B. Mobile home park rules**

29 **1. Mobile home park owner or operator may promulgate rules.** The community
30 mobile home park owner or operator may promulgate rules governing the rental occupancy
31 of a mobile home lot and the use of common areas and facilities, but a rule may not be
32 unreasonable, unfair or unconscionable.

33 **2. Rules that do not apply uniformly.** A rule that does not apply uniformly to all
34 mobile home residents of a similar class creates a rebuttable presumption that the rule is
35 unfair.

36 **3. Rules must be enforced uniformly.** All rules must be enforced uniformly as to all
37 residents to whom they apply.

38 **4. Common area facilities.** Each common area facility must be open or available to
39 residents at all reasonable hours, and the hours of a common recreational facility must be
40 posted at the facility.

41 **5. Guests and visitors.** The mobile home park owner or operator may not prohibit
42 residents from having such guests and visitors as they choose. The mobile home park
43 owner or operator may forbid a guest or visitor who has violated a rule or engaged in
44 disorderly conduct or a crime in the mobile home park.

6. Rule change; approval by resident association. If a bona fide resident association exists for a mobile home park, then a change in a rule may not be implemented without the approval of that association. If such approval is withheld, the mobile home park owner or operator may initiate a procedure to determine if the change in the rules should be implemented by notifying the resident association of its intent to submit the dispute to arbitration. The resident association may elect to resolve the dispute instead through a court proceeding or submission of the dispute to an appropriate municipal board designated by the municipal legislative body to conduct such an appeal hearing. If the arbitrator, court or appropriate municipal board finds that the rule change is unreasonable, unfair or unconscionable, it may not be implemented.

7. Rule change may not take effect until at least 60 days after notice to residents.
Except in a bona fide emergency, a change in a rule may not take effect until at least 60 days after the residents receive notice of the change.

8. Maintenance. A mobile home park owner's or operator's rules may require residents to maintain their mobile homes but may not require residents to replace or remove older mobile homes or to make upgrades or improvements to a mobile home that are not related to health or safety.

9. Judicial review of rule. Whenever a rule is enforced against a resident, the resident may seek judicial review of that rule.

10. Prohibited rules. Rules that do the following are prohibited:

A. Restrict babysitting;

B. Require the purchase of equipment from one particular vendor;

C. Deny a resident the opportunity to take appurtenances when that resident leaves the mobile home park;

D. Impose restrictions on the number of people living in a mobile home that are more stringent than those required by law;

E. Impose construction standards that are more stringent than state or federal standards;

F. Ban mobile homes from the mobile home park based on the age of those mobile homes; and

G. Require the purchase of unreasonably expensive equipment for aesthetic purposes.

SUMMARY

This bill specifies duties of mobile home park owners or operators and sets standards for mobile home park rules.