

Opposition to LD 1931
LEGISLATIVE HEARING
TUESDAY, MAY 23, 2023

Members of the Committee on Labor and Housing :

My name is Theresa Desfosses, I live at One Bay Road, South Portland. I am President of State Manufactured Homes in Scarborough. Our family owned business was started in 1944 by my parents and presently includes the 3rd and 4th generation. We own and manage Hillcrest Retirement Community and Pinecrest Community in Scarborough.

I am shocked and saddened that as Members of the legislature in Maine, you are considering a new law proposed to take the property rights away from a single group of 500 business owners in the State of Maine. I realize that in proposing LD 1931 you are attempting to correct the discrimination the we have had to deal and continue to deal with in the last 79 years. The cost and availability of land, exclusionary zoning, Planning Board approval, procedures in Towns and Cities, engineering, construction costs, managing , owning and maintaining all the roads, water mains, sewer mains, sewer pump stations, plowing the roads, fixing anything and everything in the communities. We are the businesses that have provided UNSUBSIDIZED affordable housing in over 500 manufactured housing communities in the State of Maine.

LD 1931 takes away our property and business rights.

Here are some issues with the bill as written

1. Send a notice by certified mail, return receipt requested to each mobile home owner. What if they don't sign? Who pays the cost of this? Why are we required to notify the Maine State Housing Authority ?
2. There is no requirement that 51 % of the home owners want to buy the park, only that 51% of the homeowners or a family member of the mobile home owner sign a petition that they 'support the offer'. Please consider changing this proposal to require that 51% of the HOMEOWNERS in the community buy it, not a subgroup who join a "special association".
3. If a group of mobile home owners or mobile home owners' association decide to make an offer after 60 days, they are not required to put up any deposit money in case they do not proceed after an additional 90 days.
4. Giving 5 months for the group of mobile home owner's or this association of mobile home owner's to decide to buy and arrange financing does not even require that the purchase close is unreasonable.
5. Be sure you understand what the requirements are for giving notice and for "negotiating in good faith".

6. 'Family member 'is restricted to to a person identified in Title 18-C. Section 2-102, as eligible for intestate share.
7. The requirements apply separately to each substantially different offer to sell or purchase a mobile home park. How is "substantially" described ?
8. A mobile home park owner MAY RECORD in the registry of deeds an affidavit of compliance. What is this for? This is a roadmap for a lawsuit to a challenge on whether the owner really complied with all the nuances of this bill.
9. A party acquiring an interest in a mobile home park, a title insurance company, an attorney preparing, furnishing or examining evidence of title may rely on the truth and accuracy of the statements appearing in the affidavit and are under no obligation to inquire further as to any matter or fact relating to the mobile home park owner's compliance with the provisions of this section. THIS SUBSECTION MUST BE LIBERALLY CONSTRUED IN ORDER THAT ALL PERSONS MAY RELY ON THE RECORD TITLE TO A MOBILE HOME PARK. Does this mean that there is no title search or "due diligence " by the purchaser? If there is any objection or question to the transaction, it should be raised before this.
10. LD 1931 gives our rights as business owners to R.O.C. and a group of mobile home owners. They always have the right to make an offer for our business. They should not be given rights at the exclusion of other potential buyers.
- 11. We were never included in any conversation about this Bill. Before our rights as Property Owners and Business Owners are taken away, shouldn't we be included?**

The term "mobile home" is used in the bill. The correct term is "Manufactured Housing" and Manufactured Housing Community.