



Cameron Reny
Senator, District 13

THE MAINE SENATE
132nd Legislature

3 State House Station
Augusta, Maine 04333

Testimony for Senator Cameron Reny

LD 2149, “An Act to Protect Affordability in Mobile Home Parks and Manufactured Housing Communities”

Good morning, Senator Curry, Representative Gere, and other esteemed members of the Joint Standing Committee on Housing and Economic Development. I am Senator Cameron Reny and I serve Senate District 13 which includes all of Lincoln County and the towns of Windsor and Washington. I am here today to present LD 2149, “An Act to Protect Affordability in Mobile Home Parks and Manufactured Housing Communities.”

This bill is correcting and clarifying the language from several bills which passed during the 132nd Legislature’s First Session: LD 1016, LD 1145, LD 1723, LD 1765 and LD 554. Those bills were proposed and enacted to protect affordability and stability in mobile home parks and manufactured housing communities. LD 2149 makes important clarifications to those original bills to ensure that mobile home parks and manufactured housing communities are thoroughly protected and there are no loopholes to be used by large companies.

Section 1 and Section 6 fix an important issue that has appeared since LD 1016 and LD 1145 were enacted. These sections make a necessary amendment that clarifies that the sale of a mobile home park includes the sale of ownership interests in the park and not just a sale of the real estate. This amendment is being proposed due to an instance in Arundel, where a park was sold through the transfer of ownership interests instead of a deed. The buyer of the park claims that the sale was not subject to LD 1016 (transfer fee) or LD 1145 (right of first refusal). If passed, LD 2149 will not allow park owners to claim the ability to escape those protections for its residents.

Sections 2, 3 and 4 clarify LD 1765 to make it clear that the same information is required when a mobile home park is renewing its license as when a park is being licensed for the first time. The earlier law was never meant to leave relicensing out, and this bill clarifies that.

Sections 5 and 8 tighten and improve the existing language regarding the process for the transfer assessment established through LD 1016. These sections clearly define what “affiliated or related entities” and “net worth” means. Additionally, instead of relying on local registries of deeds and the Department of Professional and Financial Regulation (DPFR), this process will now go



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through MaineHousing. This makes it easier to determine whether a buyer qualifies for an exemption from a required fee. It also holds buyers accountable if they fail to pay the fee or provide false information. This section also clarifies that the fee applies to every licensed lot in a park, not just the lots that are occupied at the time of sale.

Section 7 clarifies LD 1723 to provide that resident-owned communities do not need to go through two approval processes for rent and fees. These communities already vote annually on their own rent and fee decisions, so a second approval process would be unnecessary.

Sections 9 and 11 clarify LD 554 to provide that a personal and corporate income tax incentive applies both to the sale of a qualified business and to the sale of qualified real estate.

Section 10 allows MaineHousing to use up to 5% of the preservation and assistance fund to pay for outside help when needed. This update to LD 1016 is especially important for covering the cost of reviewing whether a potential buyer has a net worth over \$50 million.

Section 12 moves optional rulemaking authorization, which had been included in LD 1016, from DPFR to MaineHousing.

Overall, this bill does not change the intent of the laws passed last session. It simply makes the language clearer, more consistent, and easier to enforce, so that mobile home residents and manufactured housing communities are properly protected.

Thank you for your time.

Cameron Reny
Senate District 13

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

Whereas, the cost of housing in the State has increased significantly over the past several years; and

Whereas, residents of mobile home parks and manufactured housing communities are among those most affected by the rising costs of housing in the State; and

Whereas, this legislation provides fee exemptions and tax incentives for certain entities, including cooperative affordable housing corporations, beginning in 2026; and

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

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

Sec. 1. 10 MRSA §9081 is amended to read:

4. "Controlling interest" means the following:

- A. In the case of a corporation, more than 50% of the total combined voting power of all classes of stock of the corporation entitled to vote or more than 50% of the capital, profits or beneficial interest in the voting stock of the corporation.
- B. In the case of a partnership, association, trust or other entity, more than 50% of the capital, profits or beneficial interest in the partnership, association, trust or other entity.

For the purpose of this subchapter, to determine whether there has been a purchase or acquisition of a controlling interest, the interests of all persons acting in concert are aggregated to determine whether a controlling interest has been purchased or acquired.

5. "Purchaser of a manufactured housing community" includes any purchaser or acquirer of a manufactured housing community or of the direct or indirect controlling interest in the owner of a manufactured housing community.

Sec. 2. 10 MRSA §9082, 2nd ¶, as amended by PL 2017, c. 210, Pt. B, §29, is further amended to read:

Any person desiring a license or license renewal shall submit satisfactory evidence, in a form acceptable to the board, of that person's ability to comply with the minimum standards of this subchapter and all rules adopted under this subchapter.

Sec. 3. 10 MRSA §9082, 3rd ¶, as enacted by PL 2025, c. 365, §1, is amended to read:

An applicant for a license or license renewal to operate a manufactured housing community shall include the following information with the license or license renewal application:

Sec. 4. 10 MRSA §9082, sub-§3, as enacted by PL 2025, c. 365, §1, is amended to read:

3. **Number of sites in manufactured housing community to be licensed or relicensed.** The number of sites in the manufactured housing community to be licensed or relicensed;

Sec. 5. 10 MRSA §9090-A, as enacted by PL 2025, c. 398, §1, is amended to read:

§9090-A. Transfer assessment

1. Fee payment required. The purchaser of a manufactured housing community shall pay to the registry of deeds of the county where all or a majority of the acreage of the purchased real property associated with the manufactured housing community is located a fee equal to \$10,000 for each licensed manufactured housing community lot in the manufactured housing community. The money must be paid to the registry of deeds when the deed of the manufactured housing community is offered for recordation.

2. Exceptions Exemptions. The following entities are not required exempt from the obligation to pay the fee under subsection 1:

A. The Maine State Housing Authority;

B. A municipal housing authority as defined in Title 30-A, section 4702, subsection 10-A, or any affiliate thereof;

C. A cooperative or other entity in which membership is limited to manufactured home owners; and

D. Entities, together with affiliated and related entities, that have a net worth of less than \$50,000,000.

E. An entity that, together with any affiliated or related entities, has a net worth of less than \$50,000,000.
For purposes of this paragraph, "affiliated or related entities" means, with respect to:

(1) Any entity directly or indirectly controlling, controlled by or under common control with the entity;

(2) Any entity owning or controlling 10% or more of the outstanding voting interests of the entity;

(3) Any officer, director or general partner of the entity; or

(4) Any entity that or natural person who is an officer, director, general partner, trustee or holder of 10% or more of the voting interests of any entity described in subparagraphs (1) to (3).

For purposes of this paragraph, "controlling, controlled by or under common control" means the possession, direct or indirect, of the power to direct or cause the direction of the management and policies of a person or entity, whether through the ownership of voting securities, by contract or otherwise. For purposes of this paragraph, "net worth" means total assets less total liabilities, except that for purposes of this calculation, debts to affiliated or related entities or persons are not considered liabilities.

3. Attestation of net worth. An entity claiming an exemption under subsection 2, paragraph D shall provide the register of deeds with an attestation of net worth when the deed for the manufactured housing community is offered for recordation and any other information or documentation as required by the Department of Professional and Financial Regulation by rule.

3-A. Sworn affirmation of exemption. An entity seeking to purchase a manufactured housing community shall indicate to the Maine State Housing Authority, on a form provided by the Maine State Housing Authority, whether it seeks an exemption under subsection 2. If an entity does seek such an exemption, it shall provide to the Maine State Housing Authority, on a form provided by the Maine State Housing Authority, a sworn affirmation of exemption. The information required by this subsection and provided to the Maine State Housing Authority is not subject to public disclosure and must be submitted within 15 days after a notice required pursuant to section 9094-A, subsection 1 is received by the Maine State Housing Authority. The Maine State Housing Authority shall, within 45 days of receipt of the sworn affirmation required pursuant to this subsection, provide such an entity with a determination of whether the entity is found to be exempt under subsection 2 and, if it is determined not to be exempt, a determination of the amount of the fee that the entity is obligated to pay pursuant to subsection 1.

If the purchaser of a manufactured housing community seeks an exemption under subsection 2, it shall provide to the Maine State Housing Authority, on a form provided by the Maine State Housing Authority, a

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sworn affirmation no later than 15 days after a notice required pursuant to section 9094-A is provided. The sworn affirmation must include all information necessary to determine whether the purchaser qualifies for an exemption. The sworn affirmation and the information included therein shall be confidential and not a public record. The Maine State Housing Authority shall, within 45 days of receipt of the sworn affirmation, provide to the purchaser a determination of whether the purchaser is exempt under subsection 2 and, if the purchaser is determined not to be exempt, a determination of the amount of the fee that the purchaser must pay pursuant to subsection 1.

4. Evidence of payment; disposition of fee. Evidence of the fee payment under subsection 1 or an exception to the fee requirement under subsection 2 ~~When the deed for a manufactured housing community is offered for recording, evidence of the fee payment under subsection 1, or an exemption from the fee requirement under subsection 2, on a form provided by the Maine State Housing Authority, must be retained by the registry of deeds of the county where all or a majority of the acreage of the purchased real property associated with the manufactured housing community is located in a manner established by the register of deeds. The register of deeds shall, on or before the 10th day of each month, pay to the Treasurer of State 95% of the fee collected pursuant to this section during the previous month. The remaining 5% must be retained for the county by the register of deeds and accounted for to the county treasurer as reimbursement for services rendered by the registry of deeds in collecting the fee.~~

If the purchaser of a manufactured housing community has not been determined by the Maine State Housing Authority to be exempt from the fee established by subsection 1, the fee must be paid to the registry of deeds of the county where all or a majority of the acreage of the manufactured housing community is located at the time of the offering for recording of the deed for the purchase of the manufactured housing community or, if no deed is offered for recording for the purchase of the manufactured housing community, no later than three days, excluding Saturdays, Sundays, and legal holidays, after the purchase. Evidence of the fee payment under subsection 1, or an exemption from the fee under subsection 2, on a form provided by the Maine State Housing Authority, must be retained by the registry of deeds in a manner established by the register of deeds. The register of deeds shall, on or before the 10th day of each month, pay to the Treasurer of State 95% of the fees collected pursuant to this subsection during the previous month. The remaining 5% must be retained for the county by the register of deeds and accounted for to the county treasurer as reimbursement for services rendered by the registry of deeds in collecting the fee.

5. Distribution of State's share of proceeds. The State Controller shall credit all fees received pursuant to this section to the Manufactured Housing Community and Mobile Home Park Preservation and Assistance Fund established in Title 30-A, section 4754-B.

6. Violations. A person who knowingly and willfully fails to pay the fee required under subsection 1 or provides false or misleading information on a sworn affirmation or documents associated with a sworn affirmation submitted to the Maine State Housing Authority pursuant to subsection 3-A is liable for damages in an amount equal to 3 times the amount of the fee required under subsection 1 and the forfeiture of that person's license to operate any manufactured housing community under section 9082. The damages plus interest on the damages may be recovered in a civil action brought by the Attorney General in the name of the State Controller, and all amounts recovered in that civil action, excluding costs, must be credited to the Manufactured Housing Community and Mobile Home Park Preservation and Assistance Fund established in Title 30-A, section 4754-B. The Attorney General shall have the authority to investigate possible violations enforced under this subsection pursuant to the provisions of the Maine Unfair Trade Practices Act and shall be entitled to recover reasonable attorneys' fees incurred in any action for damages brought under this subsection.

Sec. 6. 10 MRSA §9091 is amended to read:

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"Controlling interest" means the following:

- A. In the case of a corporation, more than 50% of the total combined voting power of all classes of stock of the corporation entitled to vote or more than 50% of the capital, profits or beneficial interest in the voting stock of the corporation.
- B. In the case of a partnership, association, trust or other entity, more than 50% of the capital, profits or beneficial interest in the partnership, association, trust or other entity.

For the purpose of this subchapter, to determine whether there has been a purchase or acquisition of a controlling interest, the interests of all persons acting in concert are aggregated to determine whether a controlling interest has been purchased or acquired.

"Purchaser of a mobile home park" includes any purchaser or acquirer of a mobile home park or of the direct or indirect controlling interest in the owner of a mobile home park.

"Sale of a mobile home park" includes any sale or transfer of a mobile home park or of the direct or indirect controlling interest in the owner of a mobile home park.

Sec. 7. 10 MRSA §9093-B, sub-§5 is enacted to read:

5. Exemption. Resident-owned manufactured housing communities are not subject to the requirements of this section. For the purposes of this subsection, "resident-owned manufactured housing community" means a manufactured housing community in which the residents are part of a cooperative of manufactured home owners who control, manage and operate the manufactured housing community, including, but not limited to, establishing community rules and lot rent and fees.

Sec. 8. 10 MRSA §9094-B, as enacted by PL 2025, c. 398, §2, is amended to read:

§9094-B. Transfer assessment

1. Fee payment required. The purchaser of a mobile home park shall pay to the registry of deeds of the county where all or a majority of the acreage of the mobile home park is located a fee equal to \$10,000 for each licensed mobile home park lot within the mobile home park. The money must be paid to the registry of deeds when the deed of the mobile home park is offered for recordation.

2. Exceptions Exemptions. The following entities are not required exempt from the obligation to pay the fee under subsection 1:

- A. The Maine State Housing Authority;
- B. A municipal housing authority as defined in Title 30-A, section 4702, subsection 10-A, or any affiliate thereof;
- C. A cooperative or other entity in which membership is limited to mobile home owners; and
- D. Entities, together with affiliated and related entities, that have a net worth of less than \$50,000,000.
- E. An entity that, together with any affiliated or related entities, has a net worth of less than \$50,000,000.

For purposes of this paragraph, "affiliated or related entities" means, with respect to:

- (1) Any entity directly or indirectly controlling, controlled by or under common control with the entity;
- (2) Any entity owning or controlling 10% or more of the outstanding voting interests of the entity;
- (3) Any officer, director or general partner of the entity; or
- (4) Any entity that or natural person who is an officer, director, general partner, trustee or holder of 10% or more of the voting interests of any entity described in subparagraphs (1) to (3).

For purposes of this paragraph, "controlling, controlled by or under common control" means the possession, direct or indirect, of the power to direct or cause the direction of the management and policies of a person or entity, whether through the ownership of voting securities, by contract or otherwise. For purposes of this paragraph, "net worth" means total assets less total liabilities, except that for purposes of this calculation, debts to affiliated or related entities or persons are not considered liabilities.

3. Attestation of net worth. An entity claiming an exemption under subsection 2, paragraph D shall provide the register of deeds with an attestation of net worth when the deed for the mobile home park is offered for recordation and any other information or documentation as required by the Department of Professional and Financial Regulation by rule.

3-A. Sworn affirmation of exemption. An entity seeking to purchase a mobile home park shall indicate to the Maine State Housing Authority, on a form provided by the Maine State Housing Authority, whether it seeks an exemption under subsection 2. If an entity does seek such an exemption, it shall provide to the Maine State Housing Authority, on a form provided by the Maine State Housing Authority, a sworn affirmation of exemption. The information required by this subsection and provided to the Maine State Housing Authority is not subject to public disclosure and must be submitted within 15 days after a notice required pursuant to section 9094-A, subsection 1 is received by the Maine State Housing Authority. The Maine State Housing Authority shall, within 45 days of receipt of the sworn affirmation required pursuant to this subsection, provide such an entity with a determination of whether the entity is found to be exempt under subsection 2 and, if it is determined not to be exempt, a determination of the amount of the fee that the entity is obligated to pay pursuant to subsection 1.

If the purchaser of a mobile home park seeks an exemption under subsection 2, it shall provide to the Maine State Housing Authority, on a form provided by the Maine State Housing Authority, a sworn affirmation no later than 15 days after a notice required pursuant to section 9094-A is provided. The sworn affirmation must include all information necessary to determine whether the purchaser qualifies for an exemption. The sworn affirmation and the information included therein shall be confidential and not a public record. The Maine State Housing Authority shall, within 45 days of receipt of the sworn affirmation, provide to the purchaser a determination of whether the purchaser is exempt under subsection 2 and, if the purchaser is determined not to be exempt, a determination of the amount of the fee that the purchaser must pay pursuant to subsection 1.

4. Evidence of payment; disposition of fee. Evidence of the fee payment under subsection 1 or an exemption to the fee requirement under subsection 2 when the deed for a mobile home park is offered for recordation, evidence of the fee payment under subsection 1, or an exemption from the fee requirement under subsection 2, on a form provided by the Maine State Housing Authority, must be retained by the registry of deeds of the county where all or a majority of the acreage of the mobile home park is located in a manner established by the register of deeds. The register of deeds shall, on or before the 10th day of each month, pay to the Treasurer of State 95% of the fees collected pursuant to this section during the previous month. The remaining 5% must be retained for the county by the register of deeds and accounted for to the county treasurer as reimbursement for services rendered by the county in collecting the fee.

If the purchaser of a mobile home park has not been determined by the Maine State Housing Authority to be exempt from the fee established by subsection 1, the fee must be paid to the registry of deeds of the county where all or a majority of the acreage of the mobile home park is located at the time of the offering for recording of the deed for the purchase of the mobile home park or, if no deed is offered for recording for the purchase of the mobile home park, no later than three days, excluding Saturdays, Sundays, and legal holidays, after the purchase. Evidence of the fee payment under subsection 1, or an exemption from the fee under subsection 2, on a form provided by the Maine State Housing Authority, must be retained by the registry of deeds in a manner established by the register of deeds. The register of deeds shall, on or before

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the 10th day of each month, pay to the Treasurer of State 95% of the fees collected pursuant to this subsection during the previous month. The remaining 5% must be retained for the county by the register of deeds and accounted for to the county treasurer as reimbursement for services rendered by the registry of deeds in collecting the fee.

5. Distribution of State's share of proceeds. The State Controller shall credit all fees received pursuant to this section to the Manufactured Housing Community and Mobile Home Park Preservation and Assistance Fund established in Title 30-A, section 4754-B.

6. Violations. A person who knowingly and willfully fails to pay the fee required under subsection 1 or provides false or misleading information on a sworn affirmation or documents associated with a sworn affirmation submitted to the Maine State Housing Authority pursuant to subsection 3-A is liable for damages in an amount equal to 3 times the amount of the fee required under subsection 1. The damages plus interest on the damages may be recovered in a civil action brought by the Attorney General in the name of the State Controller, and all amounts recovered in that civil action, excluding costs, must be credited to the Manufactured Housing Community and Mobile Home Park Preservation and Assistance Fund established in Title 30-A, section 4754-B. The Attorney General shall have the authority to investigate possible violations enforced under this subsection pursuant to the provisions of the Maine Unfair Trade Practices Act and shall be entitled to recover reasonable attorneys' fees incurred in any action for damages brought under this subsection.

Sec. 9. 36 MRSA §5122, sub-§2, ¶BBB is enacted to read:

BBB. For taxable years beginning on or after January 1, 2026, to the extent included in federal adjusted gross income and to the extent otherwise subject to state income tax, an amount equal to any gain recognized on the sale by the taxpayer of an ownership interest greater than 50% in a qualified property if the qualified property was transferred to a cooperative affordable housing corporation organized under Title 13, chapter 85, subchapter 1-A or a municipal housing authority, as defined in Title 30-A, section 4702, subsection 10-A, or an affiliate of a municipal housing authority.

(1) The deduction allowed pursuant to this paragraph may not exceed \$750,000.

(2) For purposes of this paragraph, "qualified property" means real estate for which the primary purpose is housing consisting of one or more mobile home parks or dwelling units or any combination thereof and that is located within the State.

Sec. 10. 30-A MRSA §4754-B ¶1, as enacted by PL 2025, c. 398, §3, is amended to read:

1. Purpose. The Maine State Housing Authority shall administer the fund to maintain housing affordability in manufactured housing communities and mobile home parks, regulated by Title 10, chapter 951, subchapter 6 and chapter 953, respectively, to support ownership of manufactured housing communities and mobile home parks by homeowners, homeowners' associations, resident-owned housing cooperatives or other nonprofit entities representing the interests of homeowners in manufactured housing communities or mobile home parks. The Maine State Housing Authority may use up to 5% of the fund to pay administrative costs required by outside contractors.

Sec. 11. 36 MRSA §5200-A, sub-§2, ¶KK is enacted to read:

KK. For taxable years beginning on or after January 1, 2026, to the extent included in federal adjusted gross income and to the extent otherwise subject to state income tax, an amount equal to any gain recognized on the sale by the taxpayer of an ownership interest greater than 50% in a qualified property if the qualified property was transferred to a cooperative affordable housing corporation organized under

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Title 13, chapter 85, subchapter 1-A or a municipal housing authority, as defined in Title 30-A, section 4702, subsection 10-A, or an affiliate of a municipal housing authority.

(1) The deduction allowed pursuant to this paragraph may not exceed \$750,000.

(2) For purposes of this paragraph, "qualified property" means real estate for which the primary purpose is housing consisting of one or more mobile home parks or dwelling units or any combination thereof and that is located within the State.

Sec. 12. PL 2025, c. 398, §4 is amended to read:

Sec. 4. Department of Professional and Financial Regulation Maine State Housing Authority; rules. ~~The Department of Professional and Financial Regulation shall~~ Maine State Housing Authority ~~may~~ adopt rules to establish a method for determining the net worth of an entity, together with affiliated and related entities, claiming an exemption from the fees required by the Maine Revised Statutes, Title 10, section 9090-A, subsection 1 and 9094-B, subsection 1. ~~The rules must include the evidence and documentation necessary for a purchaser of a manufactured housing community or a mobile home park to provide to the register of deeds when offering a deed for recordation and the record-keeping obligations of the register of deeds.~~ When developing rules, the department authority shall consider whether information on the incorporation of the entity is useful. Rules adopted pursuant to this section are routine technical rules as defined in Title 5, chapter 375, subchapter 2-A.

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