

HOUSE BILL 103

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0lr1181
CF SB 235

By: **Delegates Lafferty and Malone**

Introduced and read first time: January 15, 2010

Assigned to: Environmental Matters

Committee Report: Favorable with amendments

House action: Adopted

Read second time: March 21, 2010

CHAPTER _____

1 AN ACT concerning

2 **Real Property – Mobile Home Parks – Plans for Dislocated Residents**

3 FOR the purpose of requiring a copy of a certain notice of termination to be sent to a
4 certain local governing body if the use of land of a mobile home park is to be
5 changed; applying statewide a certain provision that prohibits an application for
6 a land use change of a mobile home park from being approved until certain
7 conditions are met; applying statewide a certain requirement for the contents of
8 a relocation plan for mobile home park residents; requiring the plan to include
9 ~~the payment of~~ a budget reflecting the amount of certain relocation assistance
10 allocated by the mobile home park owner to be given to each park household
11 under certain circumstances; providing that the plan include certain
12 information; providing that a mobile home park owner shall not incur liability
13 and may not be estopped from obtaining possession of certain premises under
14 certain circumstances; prohibiting a relocation plan from including certain
15 conditions under certain circumstances; requiring certain relocation assistance
16 to be paid to residents who will be dislocated when a mobile home park is
17 closed; establishing the method of calculating relocation assistance; establishing
18 conditions under which a mobile home park owner is not required to pay
19 relocation assistance; establishing a time table for paying relocation assistance;
20 providing that, under certain circumstances, a resident may forfeit receiving
21 relocation assistance; establishing that a certain local governing body may
22 provide additional relocation assistance to dislocated residents and that the
23 payments are not the responsibility of the mobile home park owner; and
24 generally relating to plans for dislocated residents in mobile home parks.

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.

Underlining indicates amendments to bill.

~~Strike-out~~ indicates matter stricken from the bill by amendment or deleted from the law by amendment.



1 BY repealing and reenacting, with amendments,
 2 Article – Real Property
 3 Section 8A–202(c)(3) and 8A–1201
 4 Annotated Code of Maryland
 5 (2003 Replacement Volume and 2009 Supplement)

6 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF
 7 MARYLAND, That the Laws of Maryland read as follows:

8 **Article – Real Property**

9 8A–202.

10 (c) (3) [(i)] If the use of land is [changed, all] **CHANGED:**

11 (I) **ALL** residents shall be entitled to a 1–year prior written
 12 notice of termination notwithstanding the provisions of a longer term in a rental
 13 [agreement.] **AGREEMENT; AND**

14 (ii) [In St. Mary’s County, if the use of land is changed, the]
 15 **THE** park owner shall send to the [County Commissioners] **LOCAL GOVERNING**
 16 **BODY OF THE COUNTY OR MUNICIPAL CORPORATION IN WHICH THE PARK IS**
 17 **LOCATED** a copy of the written notice of termination sent to the residents under
 18 [subparagraph] **ITEM** (i) of this paragraph.

19 8A–1201.

20 (a) When a mobile home park owner submits an application for a change in
 21 the land use of a park, the owner shall submit, as part of the application, a [plan for
 22 alternative arrangements for each resident to] **RELOCATION PLAN FOR PARK**
 23 **RESIDENTS WHO WILL** be dislocated as a result of the change.

24 (b) (1) [This subsection applies only in St. Mary’s County.

25 (2)] If a mobile home park owner does not submit a [plan for
 26 alternative arrangements] **RELOCATION PLAN** for the park residents or does not
 27 comply with the terms of an approved plan, the mobile home park owner is in default
 28 of the plan and the application for change of land use submitted under subsection (a)
 29 of this section may not be approved until the owner submits and complies with a plan.

30 [(3)] (2) A [plan for alternative arrangements] **RELOCATION PLAN**
 31 for park residents shall include:

32 (i) A complete list of park residents, including household sizes,
 33 addresses, and contact information for residents;

1 (ii) A relocation calendar or timeline and written monthly
2 updates on the progress of the relocation;

3 (iii) **[A] IF THE PLAN IS FOR CLOSING THE PARK, A** budget
4 reflecting the amount of **[money] RELOCATION ASSISTANCE** allocated by the mobile
5 home park owner to be given to each **[resident to cover the costs associated with**
6 **moving the resident's mobile home, including:**

7 1. Moving the trailer;

8 2. Disconnecting and reconnecting utilities; and

9 3. Removing and reattaching axles, decks, railings, and
10 side skirting; and] **HOUSEHOLD AS DESCRIBED IN SUBSECTION (C)(1) OF THIS**
11 **SECTION;**

12 (iv) **A DESCRIPTION OF THE REQUIREMENT THAT A**
13 **RESIDENT PROVIDE WRITTEN NOTICE OF THE RESIDENT'S INTENTION TO**
14 **VACATE THE PARK AND THE TIME TABLE FOR THE OWNER TO PAY RELOCATION**
15 **ASSISTANCE, AS PROVIDED UNDER SUBSECTION ~~(C)(1)~~ (C)(2) OF THIS SECTION;**

16 (v) **A list of area mobile home parks with vacancies; AND**

17 (vi) **A LIST OF AREA COMPANIES THAT RELOCATE MOBILE**
18 **HOMES.**

19 (3) **IF A MOBILE HOME PARK OWNER UNDERTAKES A**
20 **REASONABLE, GOOD FAITH INQUIRY TO OBTAIN THE INFORMATION REQUIRED**
21 **UNDER PARAGRAPH (2) OF THIS SUBSECTION AND THE INFORMATION IN THE**
22 **RELOCATION PLAN IS BASED ON THE OWNER'S REASONABLE, GOOD FAITH**
23 **INQUIRY, THE OWNER SHALL NOT INCUR ANY LIABILITY AND MAY NOT BE**
24 **ESTOPPED FROM OBTAINING POSSESSION OF THE PREMISES BECAUSE OF A**
25 **FAILURE TO PROVIDE ACCURATE INFORMATION IN THE RELOCATION PLAN.**

26 (4) **A RELOCATION PLAN MAY NOT REQUIRE, AS A CONDITION OF**
27 **APPROVAL BY THE LOCAL GOVERNING BODY OF THE PLAN OR THE CHANGE IN**
28 **LAND USE SUBMITTED UNDER SUBSECTION (A) OF THIS SECTION, THAT:**

29 (i) **RELOCATION ASSISTANCE BE PAID UNLESS THE MOBILE**
30 **HOME PARK OWNER SENDS A NOTICE OF PARK CLOSURE TO EACH RESIDENT;**

31 (ii) **THE AMOUNT OF RELOCATION ASSISTANCE EXCEED**
32 **THE AMOUNT DESCRIBED IN SUBSECTION (C)(1) OF THIS SECTION;**

1 (III) EXCEPT AS PROVIDED IN SUBSECTION (C) OF THIS
2 SECTION, ANY AMOUNT OF RELOCATION ASSISTANCE BE PAID TO A RESIDENT
3 BEFORE POSSESSION OF THE PREMISES IS RETURNED TO THE OWNER; OR

4 (IV) THE OWNER ASSURE THE RELOCATION OF ANY
5 RESIDENT.

6 (5) IF AN OWNER RESCINDS A NOTICE OF PARK CLOSURE, THE
7 OWNER IS NOT REQUIRED TO PAY RELOCATION ASSISTANCE AFTER THE DATE
8 THE NOTICE OF RESCISSION IS SENT TO THE RESIDENTS.

9 (6) AN OWNER IS NOT REQUIRED TO PAY RELOCATION
10 ASSISTANCE TO ANY POTENTIAL RESIDENT WHO, AFTER RECEIVING WRITTEN
11 NOTICE OF THE APPLICATION FOR CHANGE IN LAND USE OR WRITTEN NOTICE
12 OF PARK CLOSURE, SIGNS AN AGREEMENT TO RENT PREMISES IN THE PARK.

13 (C) (1) IF A MOBILE HOME PARK IS CLOSED, THE RELOCATION
14 ASSISTANCE PAID TO EACH HOUSEHOLD SHALL EQUAL THE AMOUNT OF RENT
15 FOR THE PREMISES, EXCLUDING TAXES AND UTILITIES, ~~PAID FOR THAT:~~

16 (I) FOR A MOBILE HOME PARK WITH MORE THAN 75 SITES,
17 WAS PAID FOR THE 10 MONTHS IMMEDIATELY PRECEDING THE DATE THE
18 RESIDENT VACATES THE PREMISES; OR

19 (II) FOR A MOBILE HOME PARK WITH 75 OR FEWER SITES,
20 WAS PAID FOR THE 5 MONTHS IMMEDIATELY PRECEDING THE DATE THE
21 RESIDENT VACATES THE PREMISES.

22 (2) THE RELOCATION ASSISTANCE SHALL BE PAID IN THE
23 FOLLOWING MANNER:

24 (I) ONE HALF OF THE RELOCATION ASSISTANCE SHALL BE
25 PAID TO A RESIDENT WITHIN 30 DAYS AFTER THE MOBILE HOME PARK OWNER
26 RECEIVES WRITTEN NOTICE OF:

27 1. THE RESIDENT'S INTENTION TO VACATE THE
28 PARK; AND

29 2. THE DATE ON WHICH THE RESIDENT WILL
30 RETURN POSSESSION OF THE PREMISES TO THE OWNER; AND

31 (II) ONE HALF OF THE RELOCATION ASSISTANCE SHALL BE
32 PAID TO A RESIDENT WITHIN 30 DAYS AFTER THE RESIDENT RETURNS
33 POSSESSION OF THE PREMISES TO THE OWNER.

1 **(3) IF A RESIDENT FAILS TO RETURN POSSESSION OF THE**
 2 **PREMISES BY REMOVING THE MOBILE HOME FROM THE PREMISES ON OR**
 3 **BEFORE THE DATE SPECIFIED IN THE RESIDENT’S NOTICE OF INTENTION TO**
 4 **VACATE, THE RESIDENT SHALL FORFEIT THE BALANCE OF ANY RELOCATION**
 5 **ASSISTANCE DUE UNLESS THE MOBILE HOME PARK OWNER AGREES IN WRITING**
 6 **TO A DIFFERENT DATE.**

7 **(D) (1) THE LOCAL GOVERNING BODY OF THE COUNTY OR MUNICIPAL**
 8 **CORPORATION IN WHICH A MOBILE HOME PARK IS LOCATED MAY PROVIDE**
 9 **ADDITIONAL RELOCATION ASSISTANCE TO RESIDENTS.**

10 **(2) A MOBILE HOME PARK OWNER IS NOT RESPONSIBLE FOR ANY**
 11 **PAYMENTS MADE UNDER PARAGRAPH (1) OF THIS SUBSECTION.**

12 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
 13 October 1, 2010.

Approved:

Governor.

Speaker of the House of Delegates.

President of the Senate.