

# Real Property Section

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**To:** Environment and Transportation Committee (House)

**From:** Legislative Committee of the Real Property Section Counsel

**Date:** January 24, 2023

**Subject:** **HB 23 – Manufactured Homes – Sale of Manufactured Housing Communities (Manufactured Housing Modernization Act of 2023)**

**Position:** **Technical Comments**

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The Real Property Section Counsel of the Maryland State Bar Association (MSBA) offers **technical comments to House Bill 23 – Manufactured Homes – Sale of Manufactured Housing Communities (Manufactured Housing Modernization Act of 2023)**.

Page 3, lines 1 and 2: In addition to excluding transfers of interests between partners in a partnership, transfers between members of an LLC, partners in a limited partnership, shareholders in a corporation, etc., should be excluded.

Page 3, lines 3-5: It's not clear whether the "incidental to the financing" exclusion also excludes transfers upon foreclosure, transfers resulting from a deed in lieu, etc. Transfers pursuant to a court order, including a dissolution, or arising from a bankruptcy or receivership should also be excluded.

Page 3, lines 11 and 15: The phrase "manufactured housing community owner" is used when "community owner" seems more appropriate given the definition of "community owner" on page 2, line 1.

Page 4, line 35: The sentence should end following the words "good faith".

The community owner is subjected to a delay of up to 210 days when the community need not provide any evidence of its wherewithal to proceed with a purchase until 165 days. Perhaps there should be a mechanism where the community owner offers the property for sale to the homeowners before offering it to the public.