

# HOUSE BILL 555

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By: **Delegates Lafferty, Ali, Barkley, Bohanan, V. Clagett, Donoghue, Guzzone, Hecht, Love, Murphy, Niemann, Schuler, Stein, and F. Turner**  
Introduced and read first time: January 31, 2008  
Assigned to: Environmental Matters

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## A BILL ENTITLED

1 AN ACT concerning

2 **Mobile Home Park Residents' Relocation Act of 2008**

3 FOR the purpose of requiring mobile home park owners to submit a certain relocation  
4 plan as part of an application for a change in the land use of a mobile home  
5 park; requiring mobile home park owners to deliver a certain notice to mobile  
6 home park residents within a certain time after submitting an application for a  
7 change in land use; authorizing a mobile home park owner to terminate the  
8 rental agreement of a resident under certain circumstances by providing  
9 written notice of the termination at least a certain amount of time before the  
10 termination date; prohibiting a mobile home park owner from closing a park, or  
11 a portion of a park, unless the owner provides certain residents with certain  
12 notice and certain relocation assistance; providing that a failure to provide  
13 residents with certain notice of the park's closure is a defense to an action for  
14 repossession; requiring a mobile home park owner to dispose of certain mobile  
15 homes, at the park owner's expense, under certain circumstances; prohibiting a  
16 mobile home park owner, under certain circumstances, from increasing certain  
17 residents' rent for a certain purpose or after a certain event; requiring mobile  
18 home park owners to post certain notices of the park's closure; providing that a  
19 failure to post certain notices of the park's closure is a defense to an action for  
20 repossession; requiring mobile home park owners to submit a certain relocation  
21 plan to the Division of Consumer Protection of the Office of the Attorney  
22 General and to certain housing agencies within a certain time after a certain  
23 event; providing that a failure to submit the relocation plan is a defense to an  
24 action for repossession; requiring mobile home park owners to include certain  
25 information in a relocation plan; requiring certain notices to certain prospective  
26 park residents; providing that a failure to provide certain notices to certain  
27 prospective park residents is a defense to an action for repossession; defining a  
28 certain term; providing for the application of this Act; and generally relating to  
29 mobile home parks.

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EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 BY repealing and reenacting, with amendments,  
2 Article – Real Property  
3 Section 8A–1201 to be under the amended subtitle “Subtitle 12. Park Closure”  
4 Annotated Code of Maryland  
5 (2003 Replacement Volume and 2007 Supplement)

6 BY repealing and reenacting, with amendments,  
7 Article – Real Property  
8 Section 8A–202(c)  
9 Annotated Code of Maryland  
10 (2003 Replacement Volume and 2007 Supplement)

11 BY adding to  
12 Article – Real Property  
13 Section 8A–1202 through 8A–1206  
14 Annotated Code of Maryland  
15 (2003 Replacement Volume and 2007 Supplement)

16 BY repealing and reenacting, without amendments,  
17 Article – Real Property  
18 Section 8A–1802  
19 Annotated Code of Maryland  
20 (2003 Replacement Volume and 2007 Supplement)

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

23 **Article – Real Property**

24 Subtitle 12. [Termination of Tenancy – Change in Land Use] **PARK CLOSURE.**

25 8A–1201.

26 (A) When a mobile home park owner submits an application for a change in  
27 the land use of a park, the owner shall submit **TO THE APPROPRIATE COUNTY OR**  
28 **MUNICIPAL ZONING BOARD, AUTHORITY, OR UNIT**, as part of the application, a  
29 **RELOCATION** plan [for alternative arrangements for each resident to be dislocated as  
30 a result of the change], **WHICH SHALL COMPLY WITH § 8A–1205 OF THIS**  
31 **SUBTITLE.**

32 (B) (1) **WITHIN 21 DAYS AFTER SUBMITTING AN APPLICATION FOR A**  
33 **CHANGE IN THE LAND USE OF A PARK, THE PARK OWNER SHALL DELIVER TO**  
34 **EACH RESIDENT, BY HAND DELIVERY OR CERTIFIED MAIL, RETURN RECEIPT**  
35 **REQUESTED, WRITTEN NOTICE OF THE PROPOSED CHANGE IN LAND USE.**

- 1                   **(2) THE NOTICE REQUIRED BY THIS SUBSECTION SHALL:**
- 2                   **(I) IDENTIFY THE CHANGE IN LAND USE PROPOSED BY THE**  
3 **PARK OWNER;**
- 4                   **(II) IDENTIFY THE COUNTY OR MUNICIPAL ZONING BOARD,**  
5 **AUTHORITY, OR UNIT TO WHICH THE APPLICATION WILL BE SUBMITTED; AND**
- 6                   **(III) CONTAIN A CONSPICUOUS STATEMENT THAT APPROVAL**  
7 **OF THE APPLICATION COULD RESULT IN THE DISLOCATION OF PARK**  
8 **RESIDENTS.**

9           SECTION 2. BE IT ENACTED BY THE GENERAL ASSEMBLY OF  
10 MARYLAND, That the Laws of Maryland read as follows:

11   **Article – Real Property**

12   8A-202.

13           (c) (1) In this subsection, “qualified resident” means a year-round  
14 resident who:

15                   (i) Has made rental payments on the due date or within any  
16 grace period commonly permitted in the park during the preceding year;

17                   (ii) Within the preceding 6-month period has not committed a  
18 repeated violation of any rule or provision of the rental agreement and, at the time the  
19 term expires, no substantial violation exists; and

20                   (iii) Owns a mobile home that meets the standards of the park.

21           (2) (i) Before the expiration of a 1-year term, or upon request of  
22 the resident at any time during a month-to-month term, a park owner shall offer to a  
23 qualified resident a rental agreement for a 1-year period.

24                   (ii) An offer of a rental agreement for a 1-year term to a  
25 qualified resident shall:

26                                   1. Be delivered to the resident no later than 30 days  
27 before the expiration of the existing term;

28                                   2. Explain, in clear language, a qualified resident’s right  
29 to the 1-year term; and

30                                   3. Contain a statement that, if the resident chooses not  
31 to enter into a 1-year agreement, the lease will continue on a month-to-month term  
32 that can be discontinued by either party, upon 30 days’ notice.

1           (3)   (I)    If the use of land is changed, all residents shall be entitled to  
2 a 1-year prior written notice of termination notwithstanding the provisions of a longer  
3 term in a rental agreement.

4                           (II)   NOTWITHSTANDING SUBPARAGRAPH (I) OF THIS  
5 PARAGRAPH, IF THE USE OF LAND IS CHANGED AND A PARK OWNER PROVIDES A  
6 RESIDENT WITH RELOCATION ASSISTANCE UNDER § 8A-1202(A)(2) OF THIS  
7 TITLE, THE PARK OWNER MAY TERMINATE THE RENTAL AGREEMENT OF THE  
8 RESIDENT BY GIVING THE RESIDENT WRITTEN NOTICE OF THE TERMINATION AT  
9 LEAST 6 MONTHS BEFORE THE TERMINATION DATE.

10           (4)    If a resident's rental agreement is not renewed on the basis that  
11 the resident is not a qualified resident, the park owner shall, within 5 days, provide  
12 the resident with a written statement of the specific reason for nonrenewal of the  
13 rental agreement.

14           (5)    A resident who has been offered a 1-year rental agreement under  
15 this section, and who has selected a month-to-month term and has not requested a  
16 1-year rental agreement under this section, is not entitled to a 1-year rental  
17 agreement after a notice to terminate is delivered by certified mail to the resident by  
18 the park owner.

19   **8A-1202.**

20           (A)    **A PARK OWNER MAY NOT CLOSE A MOBILE HOME PARK, OR ANY**  
21 **PORTION OF A MOBILE HOME PARK, UNLESS THE PARK OWNER PROVIDES EACH**  
22 **RESIDENT WHO WILL BE DISLOCATED AS A RESULT OF THE CLOSURE:**

23                           (1)    (I)    **WRITTEN NOTICE OF THE PARK CLOSURE AT LEAST 12**  
24 **MONTHS BEFORE THE CLOSURE DATE; AND**

25   (II)   **RELOCATION ASSISTANCE VALUED AT \$2,500; OR**

26                           (2)    (I)    **WRITTEN NOTICE OF THE PARK CLOSURE AT LEAST 6**  
27 **MONTHS BEFORE THE CLOSURE DATE; AND**

28   (II)   **RELOCATION ASSISTANCE VALUED AT \$5,000.**

29           (B)    **NOTHING IN THIS SECTION SHALL REQUIRE A PARK OWNER TO**  
30 **PROVIDE TO ANY INDIVIDUAL HOUSEHOLD RELOCATION ASSISTANCE IN AN**  
31 **AMOUNT THAT IS GREATER THAN THE AMOUNT REQUIRED UNDER SUBSECTION**  
32 **(A) OF THIS SECTION.**

33           (C)    **THE NOTICE REQUIRED BY THIS SECTION SHALL:**

1           **(1) BE DELIVERED BY HAND DELIVERY OR CERTIFIED MAIL,**  
2 **RETURN RECEIPT REQUESTED; AND**

3           **(2) INCLUDE:**

4                   **(I) THE APPROXIMATE DATE ON WHICH THE PARK OWNER**  
5 **PLANS TO CLOSE THE PARK OR A PORTION OF THE PARK;**

6                   **(II) A COPY OF THE RESIDENT'S RENTAL AGREEMENT;**

7                   **(III) A COPY OF THE PARK'S RELOCATION PLAN, WHICH**  
8 **SHALL COMPLY WITH § 8A-1205 OF THIS SUBTITLE; AND**

9                   **(IV) THE DATE, TIME, AND LOCATION OF AN INITIAL**  
10 **MEETING WITH THE PARK OWNER, WHICH SHALL BE OPEN TO ALL RESIDENTS**  
11 **AND HELD NO LATER THAN 15 DAYS FROM THE DATE OF POSTING THE NOTICES**  
12 **OF PARK CLOSURE REQUIRED BY § 8A-1203 OF THIS SUBTITLE.**

13           **(D) THE RELOCATION ASSISTANCE REQUIRED UNDER THIS SECTION**  
14 **SHALL BE IN ONE OF THE FOLLOWING FORMS, AS ELECTED BY THE RESIDENT:**

15                   **(1) A CASH PAYMENT;**

16                   **(2) A REDUCTION OF RENT OWED UNDER THE TERMS OF THE**  
17 **RESIDENT'S RENTAL AGREEMENT;**

18                   **(3) ONE OR MORE SERVICES RENDERED IN RELOCATING THE**  
19 **RESIDENT'S MOBILE HOME TO AN ALTERNATE LOCATION ACCEPTABLE TO THE**  
20 **RESIDENT;**

21                   **(4) OTHER RELOCATION ASSISTANCE OFFERED BY THE PARK**  
22 **OWNER; OR**

23                   **(5) ANY COMBINATION OF THE ASSISTANCE DESCRIBED IN ITEMS**  
24 **(1), (2), (3), AND (4) OF THIS SUBSECTION.**

25           **(E) IF THE MOBILE HOME OF A DISLOCATED RESIDENT CANNOT BE**  
26 **RELOCATED WITHOUT DESTROYING THE USEFULNESS OF THE MOBILE HOME,**  
27 **THE PARK OWNER, AT THE ELECTION OF THE RESIDENT, SHALL DISPOSE OF THE**  
28 **MOBILE HOME AT THE PARK OWNER'S EXPENSE.**

29           **(F) (1) A PARK OWNER MAY NOT INCREASE A RESIDENT'S RENT:**

1 (I) FOR THE PURPOSE OF OFFSETTING THE COST OF  
2 RELOCATION ASSISTANCE PROVIDED TO ANY RESIDENT; OR

3 (II) AFTER GIVING THE RESIDENT NOTICE OF THE PARK  
4 CLOSURE UNDER THIS SECTION.

5 (2) THIS SUBSECTION DOES NOT APPLY TO AN INCREASE IN RENT  
6 IN ACCORDANCE WITH A WRITTEN AGREEMENT BETWEEN THE PARK OWNER  
7 AND THE RESIDENT THAT WAS EXECUTED BEFORE NOTICE OF THE PARK  
8 CLOSURE WAS PROVIDED TO THE RESIDENT UNDER THIS SECTION.

9 (G) THIS SECTION DOES NOT PREVENT A PARK OWNER FROM:

10 (1) PROVIDING A GREATER FINANCIAL INCENTIVE THAN IS  
11 REQUIRED BY THIS SECTION; OR

12 (2) CONTRACTING WITH THE RESIDENT FOR A MUTUALLY  
13 ACCEPTABLE ARRANGEMENT TO ASSIST THE RESIDENT'S RELOCATION, IF THE  
14 RESIDENT RECEIVES RELOCATION ASSISTANCE REQUIRED UNDER THIS  
15 SECTION.

16 (H) THE FAILURE OF A PARK OWNER TO PROVIDE THE NOTICE  
17 REQUIRED BY THIS SECTION IS A DEFENSE TO AN ACTION FOR REPOSSESSION.

18 **8A-1203.**

19 (A) NOT LATER THAN 3 DAYS AFTER PROVIDING A NOTICE OF PARK  
20 CLOSURE UNDER § 8A-1202 OF THIS SUBTITLE, THE PARK OWNER SHALL POST  
21 NOTICES OF PARK CLOSURE IN CONSPICUOUS PLACES THROUGHOUT THE  
22 MOBILE HOME PARK, INCLUDING ALL ENTRANCES TO THE PARK AND ANY  
23 COMMUNITY GATHERING AREAS IN THE PARK.

24 (B) THE POSTED NOTICES REQUIRED BY THIS SECTION SHALL INCLUDE:

25 (1) THE DATE ON WHICH THE PARK OWNER PLANS TO CLOSE THE  
26 PARK OR A PORTION OF THE PARK; AND

27 (2) THE APPROXIMATE DATE, TIME, AND LOCATION OF AN  
28 INITIAL MEETING WITH THE PARK OWNER, WHICH SHALL BE OPEN TO ALL  
29 RESIDENTS AND HELD NO LATER THAN 15 DAYS FROM THE DATE OF POSTING  
30 THE NOTICES OF PARK CLOSURE REQUIRED BY THIS SECTION.

31 (C) THE FAILURE OF A PARK OWNER TO POST THE NOTICES REQUIRED  
32 BY THIS SECTION IS A DEFENSE TO AN ACTION FOR REPOSSESSION.

1 **8A-1204.**

2 (A) IN THIS SECTION, "HOUSING AGENCY" MEANS A HOUSING AGENCY  
3 OF A COUNTY OR INCORPORATED MUNICIPALITY OR SOME OTHER AGENCY OR  
4 ENTITY OF A COUNTY OR INCORPORATED MUNICIPALITY DESIGNATED AS SUCH  
5 BY LAW OR ORDINANCE.

6 (B) NOT LATER THAN 15 DAYS AFTER PROVIDING A NOTICE OF PARK  
7 CLOSURE UNDER § 8A-1202 OF THIS SUBTITLE, THE PARK OWNER SHALL  
8 SUBMIT A COPY OF THE PARK'S RELOCATION PLAN, WHICH SHALL COMPLY WITH  
9 § 8A-1205 OF THIS SUBTITLE, TO:

10 (1) THE DIVISION OF CONSUMER PROTECTION OF THE OFFICE  
11 OF THE ATTORNEY GENERAL;

12 (2) THE HOUSING AGENCY, IF ONE EXISTS, OF THE COUNTY IN  
13 WHICH THE MOBILE HOME PARK IS LOCATED; AND

14 (3) IF THE MOBILE HOME PARK IS LOCATED IN AN  
15 INCORPORATED MUNICIPALITY, THE HOUSING AGENCY, IF ONE EXISTS, OF THE  
16 INCORPORATED MUNICIPALITY.

17 (C) THE FAILURE OF A PARK OWNER TO SUBMIT A RELOCATION PLAN  
18 AS REQUIRED BY THIS SECTION IS A DEFENSE TO AN ACTION FOR  
19 REPOSSESSION.

20 **8A-1205.**

21 A RELOCATION PLAN REQUIRED BY THIS SUBTITLE SHALL INCLUDE:

22 (1) A DESCRIPTION OF THE PARK, INCLUDING THE NUMBER OF  
23 OCCUPIED MOBILE HOME SITES;

24 (2) A DESCRIPTION OF EACH OCCUPIED MOBILE HOME THAT  
25 WILL BE DISLOCATED, BASED ON INFORMATION AVAILABLE TO THE PARK  
26 OWNER AFTER REASONABLE INQUIRY, INCLUDING:

27 (I) THE MOBILE HOME'S CONDITION, SIZE, AND PROBABLE  
28 MOBILITY;

29 (II) THE NUMBER OF OCCUPANTS IN THE MOBILE HOME;  
30 AND

1 (III) THE APPROXIMATE AGE OF EACH OCCUPANT;

2 (3) DETAILS OF THE RELOCATION ASSISTANCE THE PARK OWNER  
3 WILL PROVIDE OR OFFER TO RESIDENTS, INCLUDING ANY CONDITIONS IMPOSED  
4 BY THE PARK OWNER AS A PREREQUISITE TO A RESIDENT RECEIVING  
5 RELOCATION ASSISTANCE;

6 (4) A TIMETABLE FOR PROVIDING RESIDENTS WITH RELOCATION  
7 ASSISTANCE;

8 (5) A STATEMENT AS TO WHETHER ANY RESIDENTS WILL  
9 RECEIVE PRIORITY IN THE ALLOCATION OF RELOCATION ASSISTANCE;

10 (6) A LIST OF ALL MOBILE HOME PARKS WITHIN 25 MILES OF THE  
11 MOBILE HOME PARK THAT IS TO BE CLOSED; AND

12 (7) THE NAME AND CONTACT INFORMATION OF THE PARK  
13 OWNER'S RELOCATION AGENT, WHO SHALL REPRESENT THE PARK OWNER IN  
14 CONNECTION WITH THE RELOCATION OF THE RESIDENTS.

15 **8A-1206.**

16 (A) IF A PARK OWNER HAS GIVEN NOTICE TO RESIDENTS OF A  
17 PROPOSED CHANGE IN LAND USE UNDER § 8A-1201 OF THIS SUBTITLE, BEFORE  
18 A PROSPECTIVE RESIDENT SIGNS A RENTAL AGREEMENT OR OCCUPIES THE  
19 PREMISES, THE PARK OWNER SHALL PROVIDE THE PROSPECTIVE RESIDENT  
20 WITH WRITTEN NOTICE OF THE PROPOSED CHANGE IN LAND USE.

21 (B) IF A PARK OWNER HAS GIVEN ANY RESIDENT A NOTICE OF PARK  
22 CLOSURE UNDER § 8A-1202 OF THIS SUBTITLE, BEFORE A PROSPECTIVE  
23 RESIDENT SIGNS A RENTAL AGREEMENT OR OCCUPIES THE PREMISES, THE  
24 PARK OWNER SHALL PROVIDE THE PROSPECTIVE RESIDENT WITH WRITTEN  
25 NOTICE OF THE PLANNED PARK CLOSURE.

26 (C) THE FAILURE OF A PARK OWNER TO PROVIDE THE NOTICE  
27 REQUIRED BY THIS SECTION IS A DEFENSE TO AN ACTION FOR REPOSSESSION.

28 **8A-1802.**

29 (a) To the extent that a violation of any provision of this title affects a  
30 resident or prospective resident, that violation shall be within the scope of the  
31 enforcement duties and powers of the Division of Consumer Protection of the Office of  
32 the Attorney General, as described in Title 13 of the Commercial Law Article.

1 (b) The provisions of this title shall otherwise be enforced by each agency of  
2 the State within the scope of its authority.

3 SECTION 3. AND BE IT FURTHER ENACTED, That Section 1 of this Act shall  
4 be construed to apply retroactively and shall be applied to and interpreted to affect  
5 any mobile home park owner who has submitted an application for a change in the  
6 land use of a park if the application is pending before a county or municipal zoning  
7 board, authority, or unit on the effective date of this Act. If an application for a  
8 change in land use of a park is pending on the effective date of this Act, the mobile  
9 home park owner shall, within 30 days of the effective date of this Act:

10 (1) submit to the applicable county or municipal zoning board,  
11 authority, or unit a relocation plan that complies with this Act; and

12 (2) deliver to each resident, by hand delivery or certified mail, return  
13 receipt requested, written notice that:

14 (i) identifies the proposed change in land use;

15 (ii) identifies the county or municipal zoning board, authority,  
16 or unit before which the application is pending; and

17 (iii) contains a conspicuous statement that approval of the  
18 application could result in the dislocation of park residents.

19 SECTION 4. AND BE IT FURTHER ENACTED, That Section 2 of this Act shall  
20 be construed to apply only prospectively and may not be applied or interpreted to have  
21 any effect on or application to an owner of a mobile home park if the park is closed  
22 before the effective date of this Act.

23 SECTION 5. AND BE IT FURTHER ENACTED, That this Act shall take effect  
24 July 1, 2008.