

HOUSE BILL 692

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HB 555/08 – ENV

9lr1133

By: **Delegates Lafferty, Barkley, Hecht, Love, Niemann, and Pena-Melnyk**
Introduced and read first time: February 9, 2009
Assigned to: Environmental Matters

A BILL ENTITLED

1 AN ACT concerning

2 **Mobile Home Park Relocation Act**

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; prohibiting a mobile home park owner from closing a park,
8 or a portion of a park, unless the owner provides certain residents with certain
9 notice and certain relocation assistance; providing that certain provisions of this
10 Act do not prohibit a county or municipal corporation from enforcing certain
11 laws that require a park owner to provide certain relocation assistance;
12 providing that a failure to provide residents with certain notice of the park
13 closure is a defense to an action for repossession; requiring a mobile home park
14 owner to provide the relocation assistance within a certain number of days
15 under certain circumstances; requiring a mobile home park owner to dispose of
16 certain mobile homes, at the park owner's expense, under certain
17 circumstances; prohibiting a mobile home park owner, under certain
18 circumstances, from increasing certain residents' rent for a certain purpose or
19 after a certain event; requiring mobile home park owners to post certain notices
20 of the park closure; providing that a failure to post certain notices of the park
21 closure is a defense to an action for repossession; requiring mobile home park
22 owners to submit a certain relocation plan to the Division of Consumer
23 Protection of the Office of the Attorney General and to certain housing agencies
24 within a certain time after a certain event; providing that a failure to submit
25 the relocation plan is a defense to an action for repossession; requiring mobile
26 home park owners to include certain information in a relocation plan; providing
27 that a park owner, under certain circumstances, may not incur liability for a
28 failure to provide accurate information in a relocation plan; requiring certain
29 notices to certain prospective park residents; providing that a park owner is not
30 required to provide relocation assistance to certain prospective park residents
31 who receive certain notice; providing that a failure to provide certain notices to

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 certain prospective park residents is a defense to an action for repossession;
 2 defining a certain term; providing for the application of this Act; and generally
 3 relating to mobile home parks.

4 BY repealing and reenacting, with amendments,
 5 Article – Real Property
 6 Section 8A–1201 to be under the amended subtitle “Subtitle 12. Park Closure”
 7 Annotated Code of Maryland
 8 (2003 Replacement Volume and 2008 Supplement)

9 BY adding to
 10 Article – Real Property
 11 Section 8A–1202 through 8A–1206
 12 Annotated Code of Maryland
 13 (2003 Replacement Volume and 2008 Supplement)

14 BY repealing and reenacting, without amendments,
 15 Article – Real Property
 16 Section 8A–1802
 17 Annotated Code of Maryland
 18 (2003 Replacement Volume and 2008 Supplement)

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

21 **Article – Real Property**

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

23 8A–1201.

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

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

34 **(2) THE NOTICE REQUIRED BY THIS SUBSECTION SHALL:**

1 (I) IDENTIFY THE CHANGE IN LAND USE PROPOSED BY THE
2 PARK OWNER;

3 (II) IDENTIFY THE COUNTY OR MUNICIPAL ZONING BOARD,
4 AUTHORITY, OR UNIT TO WHICH THE APPLICATION WILL BE SUBMITTED; AND

5 (III) CONTAIN A CONSPICUOUS STATEMENT THAT APPROVAL
6 OF THE APPLICATION COULD RESULT IN THE DISLOCATION OF PARK
7 RESIDENTS.

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

9 (2) If a mobile home park owner does not submit a plan for alternative
10 arrangements for the park residents or does not comply with the terms of an approved
11 plan, the mobile home park owner is in default of the plan and the application for
12 change of land use submitted under subsection (a) of this section may not be approved
13 until the owner submits and complies with a plan.

14 (3) A plan for alternative arrangements for park residents shall
15 include:

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

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

20 (iii) A budget reflecting the amount of money allocated by the
21 mobile home park owner to be given to each resident to cover the costs associated with
22 moving the resident’s mobile home, including:

- 23 1. Moving the trailer;
- 24 2. Disconnecting and reconnecting utilities; and
- 25 3. Removing and reattaching axles, decks, railings, and
26 side skirting; and

27 (iv) A list of area mobile home parks with vacancies.

28 SECTION 2. AND BE IT FURTHER ENACTED, That the Laws of Maryland
29 read as follows:

Article – Real Property

30
31 **8A-1202.**

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

4 **(1) WRITTEN NOTICE OF THE PARK CLOSURE AT LEAST 12**
5 **MONTHS BEFORE THE CLOSURE DATE; AND**

6 **(2) RELOCATION ASSISTANCE VALUED AT \$3,500.**

7 **(B) (1) A PARK OWNER IS NOT REQUIRED TO PROVIDE RELOCATION**
8 **ASSISTANCE TO ANY INDIVIDUAL HOUSEHOLD IN AN AMOUNT THAT IS GREATER**
9 **THAN THE AMOUNT REQUIRED UNDER SUBSECTION (A) OF THIS SECTION.**

10 **(2) IF A COUNTY OR MUNICIPAL CORPORATION REQUIRES A PARK**
11 **OWNER TO PROVIDE RELOCATION ASSISTANCE IN AN AMOUNT THAT IS GREATER**
12 **THAN THE AMOUNT REQUIRED UNDER SUBSECTION (A) OF THIS SECTION, THE**
13 **COUNTY OR MUNICIPAL CORPORATION SHALL GIVE A CREDIT IN THE AMOUNT**
14 **REQUIRED UNDER SUBSECTION (A) OF THIS SECTION AGAINST THE TOTAL**
15 **AMOUNT REQUIRED TO BE PROVIDED BY THE PARK OWNER UNDER LOCAL LAW.**

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

17 **(1) BE DELIVERED BY HAND DELIVERY OR SENT BY FIRST CLASS**
18 **MAIL AND BY CERTIFIED MAIL, RETURN RECEIPT REQUESTED; AND**

19 **(2) INCLUDE:**

20 **(I) THE PROPOSED DATE ON WHICH THE PARK OWNER**
21 **PLANS TO CLOSE THE PARK OR A PORTION OF THE PARK;**

22 **(II) 1. A COPY OF THE RESIDENT'S RENTAL AGREEMENT;**
23 **OR**

24 **2. IF THE RENTAL AGREEMENT CANNOT BE**
25 **LOCATED, A SUMMARY OF THE TERMS OF THE RESIDENT'S RENTAL AGREEMENT.**

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

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

1 **(D) (1) THE RELOCATION ASSISTANCE REQUIRED UNDER THIS**
2 **SECTION SHALL BE IN ONE OF THE FOLLOWING FORMS, AS ELECTED BY THE**
3 **RESIDENT, IN WRITING:**

4 **(I) A CASH PAYMENT;**

5 **(II) A REDUCTION OF RENT OWED UNDER THE TERMS OF**
6 **THE RESIDENT'S RENTAL AGREEMENT;**

7 **(III) PAYMENT FOR ONE OR MORE SERVICES RENDERED IN**
8 **RELOCATING THE RESIDENT'S MOBILE HOME TO AN ALTERNATE LOCATION**
9 **ACCEPTABLE TO THE RESIDENT;**

10 **(IV) OTHER RELOCATION ASSISTANCE OFFERED BY THE**
11 **PARK OWNER; OR**

12 **(V) ANY COMBINATION OF THE ASSISTANCE DESCRIBED IN**
13 **ITEMS (I), (II), (III), AND (IV) OF THIS PARAGRAPH.**

14 **(2) AFTER A PARK OWNER POSTS NOTICE OF AN APPLICATION**
15 **FOR CHANGE IN LAND USE OR NOTICE OF A PARK CLOSURE, THE PARK OWNER**
16 **SHALL PROVIDE THE RELOCATION ASSISTANCE REQUESTED BY A RESIDENT**
17 **UNDER PARAGRAPH (1) OF THIS SUBSECTION WITHIN 15 DAYS AFTER A**
18 **RESIDENT PROVIDES WRITTEN NOTICE TO THE PARK OWNER THAT THE**
19 **RESIDENT INTENDS TO RELOCATE.**

20 **(E) IF THE MOBILE HOME OF A DISLOCATED RESIDENT CANNOT BE**
21 **RELOCATED WITHOUT DESTROYING THE USEFULNESS OF THE MOBILE HOME,**
22 **THE PARK OWNER, AT THE ELECTION OF THE RESIDENT, SHALL DISPOSE OF THE**
23 **MOBILE HOME AT THE PARK OWNER'S EXPENSE.**

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

25 **(I) FOR THE PURPOSE OF OFFSETTING THE COST OF**
26 **RELOCATION ASSISTANCE PROVIDED TO ANY RESIDENT; OR**

27 **(II) AFTER GIVING THE RESIDENT NOTICE OF THE PARK**
28 **CLOSURE UNDER THIS SECTION.**

29 **(2) THIS SUBSECTION DOES NOT APPLY TO AN INCREASE IN RENT**
30 **IN ACCORDANCE WITH A WRITTEN AGREEMENT BETWEEN THE PARK OWNER**
31 **AND THE RESIDENT THAT WAS EXECUTED BEFORE NOTICE OF THE PARK**
32 **CLOSURE WAS PROVIDED TO THE RESIDENT UNDER THIS SECTION.**

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

2 **(1) PROVIDING A GREATER FINANCIAL INCENTIVE THAN IS**
3 **REQUIRED BY THIS SECTION; OR**

4 **(2) CONTRACTING WITH THE RESIDENT FOR A MUTUALLY**
5 **ACCEPTABLE ARRANGEMENT TO ASSIST THE RESIDENT'S RELOCATION, IF THE**
6 **RESIDENT RECEIVES RELOCATION ASSISTANCE REQUIRED UNDER THIS**
7 **SECTION.**

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

10 **8A-1203.**

11 **(A) NOT LATER THAN 3 DAYS AFTER DELIVERING THE NOTICE OF PARK**
12 **CLOSURE UNDER § 8A-1202 OF THIS SUBTITLE, THE PARK OWNER SHALL POST**
13 **NOTICES OF PARK CLOSURE IN TWO CONSPICUOUS PLACES IN THE MOBILE**
14 **HOME PARK AND AT ALL ENTRANCES TO THE PARK AND ANY COMMUNITY**
15 **GATHERING AREAS IN THE PARK.**

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

17 **(1) THE DATE ON WHICH THE PARK OWNER PLANS TO CLOSE THE**
18 **PARK OR A PORTION OF THE PARK; AND**

19 **(2) THE PROPOSED DATE, TIME, AND LOCATION OF AN INITIAL**
20 **MEETING WITH THE PARK OWNER, WHICH SHALL BE OPEN TO ALL RESIDENTS**
21 **AND HELD NO LATER THAN 15 DAYS FROM THE DATE OF POSTING THE NOTICES**
22 **OF PARK CLOSURE REQUIRED BY THIS SECTION.**

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

25 **8A-1204.**

26 **(A) IN THIS SECTION, "HOUSING AGENCY" MEANS A HOUSING AGENCY**
27 **OF A COUNTY OR INCORPORATED MUNICIPALITY OR SOME OTHER AGENCY OR**
28 **ENTITY OF A COUNTY OR INCORPORATED MUNICIPALITY DESIGNATED AS SUCH**
29 **BY LAW OR ORDINANCE.**

30 **(B) NOT LATER THAN 15 DAYS AFTER PROVIDING A NOTICE OF PARK**
31 **CLOSURE UNDER § 8A-1202 OF THIS SUBTITLE, THE PARK OWNER SHALL**

1 SUBMIT A COPY OF THE PARK RELOCATION PLAN, WHICH SHALL COMPLY WITH §
2 8A-1205 OF THIS SUBTITLE, TO:

3 (1) THE DIVISION OF CONSUMER PROTECTION OF THE OFFICE
4 OF THE ATTORNEY GENERAL;

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

7 (3) IF THE MOBILE HOME PARK IS LOCATED IN AN
8 INCORPORATED MUNICIPALITY, THE HOUSING AGENCY, IF ONE EXISTS, OF THE
9 INCORPORATED MUNICIPALITY.

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

13 8A-1205.

14 (A) A RELOCATION PLAN REQUIRED BY THIS SUBTITLE SHALL INCLUDE:

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

17 (2) A COMPLETE LIST OF PARK RESIDENTS, INCLUDING
18 HOUSEHOLD SIZES, ADDRESSES, AND CONTACT INFORMATION FOR RESIDENTS;

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

23 (4) A TIMETABLE FOR PROVIDING RESIDENTS WITH RELOCATION
24 ASSISTANCE;

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

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

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

1 **(B) IF A PARK OWNER UNDERTAKES A REASONABLE GOOD FAITH**
2 **INQUIRY TO OBTAIN THE INFORMATION REQUIRED UNDER THIS SECTION, AND**
3 **THE INFORMATION IN THE PARK OWNER'S RELOCATION PLAN IS BASED ON THE**
4 **PARK OWNER'S REASONABLE GOOD FAITH INQUIRY, THE PARK OWNER SHALL**
5 **NOT INCUR LIABILITY AS THE RESULT OF A FAILURE TO PROVIDE ACCURATE**
6 **INFORMATION IN THE RELOCATION PLAN.**

7 **8A-1206.**

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

13 **(B) IF A PARK OWNER HAS GIVEN ANY RESIDENT A NOTICE OF PARK**
14 **CLOSURE UNDER § 8A-1202 OF THIS SUBTITLE, BEFORE A PROSPECTIVE**
15 **RESIDENT SIGNS A RENTAL AGREEMENT OR OCCUPIES THE PREMISES, THE**
16 **PARK OWNER SHALL PROVIDE THE PROSPECTIVE RESIDENT WITH WRITTEN**
17 **NOTICE OF THE PLANNED PARK CLOSURE.**

18 **(C) NOTHING IN THIS SUBTITLE REQUIRES A PARK OWNER TO PROVIDE**
19 **RELOCATION ASSISTANCE TO A PROSPECTIVE RESIDENT WHO, AFTER**
20 **RECEIVING THE NOTICE REQUIRED UNDER SUBSECTION (A) OR (B) OF THIS**
21 **SECTION, ELECTS TO SIGN A RENTAL AGREEMENT OR OCCUPY THE PREMISES.**

22 **(D) THE FAILURE OF A PARK OWNER TO PROVIDE THE NOTICE**
23 **REQUIRED BY THIS SECTION IS A DEFENSE TO AN ACTION FOR REPOSSESSION.**

24 **8A-1802.**

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

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

31 SECTION 3. AND BE IT FURTHER ENACTED, That Section 1 of this Act shall
32 be construed to apply retroactively and shall be applied to and interpreted to affect
33 any mobile home park owner who has submitted an application for a change in the
34 land use of a park if the application is pending before a county or municipal zoning
35 board, authority, or unit on the effective date of this Act. If an application for a

1 change in land use of a park is pending on the effective date of this Act, the mobile
2 home park owner shall, within 30 days of the effective date of this Act:

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

5 (2) deliver to each resident, by hand delivery or sent by first class mail
6 and by certified mail, return receipt requested, written notice that:

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

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

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

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

16 SECTION 5. AND BE IT FURTHER ENACTED, That this Act shall take effect
17 July 1, 2009.