

SENATE BILL 935

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9lr3044
CF HB 1344

By: ~~Senator Robey~~ **Senators Robey and McFadden**

Introduced and read first time: February 16, 2009

Assigned to: Rules

Re-referred to: Judicial Proceedings, February 26, 2009

Committee Report: Favorable with amendments

Senate action: Adopted

Read second time: April 2, 2009

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 ~~plan for alternative arrangements~~ relocation plan for mobile home park
9 residents; requiring the plan to include the payment of certain relocation
10 assistance to each park household under certain circumstances; providing that
11 the plan include certain information; providing that a mobile home park owner
12 shall not incur liability and may not be estopped from obtaining possession of
13 certain premises under certain circumstances; prohibiting a relocation plan
14 from including certain conditions under certain circumstances; requiring
15 relocation assistance to be paid to residents who will be dislocated when a
16 mobile home park is closed; establishing conditions under which a mobile home
17 park owner is not required to pay relocation assistance; establishing a time
18 table for paying relocation assistance; providing that, under certain
19 circumstances, a resident may forfeit receiving relocation assistance;
20 establishing that a certain local governing body may provide additional
21 relocation assistance to dislocated residents and that the payments are not the
22 responsibility of the mobile home park owner; and generally relating to plans
23 for dislocated residents in mobile home parks.

24 BY repealing and reenacting, with amendments,

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 Article – Real Property
 2 Section 8A–202(c)(3) and 8A–1201
 3 Annotated Code of Maryland
 4 (2003 Replacement Volume and 2008 Supplement)

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

7 **Article – Real Property**

8 8A–202.

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

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

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

18 8A–1201.

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

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

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

29 [(3)] **(2)** A ~~plan for alternative arrangements~~ **RELOCATION PLAN** for
 30 park residents shall include:

31 (i) A complete list of park residents, including household sizes,
 32 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~~ **HOUSEHOLD** to cover the costs
6 associated with moving the ~~resident's~~ **HOUSEHOLD'S** mobile home, including:

- 7 1. Moving the ~~trailer~~ **MOBILE HOME**;
- 8 2. Disconnecting and reconnecting utilities; and
- 9 3. Removing and reattaching axles, decks, railings, and
10 side skirting; ~~and~~

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

15 (v) A list of area mobile home parks with vacancies.

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

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

26 **(I) RELOCATION ASSISTANCE BE PAID UNLESS THE MOBILE**
27 **HOME PARK OWNER SENDS A NOTICE OF PARK CLOSURE TO EACH RESIDENT;**

28 **(II) THE AMOUNT OF RELOCATION ASSISTANCE EXCEED**
29 **THE AMOUNT OF RENT FOR THE PREMISES, EXCLUDING TAXES AND UTILITIES,**
30 **PAID BY A RESIDENT FOR THE 10 MONTHS IMMEDIATELY PRECEDING THE DATE**
31 **THE RESIDENT VACATES THE LEASED PREMISES;**

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

1 (IV) THE OWNER ASSURE THE RELOCATION OF ANY
2 RESIDENT.

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

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

10 (C) (1) IF A MOBILE HOME PARK IS CLOSED, RELOCATION
11 ASSISTANCE SHALL BE PAID IN THE FOLLOWING MANNER:

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

15 1. THE RESIDENT'S INTENTION TO VACATE THE
16 PARK; AND

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

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

22 (2) IF A RESIDENT FAILS TO RETURN POSSESSION OF THE
23 PREMISES BY REMOVING THE MOBILE HOME FROM THE PREMISES ON OR
24 BEFORE THE DATE SPECIFIED IN THE RESIDENT'S NOTICE OF INTENTION TO
25 VACATE, THE RESIDENT SHALL FORFEIT THE BALANCE OF ANY RELOCATION
26 ASSISTANCE DUE UNLESS THE MOBILE HOME PARK OWNER AGREES IN WRITING
27 TO A DIFFERENT DATE.

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

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

1 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
2 October 1, 2009.

Approved:

Governor.

President of the Senate.

Speaker of the House of Delegates.