

Department of Legislative Services
Maryland General Assembly
2009 Session

FISCAL AND POLICY NOTE
Revised

Senate Bill 935

(Senators Robey and McFadden)

Judicial Proceedings

Environmental Matters

Real Property - Mobile Home Parks - Plans for Dislocated Residents

This bill requires a mobile home park owner who submits an application to change the land use of the park to submit, as part of the application, a relocation plan for dislocated residents. If the plan is for closing the park, it must, among other requirements, include a budget reflecting the amount of relocation assistance paid by the park owner to each household. A local governing body cannot require, as a condition of approval of any relocation plan, that the amount of relocation assistance for affected residents exceed 10 months' rent. One half of the relocation assistance is payable to a resident within 30 days after the resident gives notice of intent to vacate the park; the park owner must pay the remaining half within 30 days after the resident returns possession of the premises.

Fiscal Summary

State Effect: None.

Local Effect: The bill does not directly affect local finances or operations.

Small Business Effect: Potential meaningful impact on owners of mobile home parks.

Analysis

Bill Summary: If a mobile home park owner undertakes a good faith effort to obtain the information required for the relocation plan, the owner will not incur liability and may not be stopped from obtaining possession of the premises due to inaccurate information contained in the plan. As a condition of approval by the local governing body, a relocation plan may not require that:

- relocation assistance be paid unless the owner sends a notice of park closure to each resident;
- the amount of relocation assistance exceed 10 months of rent for the leased premises;
- except as otherwise specified, any amount of relocation assistance be paid to a resident before the owner is able to repossess the premises; or
- the owner assure the relocation of any resident.

If a mobile home park is closed, the owner must pay half of the relocation assistance within 30 days of receiving written notice of (1) the resident's intention to vacate the park; and (2) the date on which the resident will return possession of the premises to the park owner. The remaining half of the relocation assistance must be paid to a resident within 30 days after the resident returns possession of the premises. Failure of a resident to vacate the park in a timely manner constitutes a forfeiture of the balance of any relocation assistance due, unless the park owner otherwise agrees to a different date. If an owner rescinds a notice of park closure, the owner is not required to pay relocation assistance after the notice of rescission is sent to residents. The owner is also not required to pay relocation assistance to a potential resident who signs a rental agreement after being notified of a change in land use or forthcoming park closure.

The local governing body of the county or municipal corporation in which a mobile home park is located may provide additional relocation assistance to affected park residents. A mobile home park owner is not responsible for any assistance provided by a local governing body.

Current Law: If the land use of a mobile home park is changed, all residents are entitled to a one-year prior written notice of termination, notwithstanding a longer notice provision in the rental agreement. If the land use of a mobile home park is changed in St. Mary's County, the park owner must send the county commissioners a copy of the written notice of termination that was sent to the residents of the mobile home park.

When a mobile home park owner applies to change the land use of the mobile home park, the owner must include a plan for alternative arrangements for each dislocated resident with the application. In St. Mary's County, if a mobile home park owner fails to include a plan for alternative arrangements with the owner's application, or fails to comply with the terms of an approved plan, the mobile home park owner is in default of the plan. As a result, the application for change of land use may not be approved until the owner submits and complies with a plan.

In St. Mary's County, the plan for alternative arrangements for dislocated park residents must include a list of park residents, including household sizes and contact information; a relocation calendar or timeline including monthly updates on the progress of the relocation; a list of area mobile home parks with vacancies; and a budget reflecting the amount of money to be distributed to each resident to cover moving costs, including moving the trailer, disconnecting and reconnecting utilities; and removing and reattaching other specified parts.

Background: Chapters 621 and 622 of 2008 required mobile home park owners in St. Mary's County to submit a resident relocation plan as part of a change of use application, along with a timeline and a relocation budget.

Additional Information

Prior Introductions: None.

Cross File: HB 1344 (Delegate Malone, *et al.*) - Environmental Matters.

Information Source(s): Charles, Frederick, and Somerset counties; Secretary of State; Judiciary (Administrative Office of the Courts); Department of Legislative Services

Fiscal Note History: First Reader - March 17, 2009
mlm/kdm Revised - Senate Third Reader - April 10, 2009

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