

SENATE BILL 235

N1
SB 935/09 – JPR

0lr0495
CF HB 103

By: **Senators Robey, Currie, Forehand, Frosh, Gladden, Harrington, Jones, Kasemeyer, King, Klausmeier, Lenett, Madaleno, McFadden, Muse, Peters, Pugh, Raskin, Rosapepe, Stone, and Zirkin**

Introduced and read first time: January 22, 2010

Assigned to: Judicial Proceedings

Committee Report: Favorable

Senate action: Adopted

Read second time: March 10, 2010

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 relocation plan for mobile home park residents; requiring the plan to include
9 the payment of certain relocation assistance to each park household under
10 certain circumstances; providing that the plan include certain information;
11 providing that a mobile home park owner shall not incur liability and may not
12 be estopped from obtaining possession of certain premises under certain
13 circumstances; prohibiting a relocation plan from including certain conditions
14 under certain circumstances; requiring relocation assistance to be paid to
15 residents who will be dislocated when a mobile home park is closed; establishing
16 the method of calculating relocation assistance; establishing conditions under
17 which a mobile home park owner is not required to pay relocation assistance;
18 establishing a time table for paying relocation assistance; providing that, under
19 certain 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.

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 BY repealing and reenacting, with amendments,
2 Article – Real Property
3 Section 8A–202(c)(3) and 8A–1201
4 Annotated Code of Maryland
5 (2003 Replacement Volume and 2009 Supplement)

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

8 **Article – Real Property**

9 8A–202.

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

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

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

19 8A–1201.

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

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

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

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

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

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

(iii) **[A] IF THE PLAN IS FOR CLOSING THE PARK, A** budget reflecting the amount of **[money] RELOCATION ASSISTANCE** allocated by the mobile home park owner to be given to each **[resident to cover the costs associated with moving the resident's mobile home, including:**

1. Moving the trailer;

2. Disconnecting and reconnecting utilities; and

3. Removing and reattaching axles, decks, railings, and side skirting; and] **HOUSEHOLD AS DESCRIBED IN SUBSECTION (C)(1) OF THIS SECTION;**

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

(v) A list of area mobile home parks with vacancies; AND

(vi) **A LIST OF AREA COMPANIES THAT RELOCATE MOBILE HOMES.**

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

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

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

(II) THE AMOUNT OF RELOCATION ASSISTANCE EXCEED THE AMOUNT DESCRIBED IN SUBSECTION (C)(1) OF THIS SECTION;

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

4 (IV) THE OWNER ASSURE THE RELOCATION OF ANY
5 RESIDENT.

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

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

13 (C) (1) IF A MOBILE HOME PARK IS CLOSED, THE RELOCATION
14 ASSISTANCE PAID TO EACH HOUSEHOLD SHALL EQUAL THE AMOUNT OF RENT
15 FOR THE PREMISES, EXCLUDING TAXES AND UTILITIES, PAID FOR THE 10
16 MONTHS IMMEDIATELY PRECEDING THE DATE THE RESIDENT VACATES THE
17 PREMISES.

18 (2) THE RELOCATION ASSISTANCE SHALL BE PAID IN THE
19 FOLLOWING MANNER:

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

23 1. THE RESIDENT'S INTENTION TO VACATE THE
24 PARK; AND

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

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

30 (3) IF A RESIDENT FAILS TO RETURN POSSESSION OF THE
31 PREMISES BY REMOVING THE MOBILE HOME FROM THE PREMISES ON OR
32 BEFORE THE DATE SPECIFIED IN THE RESIDENT'S NOTICE OF INTENTION TO
33 VACATE, THE RESIDENT SHALL FORFEIT THE BALANCE OF ANY RELOCATION

1 ASSISTANCE DUE UNLESS THE MOBILE HOME PARK OWNER AGREES IN WRITING
2 TO A DIFFERENT DATE.

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

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

8 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
9 October 1, 2010.

Approved:

Governor.

President of the Senate.

Speaker of the House of Delegates.