

SB0746/843723/1

BY: Judicial Proceedings Committee

AMENDMENTS TO SENATE BILL 746
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 2, before the first “**Manufactured**” insert “**Mobile and**”; in the same line, strike “**Sale of Manufactured Housing**” and substitute “**Relocation Plans and Sales of**”; in line 4, after the first “of” insert “altering requirements relating to relocation plans for mobile home parks;”; in line 7, after “community;” insert “requiring the Department of Housing and Community Development to list certain organizations and certain county housing agencies on its website; requiring the owner of a manufactured housing community to provide the list to homeowners; requiring a certain community owner or purchaser of a manufactured housing community to comply with certain notice requirements after the sale of a manufactured housing community;”; in the same line, after “to” insert “mobile and”; after line 8, insert:

“BY renumbering

Article – Real Property

Section 8A–1801 through 8A–1803 and the subtitle “Subtitle 18. Applicability, Enforcement and Short Title”

to be Section 8A–1901 through 8A–1903 and the subtitle “Subtitle 19. Applicability, Enforcement and Short Title”, respectively

Annotated Code of Maryland

(2015 Replacement Volume and 2022 Supplement)

BY repealing and reenacting, with amendments,

Article – Real Property

Section 8A–1201

Annotated Code of Maryland

(2015 Replacement Volume and 2022 Supplement);

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in line 11, strike “8B–401 through 8B–405” and substitute “8A–1801 through 8A–1806”;
in the same line, strike “4.” and substitute “18.”; after line 14, insert:

“SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND, That Section(s) 8A–1801 through 8A–1803 and the subtitle “Subtitle 18. Applicability, Enforcement and Short Title” of Article – Real Property of the Annotated Code of Maryland be renumbered to be Section(s) 8A–1901 through 8A–1903 and the subtitle “Subtitle 19. Applicability, Enforcement and Short Title”, respectively.”;

in line 15, strike “SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND” and substitute “SECTION 2. AND BE IT FURTHER ENACTED”; in line 18, strike “4.” and substitute “18.”; and in line 19, strike “**8B–401.**” and substitute “**8A–1801.**”.

On page 2, in line 18, strike “**8B–402.**” and substitute “**8A–1802.**”.

On page 3, in line 8, strike “**8B–403.**” and substitute “**8A–1803.**”.

On page 4, in line 9, strike “**8B–404.**” and substitute “**8A–1804.**”.

On page 5, in line 20, strike “**8B–405.**” and substitute “**8A–1805.**”.

AMENDMENT NO. 2

On page 1, after line 17, insert:

“8A–1201.

(a) When a mobile home park owner submits an application for a change in the land use of a park, the owner shall submit, as part of the application, a relocation plan for park residents who will be dislocated as a result of the change.

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(b) (1) If a mobile home park owner does not submit a relocation plan for the park residents or does not comply with the terms of an approved plan, the mobile home park owner is in default of the plan and the application for change of land use submitted under subsection (a) of this section may not be approved until the owner submits and complies with a plan.

(2) A relocation plan for park residents shall include:

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

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

(iii) If the plan is for closing a park with more than [38] 10 sites, a budget reflecting the amount of relocation assistance allocated by the mobile home park owner to be given to each 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 timetable for the owner to pay relocation assistance, as provided under subsection (c)(2) 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.

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(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;

(iii) Except as provided in subsection (c) of this section, any amount of relocation assistance be paid to a resident before possession of the premises is returned to the owner; or

(iv) The owner assure the relocation of any resident.

(5) If an owner rescinds a notice of park closure, the owner is not required to pay relocation assistance after the date the notice of rescission is sent to the residents.

(6) An owner is not required to pay relocation assistance to any potential resident who, after receiving written notice of the application for change in land use or written notice of park closure, signs an agreement to rent premises in the park.

(c) (1) If a mobile home park with more than [38] 10 sites is closed, the relocation assistance paid to each household shall equal the amount of rent for the premises, excluding taxes and utilities, paid for the [10] 12 months immediately preceding the date the resident vacates the premises.

(2) The relocation assistance shall be paid in the following manner:

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(i) One half of the relocation assistance shall be paid to a resident within 30 days after the mobile home park owner receives 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 owner; and

(ii) One half of the relocation assistance shall be paid to a resident within 30 days after the resident returns possession of the premises to the owner.

(3) If a resident fails to return possession of the premises by removing the mobile home from the premises on or before the date specified in the resident's notice of intention to vacate, the resident shall forfeit the balance of any relocation assistance due unless the mobile home park owner agrees in writing to a different date.

(d) (1) The local governing body of the county or municipal corporation in which a mobile home park is located may provide additional relocation assistance to residents.

(2) A mobile home park owner is not responsible for any payments made under paragraph (1) of this subsection."

AMENDMENT NO. 3

On page 2, in line 1, strike "THE" and substitute "AN"; in line 10, strike "AND"; in line 11, after "ORGANIZATION" insert "; AND

(4) COMPRISES HOMEOWNERS WHO LEASE OR RENT AT LEAST 75% OF THE LOTS IN THE MANUFACTURED HOUSING COMMUNITY.

(Over)

(E) “MANUFACTURED HOME” HAS THE MEANING STATED IN § 8B-101 OF THIS ARTICLE”;

in line 12, strike “**(E)**” and substitute “**(F)**”; strike beginning with the comma in line 15 down through “**ARTICLE**” in line 17; after line 23, insert:

(1) A MORTGAGEE, GRANTEE, OR OTHER SECURED PARTY HAS FORECLOSED ON THE MANUFACTURED HOUSING COMMUNITY AND THE MORTGAGEE, GRANTEE, OR SECURED PARTY IS SELLING THE MANUFACTURED HOUSING COMMUNITY:

(I) AT A FORECLOSURE SALE; OR

(II) AFTER PURCHASING THE MANUFACTURED HOUSING COMMUNITY AT A FORECLOSURE SALE;”;

in line 24, strike “**(1)**” and substitute “**(2)**”; in line 29, strike “**(2)**” and substitute “**(3)**”; in the same line, after “**PARTNERSHIP**” insert “**, LIMITED LIABILITY COMPANY, OR SIMILAR BUSINESS ENTITY**”; and in line 30, after “**PARTNERS**” insert “**OR MEMBERS OF THE BUSINESS ENTITY**”.

On page 3, in lines 1, 4, and 6, strike “**(3)**”, “**(4)**”, and “**(5)**”, respectively, and substitute “**(4)**”, “**(5)**”, and “**(6)**”, respectively; in line 5, strike the second “**OR**”; in line 7, after “**DOMAIN**” insert “**;**”;

(7) THE SALE OF THE MANUFACTURED HOUSING COMMUNITY INVOLVES A MERGER, RECAPITALIZATION, OR SIMILAR TRANSACTION WHERE:

(I) AT LEAST ONE COMMUNITY OWNER PRIOR TO THE TRANSACTION REMAINS A COMMUNITY OWNER AFTER THE TRANSACTION; AND

(II) THE COMMUNITY OWNER FILES AN AFFIDAVIT, RECORDED IN THE LAND RECORDS IN THE COUNTY IN WHICH THE PROPERTY IS LOCATED, AFFIRMING THAT THE COMMUNITY OWNER WILL ALLOW CONTINUED USE OF THE LAND AS A MANUFACTURED HOUSING COMMUNITY FOR AT LEAST 6 MONTHS AFTER THE DATE THE TRANSACTION IS FINALIZED; OR

(8) THE SALE OF THE MANUFACTURED HOUSING COMMUNITY INVOLVES:

(I) A LIKE-KIND EXCHANGE; OR

(II) A SALE OF MORE THAN ONE HOME IN THE COMMUNITY TO A SINGLE PURCHASER”;

in line 9, strike “MANUFACTURED HOUSING”; in line 11, strike “COMMUNITY OWNER” and substitute “PURCHASER FILING AN AFFIDAVIT, RECORDED IN THE LAND RECORDS IN THE COUNTY IN WHICH THE PROPERTY IS LOCATED, AFFIRMING THAT:

(1) THE PURCHASER WILL ALLOW CONTINUED USE OF THE LAND AS A MANUFACTURED HOUSING COMMUNITY FOR 5 YEARS AFTER THE DATE THE PURCHASE IS FINALIZED; AND

(2) RENT FOR A LOT ON THE PROPERTY WILL NOT INCREASE BY MORE THAN 10% PER YEAR FOR THE FIRST 3 YEARS AFTER THE DATE THE PURCHASE IS FINALIZED.

(B) IF THE PURCHASER FAILS TO FILE AN AFFIDAVIT IN ACCORDANCE WITH SUBSECTION (A) OF THIS SECTION, ACCEPTANCE BY THE COMMUNITY

(Over)

OWNER OF THE OFFER TO PURCHASE THE COMMUNITY SHALL BE CONDITIONED ON THE COMMUNITY OWNER;

in line 13, strike “MANUFACTURED HOME”; in line 16, strike “AND”; after line 18, insert:

“(III) THE APPROPRIATE HOUSING AGENCY; AND”;

in line 21, strike “8B-404” and substitute “8A-1804”; in line 22, strike “(B)” and substitute “(C)”; in the same line, strike “(A)” and substitute “(B)”; in line 23, after “SHALL” insert “:

(1);

in the same line, strike “BE” and substitute “BE POSTED IN A PUBLIC AREA OF THE MANUFACTURED HOUSING COMMUNITY;

(2) BE;

in the same line, strike “AND INCLUDE” and substitute “TO THE HOMEOWNERS ORGANIZATION; AND

(3) INCLUDE;

in line 25, after the first “AND” insert “MATERIAL”; in lines 25 and 29, strike “(1)” and “(2)”, respectively, and substitute “(I)” and “(II)”, respectively; in line 28, strike “AND”; and in line 32, after “NOTICE” insert “, CONTAINING SUBSTANTIALLY SIMILAR MATERIAL TERMS TO THE OFFER THAT THE COMMUNITY OWNER HAS CONDITIONALLY ACCEPTED; AND

(III) THE LIST OF ORGANIZATIONS AND COUNTY HOUSING AGENCIES REQUIRED UNDER § 8A-1804(G) OF THIS SUBTITLE.

On page 4, in lines 1 and 4, strike “(C)” and “(D)”, respectively, and substitute “(D)” and “(E)”, respectively; in line 6, after “HOMEOWNERS” insert “ORGANIZATION”; after line 8, insert:

“(F) THE COMMUNITY OWNER IS NOT LIABLE TO ANY PARTY TO A REAL ESTATE TRANSACTION FOR A VIOLATION OF THIS SECTION.”;

in lines 11, 24, and 32, in each instance, strike “8B-403” and substitute “8A-1803”; and strike beginning with “THAT” in line 14 down through “OWNER” in line 18 and substitute “TO THE COMMUNITY OWNER INDICATING THAT AT LEAST 75% OF THE MEMBERS OF THE HOMEOWNERS ORGANIZATION WHO RESIDE IN THE MANUFACTURED HOUSING COMMUNITY, WITH ONE VOTE PER HOME, HAVE VOTED TO PURCHASE THE COMMUNITY”.

On page 5, in line 3, strike “8B-403” and substitute “8A-1803”; in line 8, strike “A LONGER” and substitute “AN ALTERNATIVE”; in line 9, strike the colon and substitute “NOT MORE THAN 105 DAYS AFTER THE DATE OF THE AGREEMENT TO OBTAIN FINANCING AND CLOSE ON THE PURCHASE.”; strike in their entirety lines 10 through 13, inclusive, and substitute:

“(E) IF THE HOMEOWNERS ORGANIZATION DOES NOT OBTAIN FINANCING FOR THE PURCHASE OR THE PARTIES FAIL TO CLOSE ON THE PURCHASE WITHIN THE TIME PERIOD PRESCRIBED IN SUBSECTION (D) OF THIS SECTION, THE COMMUNITY OWNER HAS COMPLIED WITH THE COMMUNITY OWNER’S OBLIGATIONS UNDER THIS SECTION.”;

in line 14, strike “(E)” and substitute “(F)”; after line 19, insert:

(Over)

“(G) THE DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT SHALL MAINTAIN ON ITS WEBSITE A LIST OF ORGANIZATIONS AND COUNTY HOUSING AGENCIES AVAILABLE TO ASSIST HOMEOWNERS WITH FINANCING FOR THE PURCHASE OF A MANUFACTURED HOUSING COMMUNITY.”;

after line 20, insert:

“A COMMUNITY OWNER WHO FILES AN AFFIDAVIT AS REQUIRED UNDER § 8A-1802(B)(7) OF THIS SUBTITLE OR A PURCHASER WHO FILES AN AFFIDAVIT AS REQUIRED UNDER § 8A-1803(A) OF THIS SUBTITLE SHALL, NOT MORE THAN 30 DAYS AFTER THE DATE OF THE SALE:

(1) PROVIDE NOTICE OF THE AFFIDAVIT TO EACH HOMEOWNER IN THE MANUFACTURED HOUSING COMMUNITY BY FIRST-CLASS MAIL; AND

(2) POST A COPY OF THE AFFIDAVIT IN A PUBLIC AREA OF THE MANUFACTURED HOUSING COMMUNITY.

8A-1806.”;

in line 21, before “IF” insert “(A)”; after line 23, insert:

“(B) A PURCHASER WHO FILES AN AFFIDAVIT AS REQUIRED UNDER § 8A-1803(A) OF THIS SUBTITLE IS LIABLE TO THE HOMEOWNERS ORGANIZATION IN THE AMOUNT OF \$10,000 IF THE PURCHASER:

(1) CLOSES THE MANUFACTURED HOUSING COMMUNITY WITHIN 5 YEARS AFTER THE DATE THE PURCHASE IS FINALIZED; OR

(2) INCREASES THE RENT FOR A LOT ON THE PROPERTY BY MORE THAN 10% PER YEAR IN THE FIRST 3 YEARS AFTER THE DATE THE PURCHASE IS FINALIZED.;

and in line 24, strike "2." and substitute "3.".