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STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2011

A N A C T

RELATING TO MOTOR AND OTHER VEHICLES - MOBILE AND MANUFACTURED
HOMES

Introduced By: Representative Cale P. Keable

Date Introduced: March 09, 2011

Referred To: House Judiciary

It is enacted by the General Assembly as follows:

1 Section 1. Chapter 31-44 of the General Laws entitled “Mobile and Manufactured
2 Homes” is hereby amended to read as follows:

3 **31-44-24. Findings of fact. - (a) The legislature finds that:**

4 (1) Manufactured/mobile home communities provide a significant source of home
5 ownership opportunities for Rhode Island residents. However, the increasing closure and
6 conversion of manufactured/mobile home communities to other uses, combined with increasing
7 manufactured/mobile home lot rents, low vacancy rates in existing manufactured/mobile home
8 communities, and the extremely high cost of moving homes when manufactured/mobile home
9 communities close, increasingly make manufactured/mobile home community living insecure for
10 manufactured/mobile home tenants.

11 (2) Many tenants who reside in manufactured/mobile home communities are low-income
12 households and senior citizens and are, therefore, those residents most in need of reasonable
13 security in the siting of their manufactured/mobile homes because of the adverse impacts on the
14 health, safety, and welfare of tenants forced to move due to closure, change of use, or
15 discontinuance of manufactured/mobile home communities.

16 (3) The preservation of manufactured/mobile home communities:

17 (i) Is a more economical alternative than providing new replacement housing units for
18 tenants who are displaced from closing manufactured/mobile home communities;

1 (ii) Is a strategy by which all local governments can meet the affordable housing needs of
2 their residents;

3 (iii) Is a strategy by which local governments' planning may meet the housing element of
4 their comprehensive plans as it relates to the provision of housing affordable to all economic
5 sectors; and

6 (iv) Should be a goal of all housing authorities and local governments.

7 (4) The loss of manufactured/mobile home communities should not result in a net loss of
8 affordable housing, thus compromising the ability of local governments to meet the affordable
9 housing needs of its residents and the ability of these local governments planning to meet
10 affordable housing goals.

11 (5) The closure of manufactured/mobile home communities has serious environmental,
12 safety, and financial impacts, including:

13 (i) Homes that cannot be moved to other locations add to Rhode Island's landfills;

14 (ii) Homes that are abandoned might attract crime; and

15 (iii) Vacant homes that will not be reoccupied need to be tested for asbestos and lead, and
16 these toxic materials need to be removed prior to demolition.

17 (6) The self-governance aspect of tenants owning manufactured/mobile home
18 communities results in a lesser usage of police resources as tenants experience fewer societal
19 conflicts when they own the real estate as well as their homes.

20 (7) Housing authorities, by their creation and purpose, are the public body corporate and
21 politic of the city or county responsible for addressing the availability of safe and sanitary
22 dwelling accommodations available to persons of low income, senior citizens, and others.

23 (b) It is the intent of the legislature to encourage and facilitate the preservation of existing
24 manufactured/mobile home communities in the event of voluntary sales of manufactured/mobile
25 home communities and, to the extent necessary and possible, to involve manufactured/mobile
26 home community tenants or an eligible organization representing tenants, such as a nonprofit
27 organization, housing authority, or local government, in the preservation of manufactured/mobile
28 home communities.

29 **31-44-24. Additional definitions.** - In addition to those definitions contained in section
30 31-44-1, the following additional definitions in this section apply throughout this chapter unless
31 the context clearly requires otherwise.

32 (1) "Delivery," with respect to notices discussed in this chapter, means the date on which
33 a notice was mailed or personally delivered.

34 (2) "Eligible organization" includes local governments, local housing authorities,

1 nonprofit community or neighborhood-based organizations, federally recognized Indian tribes in
2 the state of Rhode Island, and regional or statewide nonprofit housing assistance organizations.

3 (3) "Fair market value" is determined by calculating the mean of three (3) professional
4 appraisals: One by an appraiser contracted by the manufactured/mobile home community
5 landlord; one by an appraiser contracted by the qualified tenant organization or an eligible
6 organization representing the tenants; and one by an appraiser contracted by the office of
7 manufactured housing.

8 (4) "Housing authority" or "authority" means either a city housing authority as described
9 in chapter 45-25 ("City Housing Authorities") and/or chapter 45-26 ("Town Housing Authority").

10 (5) "Housing project" has the same meaning as a housing development or housing project
11 as described in chapter 42-55 ("Rhode Island Housing and Mortgage Finance Corporation").

12 (6) "Notice of intent to pursue a qualified sale" means a notice voluntarily filed by a
13 landlord obligating the landlord to pursue a qualified sale of a manufactured/mobile home
14 community before offering the property for sale to other parties. This applies to sales of mobile
15 home parks which sales are not governed by the provisions of section 31-44-3.1.

16 (7) "Notice of sale" means a notice required under this act to be filed by landlords (i)
17 Within fourteen (14) days after the date on which any advertisement, listing, or public notice
18 advertises that a manufactured/mobile home community is for sale, or that an unconditional offer
19 of sale is being considered; and (ii) At least ninety (90) days before the sale occurs.

20 (8) "Qualified tenant organization" means a formal organization of tenants within a
21 manufactured/mobile home community, with the only requirement for membership consisting of
22 being a tenant. It includes, but is not limited to, a homeowner households association as described
23 in section 31-44-3.1.

24 (9) "Qualified sale of a manufactured/mobile home community" means the sale of land
25 and improvements comprising a manufactured/mobile home community that is transferred in a
26 single purchase to a qualified tenant organization or to an eligible organization representing the
27 tenants at a price not to exceed fair market value.

28 **31-44-25. Future qualified sale of a manufactured/mobile home community. - (a) A**
29 **qualified sale of a manufactured/mobile home community is exempt from the excise tax imposed**
30 **under chapter 44-34 ("Excise on Motor Vehicles and Trailers") and/or any other excise tax**
31 **imposed pursuant to the general laws.**

32 (b) A landlord who has not received a certified letter from an incorporated home owner
33 households association pursuant to section 31-44-3.1 may initiate a future qualified sale of a
34 manufactured/mobile home community at any point during ownership, by filing a notice of intent

1 to pursue a qualified sale with the Rhode Island department of business regulation by certified
2 mail or personal delivery. A landlord shall provide a copy of the notice of intent to pursue a
3 qualified sale to each tenant of the manufactured/mobile home community by certified mail or
4 personal delivery within ten (10) days of filing the notice with the department. Subsequently, a
5 landlord shall also provide a copy of the notice to all new tenants by attaching it to the rental
6 agreement.

7 (c) If a notice of intent to pursue a qualified sale has been filed by a landlord according to
8 the requirements of subsection (b) of this section, the following requirements and timelines apply
9 after delivery of the notice of sale required in this chapter:

10 (1) A landlord must:

11 (i) Offer the manufactured/mobile home community to a qualified tenant organization or
12 to an eligible organization representing the tenants at fair market value for a period of at least
13 ninety (90) days; and

14 (ii) Allow any qualified tenant organization or eligible organization representing the
15 tenants, who deliver to the landlord written notice of their interest in purchasing the
16 manufactured/mobile home community within that ninety (90) day period, twelve (12) months to
17 close the sale of the manufactured/mobile home community.

18 (2) A qualified tenant organization or an eligible organization representing the tenants
19 must notify the landlord, in writing by certified mail or personal delivery within ninety (90) days
20 after receipt of the notice of sale, of its intent to purchase the manufactured/mobile home
21 community.

22 (d) A notice of intent to pursue a qualified sale for a manufactured/mobile home
23 community may be rescinded by a landlord at any time before delivery of a notice of sale for that
24 manufactured/mobile home community by filing written notice by certified mail or personal
25 delivery with the department of business regulation. A landlord must also provide copies of the
26 notice to any qualified tenant organization and all other manufactured/mobile home community
27 tenants by certified mail or personal delivery within ten (10) days after filing the notice with the
28 department.

29 SECTION 2. This act shall take effect upon passage.

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EXPLANATION
BY THE LEGISLATIVE COUNCIL
OF
A N A C T
RELATING TO MOTOR AND OTHER VEHICLES - MOBILE AND MANUFACTURED
HOMES

1 This act would provide a procedure for a landlord who has not received a certified letter
2 from an incorporated home owner households association pursuant to section 31-44-3.1 to initiate
3 a future qualified sale of a manufactured/mobile home community. Such sale would require
4 notice to be given to each resident of the mobile home community.

5 This act would take effect upon passage.

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