

2014 -- S 2575 SUBSTITUTE A

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LC004874/SUB A
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STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2014

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A N A C T

RELATING TO MOTOR AND OTHER VEHICLES -- MOBILE AND MANUFACTURED
HOMES

Introduced By: Senators P Fogarty, Cool Rumsey, Ottiano, Nesselbush, and Kettle

Date Introduced: March 04, 2014

Referred To: Senate Commerce

It is enacted by the General Assembly as follows:

1 SECTION 1. Section 31-44-3 of the General Laws in Chapter 31-44 entitled "Mobile and
2 Manufactured Homes" is hereby amended to read as follows:

3 **31-44-3. Rules and regulations.** -- The following requirements and restrictions shall
4 apply to all mobile and manufactured home parks:

5 (1) A mobile and manufactured home park licensee shall promulgate reasonable rules
6 and regulations ~~which~~ that shall specify standards for mobile and manufactured homes in the
7 park, entry requirements, and rules governing the rental or occupancy of a mobile-and
8 manufactured-home lot and mobile and manufactured-home park;

9 (2) Current rules and regulations promulgated by a mobile-and manufactured-home park
10 licensee shall be delivered by the licensee to a prospective resident prior to entering into a rental
11 agreement, and to the resident(s) as soon as promulgated and whenever revised. A copy of the
12 rules and regulations shall be filed with the director and posted in a conspicuous place in the
13 mobile-and manufactured-home park;

14 (3) Any rule or change in rent ~~which~~ that does not apply uniformly to all mobile and
15 manufactured home residents of a similar class shall create a rebuttable presumption that the rule
16 or change in rent is unreasonable;

17 (4) (i) A mobile-and manufactured-home park licensee shall not impose any conditions
18 of rental or occupancy ~~which~~ that restricts the mobile and manufactured home owner in his or her

1 choice of a seller of fuel, furnishings, goods, services, accessories, or other utilities connected
2 with the rental or occupancy of a mobile_ and manufactured_ home lot.

3 (ii) The licensee who purchases electricity or gas (natural, manufactured, or similar
4 gaseous substance) from any public utility or municipally owned utility or who purchases water
5 from a water system for the purpose of supplying or reselling the electricity or gas to any other
6 person to whom he leases, lets, rents, subleases, sublets, or subrents the premises upon which the
7 electricity, gas, or water is to be used, shall not charge, demand, or receive directly or indirectly,
8 any amount for the resale of any electricity, gas, or water greater than that amount charged by the
9 public utility or municipally owned utility from which the electricity, or gas was purchased or by
10 the public water system from which the water was purchased.

11 (iii) However, if the licensee incurs costs in bringing the utility service to individual
12 units, or in utilizing individual meters, or in some similar cost, the licensee will be entitled to a
13 return for the investment.

14 (iv) The park operator shall post in a conspicuous place the prevailing utility rate
15 schedule as published by the serving utility;

16 (5) If any mobile_ and manufactured_ home park licensee adds, changes, deletes, or
17 amends any rule governing the rental or occupancy of a mobile_ and manufactured_ home lot in a
18 mobile_ and manufactured_ home park, a new copy of all those rules shall be furnished to all
19 mobile_ and manufactured_ home residents in the park, and filed with the department for its
20 review, recommendations, and recording for future reference at least forty-five (45) days prior to
21 the effective date of the addition, change, deletion, or amendment. The new copy furnished to the
22 resident shall be signed by both the mobile_ and manufactured_ home park owner and the mobile_
23 and manufactured_ home park resident. Any mobile park resident who believes ~~that said~~ [the](#)
24 change is in violation of the chapter may file a complaint with the director in accordance with
25 ~~section~~ [§31-44-17](#). ~~Said~~ [The](#) complaint shall be filed within twenty (20) days of receipt of written
26 notice of ~~said~~ [the](#) change. ~~Said~~ [The](#) complaint shall specify the rule in dispute and contain the
27 basis by which ~~said~~ [the](#) change violates this chapter.

28 (6) If any mobile_ and manufactured_ home park licensee changes the rent or fees
29 associated with a mobile_ and manufactured_ home lot, notice of the change shall be given to the
30 mobile_ and manufactured_ home resident at least sixty (60) days prior to the effective date of the
31 change. Any mobile park resident who believes that ~~said~~ [the](#) rule change is in violation of this
32 chapter, may file a complaint with the director in accordance with ~~section~~ [§31-44-17](#). ~~Said~~ [The](#)
33 complaint shall be filed within twenty (20) days after receipt of written notice of ~~said~~ [the](#) change.
34 The complaint shall specify the basis by which ~~said~~ [the](#) change violates this chapter.

1 (7) The owners of individual mobile and manufactured homes shall be entitled to have as
2 many occupants in their homes as is consistent with the number of bedrooms and/or bed spaces
3 certified by the manufacturer; provided that the occupancy does not violate any provision of the
4 general laws or other municipal regulations. All bedrooms shall consist of a minimum of fifty
5 (50) square feet of floor area and bedrooms designed and certified for two (2) or more people
6 shall consist of seventy (70) square feet of floor area plus fifty (50) square feet for each person in
7 excess of two (2). If there is sufficient bed space, according to the criteria set forth in this
8 subdivision, additional rent or charges may not be imposed by a park owner or manager for any
9 person or persons moving in with current resident owners of a mobile and manufactured home;

10 (8) A prospective resident shall not be charged an entrance fee for the privilege of
11 leasing or occupying a mobile-and manufactured-home lot, except as provided in ~~section~~ §31-44-
12 4; provided, that when a mobile and manufactured home is transported onto the mobile-and
13 manufactured-home park, an entrance fee may be charged. However, if the park owner received a
14 commission for the sale of the mobile and manufactured home, no entrance fee shall be charged.
15 A reasonable charge for the fair value of the owner's cost in obtaining, preparing, and maintaining
16 a lot, or for the fair value of services performed in placing a mobile and manufactured home on a
17 lot, shall not be considered an entrance fee, but shall be deemed a hook-up fee or maintenance fee
18 and shall be detailed in the fee schedule. No tenant, or person seeking space in a mobile-and
19 manufactured-housing park, shall be required to purchase manufactured housing from any
20 particular person unless the person designated is the park owner or operator and the requirement
21 is imposed only in connection with the initial leasing or renting of a newly-constructed lot or
22 space not previously leased or rented to any other person. A resident may remove and replace a
23 mobile and manufactured home; ~~;~~ provided, that the resident shall install the mobile and
24 manufactured home in accordance with present park standards regarding structural requirements
25 and aesthetic maintenance in the mobile-and manufactured-home park where the replacement
26 occurs, and in accordance with minimum standards for mobile and manufactured homes
27 established by the United States ~~d~~Department of ~~h~~Housing and ~~u~~Urban ~~d~~Development. No fee
28 shall be charged by the licensee to residents as a result of the resident's installation of cable
29 television;

30 (9) Prior to signing a lease, a licensee shall dispose, in writing, to the prospective
31 resident:

32 (i) The rental for the space or lot; and

33 (ii) Any charges, including service charges, imposed by the licensee. The licensee shall
34 dispose the rent and charges ~~which~~ that were in effect during the three (3) preceding years, or the

1 period during which the licensee has operated the mobile home park, whichever is shorter;

2 (10) A copy of the fee schedule shall be filed with the commission and posted in a
3 conspicuous place in the mobile_ and manufactured_ home park; and

4 (11) (i) A resident shall not be charged a fee for keeping a pet in a mobile_ and
5 manufactured_ home park unless the park owner or management actually provides special
6 facilities or services for pets. If special pet facilities are maintained by the park owner or
7 management, the fee charged shall reasonably relate to the cost of maintenance of the facilities or
8 services and the number of pets kept in the park.

9 (ii) If the park owner or management of a mobile_ and manufactured_ home park
10 implements a rule or regulation prohibiting residents from keeping pets in the park, the new rule
11 or regulation shall not apply to prohibit the residents from continuing to keep the pets currently in
12 the park if the pet otherwise conforms with the previous park rules or regulations relating to pets.
13 However, if the pet dies, the resident shall have the right to replace the pet.

14 (iii) Any rule or regulation prohibiting residents from keeping pets in a mobile_ and
15 manufactured_ home park shall not apply to guide, signal, or service animals.

16 (12) Any board or commission vested with governing powers over a mobile-or
17 manufactured-home community, including resident-owned and nonresident-owned mobile home
18 park resident associations, shall establish and/or adhere to fair and impartial written guidelines
19 and bylaws for conducting elections, that have been provided to all residents of the mobile home
20 park at least forty-five (45) days prior to any election. The written guidelines and bylaws shall
21 ensure transparency in the election process with reasonable and meaningful notice to, and
22 participation of, all residents. The department is authorized to promulgate rules and regulations
23 necessary to implement this subsection.

24 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
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1 This act would provide that boards or commissions with governing powers over mobile
2 and manufactured homes offer fair and impartial elections and would require that matters which
3 need conflict resolution be referred to the department of business regulation.

4 This act would take effect upon passage.

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