

2012 -- S 2754

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LC02167
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STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2012

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A N A C T

RELATING TO MOTOR AND OTHER VEHICLES - MOBILE AND MANUFACTURED
HOMES

Introduced By: Senators P Fogarty, Kettle, Shibley, and Maher

Date Introduced: March 08, 2012

Referred To: Senate Finance

It is enacted by the General Assembly as follows:

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

3 **31-44-1. Definitions.** -- As used in this chapter:

4 (1) "Department" means the department of business regulation.

5 (2) "Director" means the director of the department of business regulation.

6 (3) "Entry requirements" means any written, nondiscriminatory criteria for resident
7 selection incorporated into the rules and regulations of a mobile and manufactured home park
8 which are equally applied by the licensee to all purchasers and prospective residents.

9 (4) "Fee schedule" means an itemized list of fees for goods or services sold or performed
10 by a mobile and manufactured home park licensee including, but not limited to, the entrance fee,
11 hook-up fee, and maintenance fee, if any.

12 (5) "Hook-up fee" means a reasonable fee for the services required to install a mobile and
13 manufactured home on a mobile and manufactured home space or lot. The charge shall include
14 the cost of connecting water and sewer lines, electrical connections, tie-downs, removal of wheels
15 or axles, steps, if necessary, and other necessary services, including, but not limited to, the
16 creation of new pads or piers.

17 (6) "Household" means one or more persons occupying a housing unit.

18 (7) "Licensee" means any person or agent licensed under section 31-44-1.6 who is

1 directly or indirectly engaged in the business of selling mobile and manufactured homes or who
2 operates and maintains a mobile and manufactured home park under the provisions of this
3 chapter.

4 (8) "Mobile and manufactured home" means a detached residential unit designed:

5 (i) For a long term occupancy and containing sleeping accommodations, a flush toilet,
6 and a tub or shower bath and kitchen facilities, and having both permanent plumbing and
7 electrical connections for attachment to outside systems;

8 (ii) To be transported on its own wheels or on a flatbed or other trailer or detachable
9 wheels; and

10 (iii) To be placed on pads, piers, or tied down, at the site where it is to be occupied as a
11 residence complete and ready for occupancy, except for minor and incidental unpacking and
12 assembly operations and connection to utilities systems.

13 (9) "Mobile and manufactured home park" or "park" means a plot of ground upon which
14 four (4) or more mobile and manufactured homes, occupied for residential purposes are located.

15 (10) "Mobile and manufactured home space or lot" means a plot of ground within a
16 mobile and manufactured home park designed for the accommodation of one mobile and
17 manufactured home.

18 (11) "Owner" means a licensee or permittee or any person who owns, operates, or
19 maintains a mobile and manufactured home park.

20 (12) "Prospective resident" means an applicant for admission to a mobile and
21 manufactured home park who is ready, willing, and able to buy a mobile and manufactured home
22 owned and offered for sale by a licensee or resident, and who is able to meet the entrance
23 requirements of the rules of the park.

24 (13) "Protected lawful action" means any report of a violation of this chapter, or of any
25 applicable building or health code, or any other justified complaint to a governmental authority,
26 or any other justified lawful act by the resident(s) or prospective resident(s).

27 (14) "Qualified sale" means the sale of a mobile and manufactured home park to a
28 resident organization with the goal of resident ownership by at least fifty-one percent (51%) of
29 the homeowner households residing in the park.

30 ~~(14)~~ (15) "Reprisal" means any act taken against the resident(s) which is intended as a
31 penalty for any protected lawful action taken by the resident(s).

32 ~~(15)~~ (16) "Resident" means an owner or renter occupying a mobile and manufactured
33 home in a mobile and manufactured home park with the consent of the owner as defined in
34 subdivision (11) of this section.

1 (17) "Resident organization" means a group of mobile and manufactured home park
2 residents who have formed a nonprofit corporation, cooperative corporation, or other entity or
3 organization for the purpose of acquiring the mobile home park in which they reside and
4 converting the mobile home park to resident ownership.

5 (18) "Resident ownership" means, depending on the context, either the ownership, by a
6 resident organization, as defined in this section, of an interest in a mobile and manufactured home
7 park which entitles the resident organization to control the operations of the mobile home park, or
8 the ownership of individual interests in a mobile home park, or both.

9 ~~(16)~~ (19) "Security deposit" means a sum not to exceed the monthly rental which a
10 licensee may require a resident of a rented mobile or manufactured home to deposit as security in
11 case of damage caused by the resident in excess of ordinary wear and tear.

12 ~~(17)~~ (20) "Standards for mobile and manufactured homes" means any written,
13 nondiscriminatory minimum specifications for structural soundness, safety, and habitability
14 adopted by the department or any other government agency.

15 SECTION 2. Chapter 31-44 of the General Laws entitled "Mobile and Manufactured
16 Homes" is hereby amended by adding thereto the following section:

17 **31-44-3.3. Future qualified sale of mobile and manufactured home community. –**
18 The qualified sale of a mobile or manufactured home community to a resident-owned
19 organization is exempt from the real estate conveyance tax imposed under chapter 44-25.

20 SECTION 3. Section 44-25-2 of the General Laws in Chapter 44-25 entitled "Real Estate
21 Conveyance Tax" is hereby amended to read as follows:

22 **44-25-2. Exemptions. --** (a) The tax imposed by this chapter does not apply to any
23 instrument or writing given to secure a debt.

24 (b) The tax imposed by this chapter does not apply to any deed, instrument, or writing
25 wherein the United States, the state of Rhode Island or its political subdivisions are designated the
26 grantor.

27 (c) The tax imposed by this chapter does not apply to any deed, instrument, or writing
28 which has or shall be executed, delivered, accepted, or presented for recording in furtherance of
29 or pursuant to that certain master property conveyance contract dated December 29, 1982, and
30 recorded in the land evidence records of the city of Providence on January 27, 1983 at 1:30 p.m.
31 in book 1241 at page 849, and relating to the capital center project in the city of Providence.

32 (d) The qualified sale of a mobile or manufactured home community to a resident-owned
33 organization as defined in section 31-44-1 is exempt from the real estate conveyance tax imposed
34 under this chapter.

1 SECTION 4. This act shall take effect upon passage.

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EXPLANATION
BY THE LEGISLATIVE COUNCIL
OF

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- 1 This act would provide that qualified sales of mobile and manufactured home parks to
- 2 resident-owned organizations shall be exempt from the real estate conveyance tax.
- 3 This act would take effect upon passage.

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