

§9094. Restrictions on sale or removal of mobile homes

1. Park acting as agent; advertising. No mobile home park owner or operator may:

A. Exact a commission or fee with respect to the price realized by the seller of the mobile home unless the park owner or operator has acted as agent for the mobile home owner in the sale under a written contract; [PL 1989, c. 104, Pt. B, §3 (NEW); PL 1989, c. 104, Pt. C, §§8, 10 (AMD).]

B. Require as a condition of tenancy or continued tenancy that a mobile home owner designate the park owner or operator or any other individual or agent to act as agent for the mobile home owner in the sale of the mobile home; or [PL 1989, c. 104, Pt. B, §3 (NEW); PL 1989, c. 104, Pt. C, §§8, 10 (AMD).]

C. Restrict in any manner the reasonable advertising for sale of any mobile home in that park, except that the mobile home owner shall notify the park owner or operator before placing a "for sale" sign or other form of advertising within the mobile home park. [PL 1989, c. 104, Pt. B, §3 (NEW); PL 1989, c. 104, Pt. C, §§8, 10 (AMD).]

[PL 1989, c. 104, Pt. B, §3 (RPR); PL 1989, c. 104, Pt. C, §§8, 10 (AMD).]

2. Rules. No mobile home park owner or operator may require a mobile home to be removed from the park except pursuant to a rule contained in the written copy of park rules given to the tenant under section 9097, subsection 4. The rules shall clearly describe the standards under which the park owner or operator may require a tenant to remove a mobile home from the park.

A. These standards shall specify, but are not limited to, fair and reasonable rules governing the conditions of:

- (1) Protective exterior coating or siding;
- (2) Roof;
- (3) Windows and doors;
- (4) Plumbing, heating and electrical systems;
- (5) Anchoring system;
- (6) Skirting around the base;
- (7) Steps and handrails;
- (8) Porches, decks or other additions to the home and the exterior structure;
- (9) Width of home, if less than 11 feet, 6 inches;
- (10) Aesthetic appearance;
- (11) Smoke detectors wired into the electrical system; and
- (12) Other aspects of the structural safety or soundness of the home. [PL 1989, c. 104, Pt. B, §3 (RPR); PL 1989, c. 104, Pt. C, §§8, 10 (AMD).]

B. The park owner or operator has the burden of proof to show that the mobile home does not meet the standards of the rules adopted under this subsection. [PL 1989, c. 104, Pt. B, §3 (RPR); PL 1989, c. 104, Pt. C, §§8, 10 (AMD).]

B-1. [PL 1989, c. 678, §1 (NEW); MRSA T. 10 §9094, sub-§2, ¶ B-1 (RP).]

B-2. At the time of sale or change in the principal occupant of a mobile home, the mobile home park owner or operator may require the owner of the home, if built before June 15, 1976, to provide evidence that the home meets the Manufactured Housing Board's standard for used manufactured housing. The mobile home owner may demonstrate compliance with the standard by providing the

park owner or operator with a report signed by the following persons and indicating that the home complies with the standard's specifications regarding those aspects of the home inspected:

- (1) A licensed electrician who inspected the home's electrical system;
- (2) A person licensed to repair the home's heating system who inspected the home's heating system; and
- (3) A certified professional engineer who inspected the home for safety and structural soundness.

Signature of the report may not be construed for any purpose as an endorsement that the home meets provisions of the standard other than those for which the inspection was conducted. A park owner who receives a signed report indicating that the home complies may not require removal of a home under this section on the basis of fire safety or the safety of the home. [PL 1993, c. 642, §39 (NEW).]

C. No aesthetic standard may be applied against the mobile home if the standard relates to physical characteristics such as size, except as provided in paragraph A, subparagraph (9), original construction materials or color which cannot be changed without undue financial hardship to the mobile home owner. [PL 1989, c. 104, Pt. B, §3 (NEW); PL 1989, c. 104, Pt. C, §§8, 10 (AMD).]

D. Neither age of the mobile home nor the standards established under the National Manufactured Housing Construction and Safety Standards Act of 1974, United States Code, Title 42, Chapter 70, shall by themselves be a sufficient standard for a park owner or operator to require removal of a mobile home. [PL 1989, c. 104, Pt. B, §3 (NEW); PL 1989, c. 104, Pt. C, §§8, 10 (AMD).]

E. No mobile home park owner or operator may be liable for any claim or any damages of any kind arising from the presence in the park of a mobile home manufactured before June 15, 1976. [PL 1989, c. 104, Pt. B, §3 (NEW); PL 1989, c. 104, Pt. C, §§8, 10 (AMD).]

F. The Manufactured Housing Board, in conjunction with the State Fire Marshal, the Department of the Attorney General, representatives of the manufactured housing industry, representatives of mobile home park owners or operators and representatives of mobile home owners and tenants, shall develop recommendations concerning the standards for rules covered by this subsection. The recommendations shall include standards designed to ensure the safety of the mobile home and its occupants, while being objective and measurable to provide for enforcement. The recommendations shall be made to the joint standing committees of the Legislature having jurisdiction over legal affairs and business legislation by January 15, 1990. [PL 1989, c. 104, Pt. B, §3 (NEW); PL 1989, c. 104, Pt. C, §§8, 10 (AMD).]

F-1. The Manufactured Housing Board shall adopt rules under Title 5, chapter 375, establishing a used manufactured home standard no later than December 1, 1990. The standard must cover all equipment and installations in the construction, the plumbing, heat-producing and electrical systems and fire safety of used manufactured homes that are designed to be used as dwellings. The standard must seek to ensure that used manufactured homes do not present an imminent and unreasonable risk of death or serious personal injury. [PL 1989, c. 678, §2 (NEW).]

F-2. The Manufactured Housing Board shall report to the joint standing committee of the Legislature having jurisdiction over legal affairs on the implementation of paragraph B-1 and any changes to the used manufactured home standard no later than January 1, 1992. [PL 1989, c. 678, §2 (NEW).]

G. [PL 1989, c. 678, §3 (RP).]
[PL 1993, c. 642, §39 (AMD).]

3. Buyer's right of rescission. The buyer of a mobile home located in a mobile home park may rescind the contract for the purchase of the mobile home within 30 days of execution of the contract if:

A. At the time of entering into the contract, the seller or the seller's agent represented to the buyer or the buyer's agent that the mobile home may remain in that mobile home park; and [PL 1989, c. 104, Pt. B, §3 (NEW); PL 1989, c. 104, Pt. C, §§8, 10 (AMD).]

B. The buyer is not permitted to keep the mobile home in that mobile home park or the buyer is not accepted as a tenant in that mobile home park. [PL 1989, c. 104, Pt. B, §3 (NEW); PL 1989, c. 104, Pt. C, §§8, 10 (AMD).]

[PL 1989, c. 104, Pt. B, §3 (NEW); PL 1989, c. 104, Pt. C, §§8, 10 (AMD).]

4. Interference with sale. A mobile home park owner may not unreasonably interfere with or discourage a tenant's attempt to sell a mobile home situated on a park lot.

[PL 1997, c. 213, §1 (NEW).]

SECTION HISTORY

PL 1987, c. 737, §§B1,C106 (NEW). PL 1989, c. 6 (AMD). PL 1989, c. 9, §2 (AMD). PL 1989, c. 104, §B3 (RPR). PL 1989, c. 104, §§C8,C10 (AMD). PL 1989, c. 678, §§1-3 (AMD). PL 1993, c. 642, §39 (AMD). PL 1997, c. 213, §1 (AMD).

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