

1 H.92

2 Introduced by Representatives Botzow of Pownal, Baker of West Rutland,  
3 Marcotte of Coventry, Moran of Wardsboro, Obuchowski of  
4 Rockingham, Ram of Burlington, Savage of Swanton, South of  
5 St. Johnsbury and Stevens of Waterbury

6 Referred to Committee on

7 Date:

8 Subject: Commerce; purchase of mobile homes and real property; rent-to-own  
9 agreements

10 Statement of purpose: This bill proposes to require a contract and certain  
11 contract provisions for the purchase of a mobile home or real property on a  
12 rent-to-own basis.

13 An act relating to rent-to-own agreements

14 It is hereby enacted by the General Assembly of the State of Vermont:

15 Sec. 1. 10 V.S.A. § 6204(d) is amended to read:

16 (d) ~~A mobile home occupied on the basis of a lease purchase or “rent to~~  
17 ~~own” contract shall be subject to the provisions of 9 V.S.A. chapter 59. An~~  
18 ~~agreement to transfer a mobile home on a lease-purchase or “rent-to-own”~~  
19 ~~basis that is not financed as residential real estate under subsection 2603(b) of~~  
20 ~~Title 9 shall constitute a “retail installment transaction,” as defined in~~

1 subsection 2351(4) of Title 9, and shall be unenforceable unless evidenced by a  
2 written retail installment contract and a uniform mobile home bill of sale  
3 consistent with the provisions of chapters 59 and 72 of Title 9 and section 5079  
4 of Title 32.

5 Sec. 2. 10 V.S.A. § 6254(d) is added to read:

6 (d) On or before February 1 of each year, a park owner shall provide to the  
7 municipality in which the mobile home park is located the name and address of  
8 the owner or owners of each mobile home located in the park as of the first day  
9 of the municipality's fiscal year and of each mobile home removed from the  
10 park within the previous year. The commissioner may enforce filing of the  
11 information required in this subsection. An owner who fails to timely file the  
12 information required may be fined not more than \$250.00 per violation. Any  
13 penalties levied may be allocated to the special fund created under subsection  
14 (c) of this section.

15 Sec. 3. 9 V.S.A. § 2355(h) is added to read:

16 (h) A retail installment contract for the sale of a mobile home shall contain,  
17 in a bold type size equal to at least 14 points, the following provision on the  
18 first page of the contract:

19 This contract is for the purchase of a mobile home. By signing this  
20 contract, you become the owner of the mobile home and are responsible for the  
21 maintenance and repair of the property. As the owner, you may become

1 responsible for any unpaid taxes or liens incurred by previous owners, and it is  
2 your responsibility to determine whether any outstanding taxes, liens, or other  
3 obligations are owed on the property before signing this contract.

4 Sec. 4. 27 V.S.A. § 544 is added to read:

5 § 544. EQUITABLE MORTGAGE

6 A contract to sell real property, under which the seller agrees to execute a  
7 deed at a future date on condition that the purchaser makes one or more  
8 payments to be applied to the purchase obligation of the property, whether  
9 denominated as a contract for deed, lease-purchase agreement, rent-to-own  
10 agreement, or similar instrument, shall vest in the purchaser an equitable  
11 mortgage interest in the property. In the event of an alleged breach of the  
12 contract, the seller's sole remedy shall be foreclosure of the equitable mortgage  
13 pursuant to subchapter 6 of chapter 163 of Title 12 and Rule 80.1 of the  
14 Vermont Rules of Civil Procedure.

15 Sec. 5. 32 V.S.A. § 5079(b) is amended to read:

16 (b) An owner of a mobile home, except those held for sale by a  
17 manufacturer, distributor or dealer that are stored or displayed on a sales lot  
18 and are not connected to utilities, may not sell, trade, transfer, or move the  
19 home without a mobile home uniform bill of sale endorsed by the clerk of the  
20 municipality in which it is located. The clerk shall not endorse the mobile  
21 home uniform bill of sale unless all property taxes assessed with regard to the

1 mobile home, but not the mobile home site if separately owned, have been  
2 paid. In the case of removal of a mobile home from the municipality, or of a  
3 sale, trade, or transfer that will result in the removal of the mobile home from  
4 the municipality, the ~~clerk shall not endorse the mobile home uniform bill of~~  
5 ~~sale unless all property taxes assessed with regard to the mobile home, but not~~  
6 ~~the mobile home site, have been paid.~~ The owner of the mobile home shall file  
7 a copy of the endorsed mobile home bill of sale with the clerk of the new  
8 municipality within 10 days of the date on which the mobile home is moved  
9 into the new municipality. Where ownership of an abandoned mobile home is  
10 transferred pursuant to a court order issued pursuant to 10 V.S.A. § 6249, the  
11 order shall not constitute a release of the mobile home from any lien for  
12 penalties, interest and taxes due the town to the date of the bill of sale, prorated  
13 as of that date. Where ownership of an abandoned mobile home is transferred  
14 pursuant to 10 V.S.A. § 6249 to an owner who certifies to the court that the  
15 mobile home will be disposed of, the order shall not constitute a release of the  
16 mobile home from any lien for taxes due the town and an authorization to  
17 remove the mobile home from the town for the purpose of disposal.

18 Sec. 6. EFFECTIVE DATE

19 This act shall take effect upon passage.