

1 TO THE HOUSE OF REPRESENTATIVES:

2 The Committee on General, Housing & Military Affairs to which was
3 referred House Bill No. 123 entitled “An act relating to mobile home parks,
4 habitability standards, and compliance” respectfully reports that it has
5 considered the same and recommends that

6 Sec. 1. 10 V.S.A. § 6205 is amended to read:

7 § 6205. ENFORCEMENT; PENALTIES

8 (a) ~~Any person who violates or fails to comply with this chapter or with~~
9 ~~any conditions, restrictions, or limitations contained in a permit issued under~~
10 ~~this chapter shall be fined not more than \$1,000.00 or imprisoned for not more~~
11 ~~than six months, or both~~ A mobile home park owner who violates or fails to
12 comply with a provision of this chapter a violation of 9 V.S.A. § 2453.

13 (b) ~~The superior court for the county in which a violation of this chapter~~
14 ~~occurs shall have jurisdiction, on application by the department in the case of~~
15 ~~violations of sections 6236–6243 of this title, to enjoin and restrain the~~
16 ~~violation, but any election by the department to proceed under this subsection~~
17 ~~shall not limit or restrict the authority of the state to prosecute for the offense~~
18 ~~under subsection (a) of this section~~ If a mobile home park owner violates this
19 chapter, the Department shall have the authority:

20 (1) to impose an administrative penalty of up to \$5,000.00 per violation;

1 (2) to bring a civil action for damages or injunctive relief, or both, in the
2 Superior Court for the unit in which a violation occurred; and
3 (3) to refer a violation to the Attorney General or State’s Attorney for
4 enforcement pursuant to subsection (a) of this section.

5 (c)(1) A leaseholder may bring an action against the park owner for a
6 violation of sections 6236–6243 of this title.

7 (2) The action shall be filed in ~~superior court~~ Superior Court for the unit
8 in which the alleged violation occurred.

9 (3) No action may be commenced by the leaseholder unless the
10 leaseholder has first notified the park owner of the violation by certified mail at
11 least 30 days prior to bringing the action.

12 (4) During the pendency of an action brought by a leaseholder, the
13 leaseholder shall pay rent in an amount designated in the lease, or as provided
14 by law, which rental amount shall be deposited in an escrow account as
15 directed by the ~~court~~ Court.

16 Sec. 2. 10 V.S.A. chapter 153, subchapter 3 is amended to read:

17 Subchapter 3. Habitability

18 * * *

19 § 6262. PARK OWNER OBLIGATIONS; WARRANTY OF
20 HABITABILITY; RULES

1 (a) In any lot rental agreement, the park owner shall be deemed to covenant
2 and warrant to deliver over and maintain, throughout the period of the tenancy,
3 premises which are safe, clean, and fit for human habitation. This warranty
4 requires the park owner to provide adequate and reliable utility services,
5 including safe electrical service, potable water, and sewage disposal to a
6 location on each lot from which these utilities can be connected to the mobile
7 home. The warranty also requires the park owner to assure that the roads,
8 common areas, and facilities within the mobile home park are safe and fit for
9 the purpose for which they were reasonably intended.

10 (b) The ~~department~~ Department, in cooperation with the ~~agency of natural~~
11 ~~resources, the department of public safety and the department of health~~ Agency
12 of Natural Resources, the Department of Public Safety, and the Department of
13 Health, shall, by rule, adopt standards for safety, cleanliness and fitness for
14 human habitation regarding the rental of a mobile home lot within a mobile
15 home park.

16 (c) No rental agreement shall contain any provision by which the
17 leaseholder waives the protections of the implied warranty of habitability. Any
18 such waiver shall be deemed contrary to public policy and shall be
19 unenforceable and void.

20 § 6263. HABITABILITY; LEASEHOLDER REMEDIES

1 (a)(1) If the mobile home park owner fails to comply with the obligation of
2 habitability, the park owner shall be deemed to have notice of the
3 noncompliance if the park owner receives actual notice of the noncompliance
4 from the leaseholder, a governmental entity, or a qualified independent
5 inspector.

6 (2) If the park owner has received notice from any of those sources and
7 fails to make repairs within a reasonable time and the noncompliance
8 materially affects health and safety, the leaseholder may pursue any of the
9 following remedies:

10 (1)(A) ~~Withhold~~ withhold payment of lot rent during the period of
11 the noncompliance;

12 (2)(B) ~~Obtain~~ obtain injunctive relief;

13 (3)(C) ~~Recover~~ recover damages, costs, and reasonable ~~attorney~~
14 attorney's fees; or

15 (4)(D) ~~Terminate~~ terminate the rental agreement on reasonable
16 notice.

17 (b)(1) For purposes of subdivision (a)(2) of this section, a mobile home
18 park owner's failure to maintain the roads within a mobile home park in a
19 condition that reasonably ensures access by emergency vehicles shall be
20 deemed noncompliance that materially affects health and safety.

1 (2) This subsection does not require a mobile home park owner to create
2 a new road or other improvement, or to modify an existing road or other
3 improvement, within an existing mobile home park.

4 (c) The remedies under this section are not available to a leaseholder if the
5 noncompliance was caused by the negligent or deliberate act or omission of the
6 leaseholder or of a person on the premises with the leaseholder's consent.

7 § 6264. MINOR DEFECTS; REPAIR AND DEDUCT

8 (a)(1) If the park owner fails to repair a minor defect or noncompliance
9 with this chapter or noncompliance with a material provision of the rental
10 agreement within 30 days of receipt of written notice, the leaseholder may
11 repair the defect or noncompliance and deduct from the rent the actual and
12 reasonable cost, not to exceed one-half of one month's lot rent.

13 (2) No major work on water, sewer, or electrical systems may be
14 performed under this section.

15 (3) The leaseholder shall provide the owner with written notice of the
16 cost of the repair or service when the cost is deducted from the rent.

17 (4) The leaseholder shall be responsible for any damage caused by the
18 repair or attempts to repair.

19 (b) The remedies under this section are not available to a leaseholder if the
20 noncompliance was caused by the negligent or deliberate act or omission of the
21 leaseholder or a person on the premises with the leaseholder's consent.

1 Sec. 3. EFFECTIVE DATE

2 This act shall take effect on July 1, 2015.

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9 (Committee vote: _____)

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Representative _____

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FOR THE COMMITTEE