

1 TO THE HONORABLE SENATE:

2 The Committee on Economic Development, Housing and General Affairs to  
3 which was referred House Bill No. 123 entitled “An act relating to mobile  
4 home parks, habitability standards, and compliance” respectfully reports that it  
5 has considered the same and recommends that the Senate propose to the House  
6 that the bill be amended by striking out all after the enacting clause and  
7 inserting in lieu thereof the following:

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

9 § 6205. ENFORCEMENT; PENALTIES

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

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



1 § 6262. PARK OWNER OBLIGATIONS; WARRANTY OF  
2 HABITABILITY; RULES

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

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

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

1 § 6263. HABITABILITY; LEASEHOLDER REMEDIES

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

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

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

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

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

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

18 (b)(1) For purposes of subdivision (a)(2) of this section, a mobile home  
19 park owner's failure to maintain the roads within a mobile home park in a  
20 condition that reasonably ensures access by emergency vehicles shall be  
21 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. 10 V.S.A. § 6237 is amended to read:

2 § 6237. EVICTIONS

3 \* \* \*

4 (e) A judgment order of eviction pursuant to this section shall provide that  
5 a leaseholder shall sell a mobile home or remove a mobile home from the  
6 mobile home park:

7 (1) within three months from the date of execution of a writ of  
8 possession pursuant to 12 V.S.A. chapter 169; or

9 (2) within another period ordered by the court in its discretion.

10 (f) A leaseholder evicted pursuant to this section shall continue to be  
11 responsible for lot rent that accrues until the mobile home is sold or removed  
12 from the mobile home park.

13 (g) A park owner shall serve notice of eviction proceedings pursuant to this  
14 section and 12 V.S.A. chapter 169 to the leaseholder and to any occupants  
15 known to the park owner residing in the mobile home.

16 Sec. 4. 10 V.S.A. § 6248 is amended to read:

17 § 6248. ABANDONMENT OF MOBILE HOME IN MOBILE HOME PARK

18 (a) A resident or owner of a mobile home in a mobile home park shall be  
19 deemed to have abandoned the mobile home if all the following conditions  
20 exist:

1           (1)(A) ~~A~~ a reasonable person would believe that the mobile home is not  
2 occupied as a residence;

3           ~~(2)(B) The~~ the rent for the lot is at least 30 days delinquent; and

4           ~~(3)(C) The~~ the park owner has attempted to contact the resident or  
5 owner at the resident or owner's home, last known place of employment, and  
6 last known mailing address without success; or

7           (2) the owner of the mobile home has been evicted from the mobile  
8 home park pursuant to 10 V.S.A. § 6237 and the owner has failed to remove or  
9 sell the mobile home within three months after the execution of a writ of  
10 possession pursuant to 12 V.S.A. chapter 169 or as otherwise ordered by the  
11 court in the ejectment action.

12           ~~(b) Abandonment of a mobile home shall be deemed to be a substantial~~  
13 ~~violation of the lease terms and may result in immediate eviction proceedings.~~

14           ~~(e)~~ A mobile home park owner may not commence an action pursuant to  
15 section 6249 of this title to sell an abandoned mobile home on which there are  
16 delinquent property taxes until 20 days after the date the park owner sends  
17 notice of the park owner's intent to commence the action to the town clerk and  
18 the tax collector of the town in which the mobile home is located by certified  
19 mail, return receipt requested.

20           Sec. 5. EFFECTIVE DATE

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

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3 (Committee vote: \_\_\_\_\_)

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Senator \_\_\_\_\_

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FOR THE COMMITTEE