

2014 -- S 2575

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LC004874  
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STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2014

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A N A C T

RELATING TO MOTOR AND OTHER VEHICLES -- MOBILE AND MANUFACTURED  
HOMES

Introduced By: Senators P Fogarty, Cool Rumsey, Ottiano, Nesselbush, and Kettle

Date Introduced: March 04, 2014

Referred To: Senate Commerce

It is enacted by the General Assembly as follows:

1 SECTION 1. Section 31-44-3 of the General Laws in Chapter 31-44 entitled "Mobile and  
2 Manufactured Homes" is hereby amended to read as follows:

3 **31-44-3. Rules and regulations.** -- The following requirements and restrictions shall  
4 apply to all mobile and manufactured home parks:

5 (1) A mobile and manufactured home park licensee shall promulgate reasonable rules  
6 and regulations which shall specify standards for mobile and manufactured homes in the park,  
7 entry requirements, and rules governing the rental or occupancy of a mobile and manufactured  
8 home lot and mobile and manufactured home park;

9 (2) Current rules and regulations promulgated by a mobile and manufactured home park  
10 licensee shall be delivered by the licensee to a prospective resident prior to entering into a rental  
11 agreement, and to the resident(s) as soon as promulgated and whenever revised. A copy of the  
12 rules and regulations shall be filed with the director and posted in a conspicuous place in the  
13 mobile and manufactured home park;

14 (3) Any rule or change in rent which does not apply uniformly to all mobile and  
15 manufactured home residents of a similar class shall create a rebuttable presumption that the rule  
16 or change in rent is unreasonable;

17 (4) (i) A mobile and manufactured home park licensee shall not impose any conditions  
18 of rental or occupancy which restricts the mobile and manufactured home owner in his or her

1 choice of a seller of fuel, furnishings, goods, services, accessories, or other utilities connected  
2 with the rental or occupancy of a mobile and manufactured home lot.

3 (ii) The licensee who purchases electricity or gas (natural, manufactured, or similar  
4 gaseous substance) from any public utility or municipally owned utility or who purchases water  
5 from a water system for the purpose of supplying or reselling the electricity or gas to any other  
6 person to whom he leases, lets, rents, subleases, sublets, or subrents the premises upon which the  
7 electricity, gas, or water is to be used shall not charge, demand, or receive directly or indirectly,  
8 any amount for the resale of any electricity, gas, or water greater than that amount charged by the  
9 public utility or municipally owned utility from which the electricity, or gas was purchased or by  
10 the public water system from which the water was purchased.

11 (iii) However, if the licensee incurs costs in bringing the utility service to individual  
12 units, or in utilizing individual meters or in some similar cost, the licensee will be entitled to a  
13 return for the investment.

14 (iv) The park operator shall post in a conspicuous place the prevailing utility rate  
15 schedule as published by the serving utility;

16 (5) If any mobile and manufactured home park licensee adds, changes, deletes, or  
17 amends any rule governing the rental or occupancy of a mobile and manufactured home lot in a  
18 mobile and manufactured home park, a new copy of all those rules shall be furnished to all  
19 mobile and manufactured home residents in the park, and filed with the department for its review,  
20 recommendations, and recording for future reference at least forty-five (45) days prior to the  
21 effective date of the addition, change, deletion, or amendment. The new copy furnished to the  
22 resident shall be signed by both the mobile and manufactured home park owner and the mobile  
23 and manufactured home park resident. Any mobile park resident who believes that said rule  
24 change is in violation of the chapter may file a complaint with the director in accordance with  
25 section 31-44-17. Said complaint shall be filed within twenty (20) days of receipt of written  
26 notice of said change. Said complaint shall specify the rule in dispute and contain the basis by  
27 which said change violates this chapter.

28 (6) If any mobile and manufactured home park licensee changes the rent or fees  
29 associated with a mobile and manufactured home lot, notice of the change shall be given to the  
30 mobile and manufactured home resident at least sixty (60) days prior to the effective date of the  
31 change. Any mobile park resident who believes that said rule change is in violation of this chapter  
32 may file a complaint with the director in accordance with section 31-44-17. Said complaint shall  
33 be filed within twenty (20) days after receipt of written notice of said change. The complaint shall  
34 specify the basis by which said change violates this chapter.

1           (7) The owners of individual mobile and manufactured homes shall be entitled to have as  
2 many occupants in their homes as is consistent with the number of bedrooms and/or bed spaces  
3 certified by the manufacturer; provided that the occupancy does not violate any provision of the  
4 general laws or other municipal regulations. All bedrooms shall consist of a minimum of fifty  
5 (50) square feet of floor area and bedrooms designed and certified for two (2) or more people  
6 shall consist of seventy (70) square feet of floor area plus fifty (50) square feet for each person in  
7 excess of two (2). If there is sufficient bed space, according to the criteria set forth in this  
8 subdivision, additional rent or charges may not be imposed by a park owner or manager for any  
9 person or persons moving in with current resident owners of a mobile and manufactured home;

10           (8) A prospective resident shall not be charged an entrance fee for the privilege of  
11 leasing or occupying a mobile and manufactured home lot, except as provided in section 31-44-4;  
12 provided, that when a mobile and manufactured home is transported onto the mobile and  
13 manufactured home park, an entrance fee may be charged. However, if the park owner received a  
14 commission for the sale of the mobile and manufactured home, no entrance fee shall be charged.  
15 A reasonable charge for the fair value of the owner's cost in obtaining, preparing, and maintaining  
16 a lot or for the fair value of services performed in placing a mobile and manufactured home on a  
17 lot shall not be considered an entrance fee, but shall be deemed a hook-up fee or maintenance fee  
18 and shall be detailed in the fee schedule. No tenant, or person seeking space in a mobile and  
19 manufactured housing park, shall be required to purchase manufactured housing from any  
20 particular person unless the person designated is the park owner or operator and the requirement  
21 is imposed only in connection with the initial leasing or renting of a newly-constructed lot or  
22 space not previously leased or rented to any other person. A resident may remove and replace a  
23 mobile and manufactured home, provided, that the resident shall install the mobile and  
24 manufactured home in accordance with present park standards regarding structural requirements  
25 and aesthetic maintenance in the mobile and manufactured home park where the replacement  
26 occurs, and in accordance with minimum standards for mobile and manufactured homes  
27 established by the United States department of housing and urban development. No fee shall be  
28 charged by the licensee to residents as a result of the resident's installation of cable television;

29           (9) Prior to signing a lease a licensee shall dispose in writing to the prospective resident:

30           (i) The rental for the space or lot; and

31           (ii) Any charges, including service charges, imposed by the licensee. The licensee shall  
32 dispose the rent and charges which were in effect during the three (3) preceding years or the  
33 period during which the licensee has operated the mobile home park, whichever is shorter;

34           (10) A copy of the fee schedule shall be filed with the commission and posted in a

1 conspicuous place in the mobile and manufactured home park; and

2 (11) (i) A resident shall not be charged a fee for keeping a pet in a mobile and  
3 manufactured home park unless the park owner or management actually provides special facilities  
4 or services for pets. If special pet facilities are maintained by the park owner or management, the  
5 fee charged shall reasonably relate to the cost of maintenance of the facilities or services and the  
6 number of pets kept in the park.

7 (ii) If the park owner or management of a mobile and manufactured home park  
8 implements a rule or regulation prohibiting residents from keeping pets in the park, the new rule  
9 or regulation shall not apply to prohibit the residents from continuing to keep the pets currently in  
10 the park if the pet otherwise conforms with the previous park rules or regulations relating to pets.  
11 However, if the pet dies, the resident shall have the right to replace the pet.

12 (iii) Any rule or regulation prohibiting residents from keeping pets in a mobile and  
13 manufactured home park shall not apply to guide, signal, or service animals.

14 (12) Any board or commission vested with governing powers over a mobile or  
15 manufactured home community shall establish and/or adhere to fair and impartial guidelines and  
16 bylaws for conducting elections. The department is authorized to promulgate rules and  
17 regulations necessary to enforce the provisions of this chapter and any matter relative to the  
18 rules/regulations or the conduct so regulated which requires resolution shall be enforced in  
19 accordance with § 31-44-16.

20 SECTION 2. 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 boards or commissions with governing powers over mobile  
2 and manufactured homes offer fair and impartial elections and would require that matters which  
3 need conflict resolution be referred to the department of business regulation.

4           This act would take effect upon passage.

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