





# Overview of Policies

Although laws vary from state to state, manufactured home residents need more protections in *every* state.

## Rent

### Policies




-  **Rent Stabilization:** A maximum is set, usually a percentage, beyond which rent cannot be increased
-  **Rent Justification:** If rent is raised beyond a certain threshold, the landlord must explain why

### Example

- **(Law) New York 2019 SB 6458:** Annual rent increases are now capped at 3% of current rent, unless the MHC owner can provide justification under the law for an increase above that amount. However, in no situation may an MHC owner increase the rent by more than 6% annually (unless specifically granted temporary permission by a judge)
- **(Law) Humboldt County, California 2016 Ordinance 2569:** Annual rent increases based 100% of Consumer Price Index (CPI) and increases for capital improvements require all residents vote

## Maintenance

### Policies




-  **Community Improvement Plans:** MHC owner must give residents a plan itemizing what the MHC will maintain, fix, and improve in the upcoming year, with the anticipated costs and timelines
-  **Direct Government Involvement:** When MHCs are not kept safe and healthy, government agencies are given authority of enforcement over MHCs to take the burden off residents of having to go to court
-  **Warranty of Habitability:** MHC is deemed to guarantee that the premises are suitable to be lived in

### Examples

- **(Law) Colorado 2022 HB22-1287:** The Division of Housing, a government agency, can issue Cease and Desist orders to stop actions by an MHC owner that pose the potential for imminent harm
- **(Law) New York RPP § 235-B:** MHC owner is deemed to have guaranteed all areas inside an MHC are fit for human habitation; fit for the uses reasonably intended by the residents and the owner; and that the occupants of such premises shall not be subjected to any conditions which would be dangerous, hazardous or detrimental to their life, health, or safety. This applies to the leased or rented premises (including the MH if rented), including rent-to-own rentals, and all common areas in the community including all roads within the MHC

## Community-Friendly Models

### Policies

-  **Only Good Community Owners are Licensed:** Government licensing agencies have the authority to decide who gets licensed to manage an MHC and who gets to stay licensed
-  **Notification of Sales:** All residents should be notified when an MHC owner asks to change zoning or the use of the land as well as when an offer to buy is made or when MHC goes on the market
-  **Right of First Refusal:** Residents have the option to be first in line when their community goes on sale and the landlord must consider their offer in good faith; ideally, residents are allowed to assign this right to non-profits, government housing agencies, community land trusts, and tribal governments

## Examples

- **(Proposed) Michigan 2021 HB 4298:** Blocks licenses to MHC owners with histories of unfair business practices and unjustifiable rent increases
- **(Law) Fla. Stat. §723.081 & §723.071 :** All homeowners (or president of HOA) are given written notice within five days of filing for change in zoning. Also, when selling, MHC owner must notify the officers of the HOA that they are selling the park including terms and conditions of sale
- **(Proposed) New York 2022 SB 6085:** Currently, when an MHC decides to sell, the right of first refusal only kicks in when a prospective buyer wants to change the use of the land after purchase. This legislation removes this restrictive provision to give manufactured homeowner's right of first refusal when the park in which they reside is put up for sale regardless of land-use changes

## Fair Treatment

### Policies

- 🛡️ **Good Cause Required for Evictions and Nonrenewals:** MHC owner cannot evict or refuse to renew a lease for arbitrary, retaliatory, or discriminatory reasons, but only for reasons listed in the law
- 🛡️ **Reasonable Regulations:** New community rules must not be arbitrary, discriminatory, or demonstrably irrelevant to the goals they purport to achieve
- 🛡️ **Language Accessibility:** Leases and all other management documents available and enforceable in multiple languages and/or have translation and interpretation services available for use by residents and applicants for residency

### Examples

- **(Law) 25 Del. C. § 7009(b)(2):** Rental agreements renew automatically with the same terms (except rent amount or others by mutual written agreement) unless the situation falls into specific definitions known as “due cause” under § 7016 or § 7024 (AKA “just cause” or “good cause”)
- **(Law) Colorado 2022 HB22-1287:** Established criteria for when an MHC rule that limits a homeowner's right to control the use, appearance, and structure of their home is enforceable
- **(Proposed) Delaware 2022 SB 326:** Would have required the Department of Justice and the Office of the Manufactured Housing Ombudsperson to provide free and timely interpretation services and translation of vital documents like leases, evictions, home purchases, and foreclosures to people with “Limited English Proficiency” or disabilities

## Financing

### Policies

- 🛡️ **Change of Use Stipend:** When MHCs stop renting residential lots, they must provide ample notice, compensate the residents, and assist them with relocation of their homes when structurally possible
- 🛡️ **Rent-to-own Protections:** MHCs should be transparent and not take advantage of these residents
- 🛡️ **Protections as Terms of Federally-backed Loan Agreements:** When private equity companies take out GSE loans to buy MHCs, the MHC owner should be contractually required to protect residents' rights

### Examples

- **(Law) New York 2019 SB 6458:** Court can order an MHC owner to give each resident up to \$15,000 if the MHC is being sold and the land's use will be changed; other requirements include that rent-to-own agreements be in writing, there be no additional fees, itemized statements of payments, and that resident receives refunds of all rent-to-own payments if evicted
- **(Law) 12 U.S. Code § 4565:** GSEs must comply with federal Duty to Serve regulations to preserve affordable housing. Currently, Fannie Mae and Freddie Mac (i.e., the GSEs) require borrowers to implement eight basic protections, but they are insufficient to protect residents from abuses