## Bill as Introduced

#### HB 596 – AS INTRODUCED

#### 2011 SESSION

#### 11-0756 05/04

HOUSE BILL 596

AN ACT establishing a recommended procedure upon the abandonment or foreclosure of a manufactured home within a housing park.

SPONSORS: Rep. Emerton, Hills 7

COMMITTEE: Judiciary

#### ANALYSIS

This bill establishes a procedure for the tenants' association to pay association fees and maintenance costs for a manufactured home that has been abandoned or is in foreclosure, and to obtain a priority lien against the housing for such costs.

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Explanation:

Matter added to current law appears in **bold italics**. Matter removed from current law appears [<del>in brackets and struckthrough.</del>] Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.

#### HB 596 - AS INTRODUCED

11-0756 05/04

#### STATE OF NEW HAMPSHIRE

#### In the Year of Our Lord Two Thousand Eleven

AN ACT

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establishing a recommended procedure upon the abandonment or foreclosure of a manufactured home within a housing park.

Be it Enacted by the Senate and House of Representatives in General Court convened:

1 Regulation of Manufactured Housing Parks. Amend RSA 205-A:4-a, VII to read as follows:

· VII. A park owner or operator may commence eviction proceedings against a tenant at any  $\mathbf{2}$ time in accordance with the provisions of this chapter and may take possession of the space in the 3 park occupied by such tenant following the issuance of a writ of possession, provided that if there is 4 an eligible lienholder, it must be given written notice of the commencement of such proceedings and 5 the eligible lienholder does not elect to assume responsibility for the payment of the rent and other 6 charges within the 60-day period allowed by RSA 205-A:4-a, II. The park owner or operator shall 7have a lien on the manufactured housing of a tenant for the amount of all of the rent and other 8 charges due from the tenant and of reasonable moving costs and storage charges if the park owner or 9 operator removes the manufactured housing from the site, which lien shall take priority over all 10 prior liens other than *liens of the tenants' association*, liens on account of real estate taxes, and 11 liens of eligible lienholders except as otherwise provided in RSA 205-A:4-a, IV and V. Such lien of 12 the park owner or operator shall be in the nature of a security interest in manufactured housing as 13 provided in RSA 477:44, IV. The park owner or operator may sell the manufactured housing as 14 permitted by RSA 382-A:9 to recover the amount of its claim, subject to the homestead rights of the 15 tenant as provided in RSA 480:1 unless waived by the tenant. A tenant shall be deemed to have 16 waived the tenant's homestead rights if the tenant has executed a written waiver or if the rent and 17 other charges due from the tenant are more than 60 days in arrears and the tenant has abandoned 18 the premises, as evidenced by the absence of the tenant from the premises and the termination of 19 any utility service serving the premises. Upon sale of the manufactured housing, the park owner or 20 operator shall convey the manufactured housing by means of a deed or other document conforming to 21 the requirements of RSA 477:44. The board of selectmen or assessors of the city or town may issue a 22 statement that the manufactured housing may be relocated without the payment of the taxes 23assessed thereon as provided in RSA 80:2-a in the event the proceeds from the sale are insufficient to 24 pay the full amount of the property tax outstanding. The costs of sale pursuant to RSA 382-A:9 shall 25be deducted from the proceeds of the sale and paid to the seller. Nothing contained in this section 26 shall affect the obligations of the tenant to the park owner or operator under any rental or other 27 agreement or the park rules.  $\mathbf{28}$ 

29 2 New Paragraph; Lien of Tenants' Association. Amend RSA 205-A:4-a by inserting after 30 paragraph VII the following new paragraph:

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VIII. Upon initiating an eviction proceeding under paragraph VII, the park owner or 1 operator shall give notice of the proceeding to the tenants' association, if any. Within 3 months of 2 initiating a proceeding under paragraph VII, if the park owner, operator, or eligible lienholder has 3 not paid outstanding association fees or maintenance costs owed by the tenant, the tenants' 4 association may, upon a majority vote of the association, pay such fees and costs. The tenant's 5 association shall have a priority lien on the manufactured housing for the amount of any fees and 6 costs paid by the association. The lien shall be in the nature of a security interest in the 7 manufactured housing as provided in RSA 477:44, VI and shall take priority over all prior liens, 8 including those of the park owner or operator, other than liens on the account of real estate taxes 9 and liens of eligible lienholders except as otherwise provided in paragraphs VI and VII. 10

11 3 Effective Date. This act shall take effect July 1, 2011.

## Hearing Minutes

#### **PUBLIC HEARING ON HOUSE BILL 596**

BILL TITLE: establishing a recommended procedure upon the abandonment or foreclosure of a manufactured home within a housing park.

DATE: March 1, 2011

LOB ROOM: 208 Time Public Hearing Called to Order: 10:30 am

Time Adjourned: 10:45 am

#### (please circle if present)

Committee Members: Reps. Row, Sorp, Souza, Hagan Silva Andolina, Giuda, LaCasse McClarren Murphy, Palmer Peterson, Fregenza, Wheaton, Wall Potter, Weber and Watrous

Bill Sponsors: Rep. Emerton, Hills 7

#### TESTIMONY

Use asterisk if written testimony and/or amendments are submitted.

Rep. Watrous, introduced the bill.

Establish procedure upon abandonment and foreclosure of manufactured homes. Manufactured homes are mobile homes in a mobile home park.

Jodi Grimbilus, Bianco Professional Association - opposes

She represents the New Hampshire Manufactured Housing Association.

If a home is abandoned by owner, how are the taxes paid? Law states it is the homeowner. Mobile park in Ossippee, NH wanted the home removed. Town said to pay taxes first. Park did not want to pay the taxes. Who should pay? The Municipal and County Government Committee have a similar bill and have retained it for further study.

Christiana Thornton, New Hampshire Bankers Association - opposes

Has issues in statutes are being looked at in the Municipal and County Government. Lines 10-12, current lien holder, lender could lose lien holder status. More work needs to be done.

Respectfully Submitted,

in

Rep. Lenette M. Peterson

#### **PUBLIC HEARING ON HOUSE BILL 596**

BILL TITLE: establishing a recommended procedure upon the abandonment or foreclosure of a manufactured home within a housing park.

DATE: 2011 3-1-11

208

LOB ROOM:

Time Public Hearing Called to Order:

10:300m) -m 10:45

Time Adjourned: {Time}

(please circle if present)

Committee Members: Reps. Rowe Sorg Souza, Hagan Silva, Andolina, Giuda, LaCasse, McClarren Murphy Palmer, Peterson Tregenza, Wheaton, Wall, Potter, Wall and Watrows.

Bill Sponsors: Rep. Emerton, Hills 7

#### TESTIMONY

\* Use asterisk if written testimony and/or amendments are submitted. Rep. Watrovs- in tooduced the bill-establish procedure upon a bandonment or foreclosvie. Manufactured homes are mobile homes in a mobile home Jodi brimbilus- (0) If a home is abandoned by owner, how NH Manufactured Hows Assoc. are the taxes paid? how states its Me home owner. Ossiple & prote the home owner. Ossiple , town said park. Respectfully Submitted, have a structure bill and have retained it for Further Study.

ep. Lenette M. Peterson

Christing Thornton (0) - issues in statutes are being looked. NH Benkers Assn at Municipal + County. Lines 10-12current lien holder, lender could lose lien holder status. More work needs · · · · to be done -

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## Voting Sheets

#### **EXECUTIVE SESSION on HB 596**

BILL TITLE:	establishing a recommended procedure upon the abandonment or foreclosure of a
	manufactured home within a housing park.

DATE: March 1, 2011

LOB ROOM: 208

#### Amendments:

Sponsor: Rep.	OLS Document #:
Sponsor: Rep.	OLS Document #:
Sponsor Rep.	OLS Document #:

Motions:

OTP, OTP/ ITL, Interim Study (Please circle one.)

Moved by Rep. Silva

Seconded by Rep. Wall

Vote: 15-0 (Please attach record of roll call vote.)

Motions:

OTP, OTP/A, ITL, Interim Study (Please circle one.)

Moved by Rep.

Seconded by Rep.

Vote: (Please attach record of roll call vote.)

CONSENT CALENDAR VOTE: (YES

(Vote to place on Consent Calendar must be unanimous.)

Statement of Intent:

Refer to Committee Report

spectfully submitted on, Clerk

NO

#### **EXECUTIVE SESSION on HB 596**

BILL TITLE: establishing a recommended procedure upon the abandonment or foreclosure of a manufactured home within a housing park.

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208

LOB ROOM:

#### Amendments:

Sponsor: Rep.	OLS Document #:
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Sponsor: Rep.	OLS Document #:

<u>Motions</u> :	OTP, OTP/A, TDInterim Study (Please circle one.)
, Mov	ed by Rep. Silva
Seco	nded by Rep. Wall

Vote: 15-0 (Please attach record of roll call vote.)

Motions:

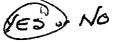
OTP, OTP/A, ITL, Interim Study (Please circle one.)

Moved by Rep.

Seconded by Rep.

Vote: (Please attach record of roll call vote.)

CONSENT CALENDAR VOTE:



(Vote to place on Consent Calendar must be unanimous.)

Statement of Intent:

Refer to Committee Report

Respectfully submittee eterson, Clerk

## JUDICIARY

PH Date: 3 / / / //	Exec Session 1	Date: <u>3 / / / / /</u>
Motion: 172	Amendment #	
MEMBER	YEAS	NAYS
Rowe, Robert H, Chairman		
Sorg, Gregory M, V Chairman	~	
Souza, Kathleen F	~	
Hagan, Joseph M		
Silva, Peter L		
Andolina, Donald C		
Giuda, J. Brandon		
LaCasse, Paul D		
McClarren, Donald B		
Murphy, Brian JX		
Palmer, Barry J		
Peterson, Lenette M		
Tregenza, Norman A		
Wheaton, Gary W	$\sim$	
Wall, Janet G		
Potter, Frances D		
Weber, Lucy M		· · · · · · · · · · · · · · · · · · ·
Watrous, Rick H		
	15-0	
	19.0	
FOTAL VOTE: Printed: 1/4/2011		

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Printed: 1/4/2011

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# Committee Report

## CONSENT CALENDAR

### March 1, 2011

## HOUSE OF REPRESENTATIVES

## **REPORT OF COMMITTEE**

The Committee on <u>JUDICIARY</u> to which was referred HB 596,

AN ACT establishing a recommended procedure upon the abandonment or foreclosure of a manufactured home within a housing park. Having considered the same, report the same with the following Resolution: RESOLVED, That it is INEXPEDIENT TO LEGISLATE.

Rep. Peter L. Silva

## FOR THE COMMITTEE

Original: House Clerk Cc: Committee Bill File

### **COMMITTEE REPORT**

Committee:	JUDICIARY
Bill Number:	HB596
Title:	establishing a recommended procedure upon the abandonment or foreclosure of a manufactured home within a housing park.
Date:	March 1, 2011
Consent Calendar:	YES
Recommendation:	INEXPEDIENT TO LEGISLATE

#### STATEMENT OF INTENT

This bill was voted unanimously Inexpedient to Legislate. Committee members felt this was the best vote because HB 232, relative to abandoned homes in manufactured housing parks, is currently in Municipal and County Government for further study during the summer.

Vote 15.0.

Rep. Peter L Silva FOR THE COMMITTEE

Original: House Clerk Cc: Committee Bill File

#### CONSENT CALENDAR

#### JUDICIARY

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HB 596, establishing a recommended procedure upon the abandonment or foreclosure of a manufactured home within a housing park. INEXPEDIENT TO LEGISLATE. Rep. Peter L. Silva for JUDICIARY. This bill was voted unanimously Inexpedient to Legislate. Committee members felt this was the best vote because HB 232, relative to abandoned homes in manufactured housing parks, is currently in Municipal and County Government for further study during the summer. Vote 15-0.

Original: House Clerk Cc: Committee Bill File

**GOMMITTEE REPORT** COMMITTEE: **BILL NUMBER:** 1C/mmnAp TITLE: DATE: CONSENT CALENDAR: YES NO on the same **OUGHT TO PASS** Amendment No. OUGHT TO PASS W/ AMENDMENT INEXPEDIENT TO LEGISLATE INTERIM STUDY (Available only 2<sup>nd</sup> year of biennium) STATEMENT OF INTENT: 10 m Minde Л COMMITTEE VOTE: RESPECTFULLY SUBMITTED, · Copy to Committee Bill File Use Another Report for Minority Report Rep tee Rev. 02/01/07 - Yellow