

March 9, 2021

Testimony in Opposition of SB2159

Dear Chairman and Members of the Committee,

My name is Doug Vetter and I am the Community Manager for Tatley Meadows and Colonial Estates; two Havenpark Communities in Bismarck, ND.

I have been a resident of Tatley Meadows for 20 years and the Community Manager for 14 years. I worked here before Havenpark took over and have remained as a Havenpark employee.

I am in opposition of SB2159 for numerous reasons. Some of which are:

**HOURS OF OPERATION & LOCATION:** Requires ownership to have a local office staffed by at least one employee Monday through Friday from 8:00AM to 5:00PM.

- Many properties in North Dakota are simply not large enough, or historically have not needed a full-time staff and instead have an office at another nearby community or run it out of their own home. This new law would force operators to take on needless payroll costs that have not been needed for decades leading up to this point. Added regulations on business mean higher costs to consumers.

**VIOLATION OF CONFIDENTIALITY-MANDATORY DISCLOSURE:** Requires the disclosure of confidential information during the due diligence and acquisition period of the sale or transfer of ownership.

- The sale of the business must remain confidential until the sale closes. Disclosure of the sale breaks confidentiality of the parties involved and has potential costly repercussions to the business.

**OPERATING RESTRICTIONS:** Ownership must provide 6 months' notice to tenants of changes or modifications to park rules.

- This restricts ownerships right to conduct business and address policy issues as needed. Other businesses and landlords are not required to provide notice to employees or tenancy when making business decisions. Six months of notice severely limits the ability of operators to react to issues on their property.

**SIX MONTH WAITING PERIOD TO INCREASE RENTS:** Restricts rental increases. New and current ownership are not allowed to increase rents without giving a six-month notice period to tenants.

- Current and future ownership of the parks should be allowed to increase rents as the business deems it necessary and without restriction. Government does not dictate price increases in housing or other sectors.

**SANITATION & SAFETY POLICY MODIFICATIONS:** Operator must provide 30 days written notice to all tenants before making changes to sanitation and safety policies.

- Mobile home park operators must be able to immediately address sanitation and safety policies and the enforcement of those policies to comply with local, state, and federal guidelines and to provide for the wellbeing of their tenants.

**UTILITIES & SPECIAL ASSESSMENTS:** Park ownership may not charge tenant additional fees to provide utility service and must provide meter readings for all utilities taken at the mobile home lot of each tenant. Does not allow for the pass through of special assessments.

- Operators need to be able to bill utilities at cost with reasonable administration fees. It is also reasonable to expect that if new special assessments or utility fees are incurred this would be passed on to the residents.

**ENFORCEMENT OF PARK POLICIES:** Tenants are allowed six months to comply with park policies after receiving a written notice of violation.

- Park policies are in place for the safety and welfare of all the tenants. Compliance with policies and responsiveness to violations are important to insure the quiet enjoyment of all the tenants. Six months does not allow operators to react to issues within the park. Eviction proceedings cannot begin until after this time, allowing violators to continue for months on end.

**PENALTIES:** Allows for a \$1,000 penalty to the operator in addition to attorney's fees should a tenant bring a claim.

- These provisions invite frivolous legal actions and unrightfully carve out extra provisions on mobile park operators not applied to all landlords. Current landlord and contract laws adequately protect tenants and small claims courts provide reasonable forums for legal complaints.

Sincerely,

Doug Vetter