

MICROFILM DIVIDER

OMB/RECORDS MANAGEMENT DIVISION
SFN 2053 (2/85) 5M



ROLL NUMBER

DESCRIPTION

1240

2001 HOUSE TRANSPORTATION

HB 1240

2001 HOUSE STANDING COMMITTEE MINUTES

BILL/RESOLUTION NO. HB 1240

House Transportation Committee

Conference Committee

Hearing Date January 25, 2001

Tape Number	Side A	Side B	Meter #
1	X		109
Committee Clerk Signature <i>Lauren L. Fink</i>			

Minutes: Rep. Welsz - Chairman opened the hearing on HB 1240: A BILL for an Act to create and enact a new section to chapter 23-10 of the North Dakota Century Code, relating to the change in use of a mobile park.

Rep. Maragos introduced HB 1240, HB 1241, HB 1242 and HB 1243 at the request of mobile home owners in Minot, N D . Since requesting this legislation to correct many inequities a lot of things have transpired. Therefore, Rep. Maragos deferred the testimony to the delegation from Minot for their most current information.

Rep. Janet Wentz from Minot appeared to support these bills. She preferred that the mobile home residents who were present to tell their own story.

Sen. Randy Schobinger from Minot appeared to lend his support for this legislation . He asked the committee's support find resolution to these peoples problems.

Susan Ternes: I am the president of the newly formed tenants association in Minot although I am not here to speak on behalf of everyone in the association I would like to make a request that a

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House Transportation Committee

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section of HB 1240 be amended to take out section 2 of that House Bill. We have since met with Mr. French and Mr. Delmore. We thought that if there was 180 days notice that we would this would be enough time to get our opinion and to coordinate rezoning issues. May I talk on other bills too?

Rep. Weisz - Chairman: (438) We would prefer that unless you have more on this bill, that you wait until your other bill or bills come up, if you can do that.

Susan Ternes: I am in support of the 180 day notice. I believe it would be better for the residents if there is to be a rezoning rather than a 30 day eviction notice.

Rep. Weisz - Chairman: Can you tell us specifically which paragraph you would like to have deleted from this Bill? Which lines?

Susan Ternes: Paragraph 2. Line 16 and down.

Rep. Thoreson: (519) Currently if they were going to build on your mobile home park, they could give you 30 days notice and you would have to be out of there in 30 days, right?

Susan Ternes: Yes, there is nothing in the law that I have seen or that I understand that will allow more than 30 days notice.

Rep. Thoreson: Is there much turn over in mobile home parks? Aren't they pretty stable?

Susan Ternes: No they don't change a great deal. I guess the reason we requested this that we heard some rumors that one of our parks was purchased for the sole purpose of having it rezoned. We have some concerns because there are more than one hundred tenants in this park. If it were closed within 30 days. I don't think there is enough spots in Minot to house those trailers. Even if there is, some of the trailers to be moved are so old that they would not be accepted into a park.

Rep. Carlson: (628) I am not aware of what type of lease a tenant signs when he moves into a park. There must be some sort of a renewal. I would be interested in knowing --- obviously the land that the trailer sits on is owned by the landlord. In his lease he must call out that he can give you notice or something right now under present law? Correct?

Susan Ternes: Yes.

Rep. Carlson: Is that the thirty days you are talking about?

Susan Ternes: No month to month.

Rep. Carlson: Everyone is month to month?

Susan Ternes: No there are some on Housing Assistance -- there leases run longer. But the majority of them that aren't -- it is a month to month lease.

Rep. Carlson: I am just trying to understand what your status would be now. The way your lease you would sign today -- if the landlord asked you to move in thirty days, you would have to move in thirty days -- could he do that?

Susan Ternes: Yes

Rep. Carlson: So if he asked for zoning changes you are asking that it would be 180 days?

Susan Ternes: Yes, if he were requiring one tenant to move, that is separate but if he were requiring all the owners in the park to move their homes -- I mean that that's a large number of homes to relocate within a community. I don't think there is enough spaces in Minot and our community would be broken up into all the other communities.

Rep. Weisz - Chairman (768) This bill only applies to the change in use for the park within 180 days , right?

Susan Ternes: Change in use or if they were closing the park. If the landlord just decided he no longer wanted to have a park.

Rep. Mahoney: (827) If there is no other provision in the lease, the law is generally that you have to give 30 days notice. Are you familiar with what the time would be under current law -- you are talking about a situation where they are rezoning? Under rezoning, they have to go through notice requirement under planning and zoning ordinances. Presumably they would give you notice to exit the park until after they went through that and then it goes to the city board. Have you talked to anybody about that?

Susan Ternes: No but Mr. Delmore might be.

Bill Delmore (919) I am a registered lobbyist and a member of the Kelsh Law firm. We work with the Manufactured Housing Association. I am here with Kent French who will speak on behalf of the Association. We met with the proponents of these bills and we are going to try support several of them. Some of them will impose restriction far beyond what you would find in some other industries. For the most part we are in support their concerns. We are in support of their proposed amendment. We can live with the 180 days to close a park or to rezone it. But it takes about that long at least four of those months to rezone it. We are also happy to support that you can't raise the rent for ninety days before you give notice for the 180 days. So it is really a 270 day commitment in terms of rent.

Kent French (1080) I speak for the industry --- the North Dakota Manufactured Housing Association takes a stand to support HB 1240 with the recommended changes. We feel that they need the security to know that a landlord is not going to rezone the area without notice.

Rep. Mahoney: (1167) They (out of state purchasers of the site) came in and raised lot deposits. They had the right to do this but it wasn't right the way these people were treated. We couldn't believe how these people were treated.

Rep. Schmidt: (1346) You said they lost their lot deposits?

Kent French: No, they increased it and I think they had a right to do that. But to raise it hundred and some dollars and then to increase the rent too at the same time -- I felt and the association feels that was just too much.

Rep. Schmidt: What I did the prior owner -- were these people reimbursed that money?

What I mean was when the new people sold that property, was the prior owner reimbursed the money for the earlier deposits?

Kent French: They quite possibly could have done that but I believe that they kept both deposits -- but I don't know that.

Rep. Mahoney: The main thing is that the people did get their deposit plus interest --- that is what the law is.

Milt Bowen: Last summer when all this transpired --- I will never forget the tears in their eyes and the quiver in their voices when some of these people on fixed income and they were required within thirty days to pay increased deposit, increased lot rent, along with the rumor going around that it was going to close and they were going to have to move. There was no place for them to move even if they could afford it. I have a Mobile Home Service in Minot.

Ken Royse: I own and operate a small mobile home park. Mr. Royse's written testimony is attached.

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House Transportation Committee
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Rep. Welsz - Chairman (2010) If the language in section 2 was removed, would you still be opposed to HB 1240?

Ken Royse: No.

There being no others who wished to appear on HB 1240, either for or against, Chairman Welsz closed the hearing for taking testimony on HB 1240. (2069).

Note: Several persons turned in written testimony but never spoke. That testimony is attached.

2001 HOUSE STANDING COMMITTEE MINUTES

BILL/RESOLUTION NO. HB 1240 b

House Transportation Committee

Conference Committee

Hearing Date January 25, 2001

Tape Number	Side A	Side B	Meter #
1		X	5,873
Committee Clerk Signature <i>Lauren H. Fink</i>			

Minutes: In working session, Rep. Weisz - Chairman opened the discussion on HB 1240.

Rep. Kelsch: Moved to amend HB 1240 by over-striking lines 16 through lines 22 thus removing them from the bill.

Rep. Ruby: I second the motion.

The motion to amend HB 1240 carried on a voice vote.

Rep. Ruby moved a 'Do Pass as Amended' for HB 1240.

Rep. Hawken: I second the motion.

On a roll call vote the motion carried. 12 yeas 1 nay 1 absent.

Rep. Dosch was designated to carry HB 1240 on the floor.

10329.0101
Title.0200

Adopted by the Transportation Committee
January 25, 2001

VR
1/25/01

HOUSE AMENDMENTS to HB 1240

Htrn 1-25-01

Page 1, line 7, remove "1."

Page 1, remove lines 16 through 22

Renumber accordingly

Date: January 25, 2001
Roll Call Vote #:

2001 HOUSE STANDING COMMITTEE ROLL CALL VOTES
BILL/RESOLUTION NO. HB1240

House Transportation Committee

Subcommittee on _____
or
 Conference Committee

Legislative Council Amendment Number _____

Action Taken Do Pass as Amended

Motion Made By Rep. Ruby Seconded By Rep. Hawken

Representatives	Yes	No	Representatives	Yes	No
Robin Welsz - Chairman	✓		Howard Grumbo	✓	
Chet Pollert - Vice Chairman	✓		John Mahoney		A
Al Carlson		✓	Arlo E. Schmidt	✓	
Mark A. Dosch	✓		Elwood Thorpe	✓	
Kathy Hawken	✓				
Roxanne Jensen	✓				
RaeAnn G. Kelsch	✓				
Clara Sue Price	✓				
Dan Ruby	✓				
Laurel Thoreson	✓				

Total (Yes) 12 No 1

Absent 1

Floor Assignment Rep. Dosch

If the vote is on an amendment, briefly indicate intent:

REPORT OF STANDING COMMITTEE (410)
January 26, 2001 11:35 a.m.

Module No: HR-14-1700
Carrier: Dosch
Insert LC: 10329.0101 Title: .0200

REPORT OF STANDING COMMITTEE

HB 1240: Transportation Committee (Rep. Welsz, Chairman) recommends
AMENDMENTS AS FOLLOWS and when so amended, recommends **DO PASS**
(12 YEAS, 1 NAY, 1 ABSENT AND NOT VOTING). HB 1240 was placed on the Sixth
order on the calendar.

Page 1, line 7, remove "1."

Page 1, remove lines 16 through 22

Renumber accordingly

2001 SENATE POLITICAL SUBDIVISIONS

HB 1240

2001 SENATE STANDING COMMITTEE MINUTES

BILL/RESOLUTION NO. HB1240

Senate Political Subdivisions Committee

Conference Committee

Hearing Date February 16, 2001

Tape Number	Side A	Side B	Meter #
2	x		6.5-35.2
March 2, 2001 1	x		16.9-21.4
Committee Clerk Signature <i>Mary Jo Wacker</i>			

Minutes:

The hearing was opened on HB1240; relating to the change in use or closure of a mobile home park.

REPRESENTATIVE MARAGOS introduced HB1240, and is one of the sponsors of this bill.

This bill is introduced on behalf of a Mobile Home Owners Association which was recently formed earlier this summer as a result of some mobile home parks being sold and some problems being created as a result of the sale of those parks. The mobile home owners when they went to find out what sort of recourses they had because of the treatment that they felt they received as a result of these sales, found out that North Dakota really does not have anything in code to set down how things should be handled when these types of situations arise. So what we had Legislative Council do is check around with the other states in the country and see what kind of laws were in place, to give everybody some protection. They do it for apartment renters with the Renters' Association and so we brought these bills forward and House Bill 1240 is one of those

bills that the House felt was reasonable legislation and we passed it over and we would hope that the Senate would concur with our results. This particular bill addresses itself to changes in use of mobile home parks. Require that the owner of the mobile home park present notices within a reasonable period of time and everybody agreed, you'll hear testimony from others that this really fairly patterned after other laws we have on the books concerning renters associations.

SENATOR LEE: I have had several calls at home also from people who I think have been treated arbitrarily by the managers of mobile home parks concerning, given very short periods of time in which they are required to side their mobile homes and they don't also have the money to do that and the time frame is provided. You given 30 days to move because of a relative has moved in. I realize that I am hearing one side of the story, but, and it isn't exactly relating to the same thing but mobile home parks as a general topic. Are we unique in having those challenges where one particular owner or home owner or do you find some of those troubling things in your community? REPRESENTATIVE MARAGOS: If you want my honest opinion, I've been appalled at how exposed mobile home owners are, in their lives, their places to stay. I just cannot imagine that if I made a serious investment like that I would never go to a mobile home park. I would try to borrow the money and buy a small acre of land to put it on, so that I'm in total control. It is just unbelievable how they just allow, they have, there's problems now where if a trailer is ten years old, no mobile park will accept it, so if your in a mobile home park and your trailer is twelve years old your in pretty much trouble. You have better buy a quarter, or a small parcel of land if you have to move that trailer out for any reason. Because you can't put it anywhere else. Your investment probably goes down to about a small inch. I don't know what to say about that, I am just astonished, never having been a mobile home owner myself. We have

tried to give them some protection without really interfering with the rights of private ownership of the property owner to who has leased that land. We think these are reasonable but I'm just astonished by it all. SENATOR LYSON: This mobile home park was built on property that they found was on top of a lot of bad stuff, because people were dying of cancer. Do we need, was there anything that the Legislative Council said that we may have to have disclaimer to be able to with something like that in case of an emergency from that area? Do we have something already in the statute, do you know that, that would take care of that? REPRESENTATIVE MARAGOS: Not that I am aware of, but there are others here who might have that knowledge. We have an attorney that represents the Manufactured Housing Association

And maybe he can comment to that. SENATOR FLAKOLL: When they have there public hearing, understandably, notification, is there like a protest area so to speak, where these folks that are in the trailer houses would be counted as part of the protest area, is that. Am I correct in that saying, because usually they go what they say in a certain area, if it is going to be rezoned you have to basically go from place to place and have, in the protest areas and the area under questioned and say okay forty seven out of fifty-six protested it. Is that true that each individual mobile home owner in this case is part of that protest area, rather than the owner of the trailer park? REPRESENTATIVE MARAGOS: That gets to be a very fine line. I believe in zoning but I, hear again I am going to defer to somebody else that in rezoning I think, I am not sure you have to be a property owner, to file a complaint. There is others. I am not sure how it work for a tenant to, they could probably complain but I am not sure what wake it would carry at a rezoning discussion. You have to through a process to rezone and you have good rationale for doing it.

SENATOR CHRISTENSON: Do you think that sometime the social stigma often associated with trailer parks and mobile home has something to do with the lack of ability to protect or to be

heard, reasonably. We have a kind of feeling sometimes that we use the term "trailer park trash" very frequently. Do you think that has ever had a impact on people getting help and getting their rights? REPRESENTATIVE MARAGOS: I've never looked at it that way but I am sure that your comments are born of some certain attitudes that do exist out there, unfortunately. And so, beyond that I don't know what I can comment on, because in my district, I've really enjoyed the mobile home parks because when I am campaigning I can really get a nice vent area with a lot of residents in a short period of time and I don't have to wear out a lot of shoe leather. But the attitude that I think your addressing probably there is some truth to it, but hopefully, its the real, rather than the rule, its the exception. SENATOR POLOVITZ: In the city of Grand Forks we adopted some statutes within the city itself, that would determine when and what not. These parks were to be closed because one of the statutes was that no, you can't accept them, any trailers in that certain park and eventually it was closed down and was sold. Would this have supersede anything of the local statutes that we have? Do you know? REPRESENTATIVE MARAGOS: I can't imagine how it would because this really addressed the mobile home park owner who is subject to not only to city codes but also state codes, but I couldn't see where it would. I don't believe this would supersede the cities right to do what is its best interest if it decides that it needs to address an untenable situation with regard to anything in the city. BILL DELMORE: Kelsch Law Firm; representing North Dakota Manufacturing Housing. It may seem unique for manufactured housing to be supporting what was in essence a tenants bill. What this came from was a out of state owner by the court in Minot and in doing some things that the association itself would not have done. The association at the original hearing apologized to the tenant for what happened there. I use the term manufactured homes. I never use the terms mobile homes or trallers. Where it came from was sitting on the county commission hearing our tax

people talk about trailer houses like second class citizens. I voted here in Burleigh County a long time ago that we don't have standards for building. So when I went into private practice and this client was available I asked for this client. Its good to hear the questions that you raised. The one regarding health and safety, that wouldn't be handled if you had a health and safety problem, you would have to move in time. That wouldn't be a concern. Planning and zoning very good question on do they have input. Technically I sit on a planning and zoning commission, typically it takes six months to rezone, but your right. Sometimes it takes a percentage of owners and sometimes it takes a percentage of residence. So it would depend on the specific rule. Residence then you would have to have each of the residence, the mobile home owners, you wouldn't. And maybe that is something we even need to look at. Typically we ask for residence, but in some cases we ask for property owners. If they were property owners and they did know they may not have the input. The Association is willing to live with a six month lead notice for purposes of zoning. I had real trouble for hearing that. Manufactured homes have become that, they are manufactured homes. They are not the old trailer park concept of the 1950's. We are supportive of the delay. The delay is really a nine month delay, that the mobile park owner can't raise the rent for three months before they give notice of a potential change in zoning. But usually if your going to do zoning change, in this state, it takes almost six months by the time we plat and rezone and redo something else. So it is somewhat of a restriction, but it is one that the Manufactured Housing Association, in particular the mobile home park owners can live with. They think it is only fair to start working with the tenants association. SENATOR FLAKOLL: To beat the system a little bit, with the increase in the rates. Say if you increase them one month, down the line you decide your going to change this, could you, they actually refund the money, and have it null and void that there was an increase? BILL DELMORE: Two concerns. Were

taking it literally that we can't raise the rent, so there is also another bill that has to do with security deposits. I think if somebody has been there for ten years you should keep the same security made you've already made enough money you don't need to raise there security deposit. I think that the associations' view is the practical interpretation not to try and get around any of this. I see your concerns if someone would. The Association also made an offer to the tenants and other tenants in the state to join the association, so we can get input so the battle wouldn't happen in this, and we would've worked some of this out before you saw the four bills introduced in this session. SENATOR WATNE: I worked with the mobile home people before they went down to there meeting. There were four mobile home parks involved and the new owner who was from Montana immediately raised the rent, immediately raised the security deposit and any notices they were putting up were being torn down. They weren't allowed to do them. One of the things that I was looking into was the landlord/ tenant rights. I sent them a copy with a booklet, because some of there objections I thought were meant that way. Did you find out if mobile homes are covered under regular landlord-tenant rights? BILL DELMORE: I think that many of the issues are. The 1/12 that is the security deposit can be, I believe comes within that. I think that one of the concerns some of the apartment owners may have is that the mobile home dealers, for example, on security deposits, are willing to accept more of a restriction than is the landlord-tenant. As long as you mentioned everything they did, they also didn't let the people gather to talk about this. MILTON BOWEN: See written testimony. SENATOR LEE: Could you just respond to my concern also about mobile homes and the problems that we had at home with someone being given very short notice to reside or 30 days to move because there are in violation of a lease and the lease has stated certain things but I am not, I'm convinced that people reading them and signing them don't understand what they mean and they are really caught. MILTON

BOWEN: I know exactly what your talking about. Its a situation that has been discussed and there has been talk that being discriminatory and stuff that at this point it still is in a discussion stage. I know exactly what your talking about though. But right now, everybody is basically that rents a spot in a mobile home park is on a 30 day month by month basis. SENATOR COOK: Mandan has about 5 or 6 mobile home parks, one of whom you can buy the lot. Does Minot or do all communities have certain mobile homes that you can actually buy the lots or do we have some city ordinances that don't allow that? MILTON BOWEN: Basically, Minot is getting now into areas where there are developing areas where you can buy the lot. But in the 1950 era around Minot we've got, I think its about 19 or 20 mobile home parks, where it is strictly rentals. Over the years there was one called that's called Minot Mobile Estates, they did sell those lots that people had owned it, and they condo them out. That is the only one where that's been done. The rest of them are all just month to month rental basis. SENATOR FLAKOLL: Does anybody at all, use anything less than professional services to move these homes with? MILTON BOWEN: Oh, yes! There has been people that have tried moving with tractors, pickups, tried to unjack themselves and dropped them off the jack and the utility pedestal and the gas meters. SUSAN TERNES: Resident of Minot. See written testimony. I would like to mention though that a couple of years ago I had considered moving my double wide further back on the trailer court because where I am on the lot now, I get a lot of the northwest wind. When I called up Huey the HouseMovers which is the only one who move a double wide as old as mine it was going to cost at least \$1000 to get it to my property. That wasn't the moving costs at all which I estimate would probably be between \$3000-4000. Could I come up with that in 30 days, no. I would run the risk of losing my home in order to move my family first. I think that in passing this bill, not only in my case, but in a lot of other family situations, we would be giving them more time to

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Senate Political Subdivisions Committee

Bill/Resolution Number HB1240

Hearing Date February 16, 2001

move their homes. A better chance of keeping their homes, being able to locate properties to set up on where they would accept the older homes. I don't anything more to add.

Hearing Closed on HB1240.

March 2, 2001 (Tape 1, Side A, Meter # 16.9- 21.4)

Senator Cook asked for discussion on HB1240.

Senator Watne moved a Do Pass

Senator Mathern - 2nd

Roll call vote: 7 Yeas, 0 No 1 Absent

Carrier: Senator Watne

REPORT OF STANDING COMMITTEE (410)
March 2, 2001 1:32 p.m.

Module No: SR-36-4732
Carrier: Watne
Insert LC: . Title: .

REPORT OF STANDING COMMITTEE

HB 1240, as engrossed: Political Subdivisions Committee (Sen. Cook, Chairman)
recommends **DO PASS** (7 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING).
Engrossed HB 1240 was placed on the Fourteenth order on the calendar.

2001 TESTIMONY

HB 1240

Testimony offered relative to House Bill No. 1240

Jan. 25, 2001

Mr. Chairman and members of this committee. I am submitting this statement to be included as part of the record of testimony on House Bill 1240

My name is Ken Royse. I own and operate a small mobile home park in Mandan, ND. This is a small business effort owned and operated solely by myself and my family. I am here today speaking only on my own behalf and on behalf of my family, although I do support fully testimony which will be offered on this bill by the North Dakota Manufactured Housing Association.

This bill requires a 180 day notice of any change of land use and, additionally requires each Park Owner to pay all associated costs to move each tenant in the event the Park would close. Although I do not agree with the State setting guild lines for rezoning issues --- the procedure to rezone any land or property should be left with the local community --- it is the moving and relocation payments of the bill which I specifically oppose. I urge you to vote no on this bill.

In the Park that I and my family own and operate there are approximately 50 homes. Many of the homes are doublewide homes and most if not all homes have attached porches and yard sheds. Is it the intent of this bill that I be obligated to move only the home and not the attached porches and sheds? What if no lot can be found to move the home onto--- is it the intent of this bill that I store the home and pay housing costs until such time as a lot becomes available? Generally homes cannot be moved if past due utilities and lot rent are owed--- are those past due bills considered a moving cost? In every County, homes cannot be moved if taxes are owed on the home--- am I to assume that payment of taxes is a moving cost?

I would estimate that it costs approximately \$3,000 to unskirt, unblock, disconnect utilities, un-anchor, move home, reblock, reskirt, reconnect utilities and reanchor any given single wide home. Homes with attached porches and yard sheds will cost substantially more. Doublewide homes are twice the work and twice the cost. For my 50 unit Park, this bill would place at least a \$150,000 to \$200,000 burden on me if I ever would decide to use my property for some other lawful purpose than a mobile home park.

If this bill passes it effectively and absolutely prohibits any Park Owner from ever using his property in any manner but as a mobile home park.

I pay my taxes on my property. I contribute to the economy of the City of Mandan just as any other merchant does on its Main Street. I am a fair landlord to my tenants. And I appreciate the investment each of my tenants have placed in me in deciding to live in my Park. And as a landowner, and a taxpayer, and a contributing part of my communities economy I want the right to use my property as I may decide to use it so long as I conform to the existing zoning requirements of my community.

If I would ever decide to use the property for a use other than a mobile home park I do not want to face a \$200,000 penalty to pursue that choice.

This is not a good bill for either Park owners or Park tenants. I believe that if this bill passes it will dramatically decrease the value of all Parks in the State. I also believe this bill will lead to higher lot rents as Park Owners attempt to offset this tremendous cost burden being imposed on them.

Respectively submitted,

Ken Royse
Owner, Parktown Mobile Home Park
Mandan, ND

I am supporting House Bill 1240 because, in my opinion, it is unfair to the people who rent lots in a mobile home park to only need a 30 days notice to pack up and move if the owner sells the park to be used as something other than for mobile homes.

The hardship of coming up with the money for such a move would be almost unbearable for a lot of the renters. Finding a place to move their home to would be tough, depending on the age and size of the home.

I feel if this bill passes, it will give people a little more security that where they are calling home will stay their home. I feel it will also help the owners fill up their park and the sellers of manufactured homes a lot better chance of selling more homes because people will feel a lot more comfortable moving into a mobile home court.

I support House Bill 1241 because it gives the people who abide by the park rules and are law abiding people some protection from a park owner or a manager, who for a "just because reason", such as they don't like the color of their car or just plain don't like them. As things stand now, the owner or his manager can give anyone a 30 day notice to move and don't need a reason why.

I also support the park owners or his managers right to evict in 30 days or less anyone who does not pay rent when due or agreed to, people who carry on criminal activities. don't keep up a good appearance on their lot and home or disrupt the normal running of the park. I don't see where this bill would interfere with the owners right to do what needs to be done to run a safe and quiet place.

I support House Bill 1243 because of the conduct of the managers of the park that the president of our association lives in. These two people stopped her and her young children from passing out information on association business. When our president told them she was not soliciting but only passing out information to her neighbors, they still prevented her from doing this. When she called the police all they told her is that it's a civil matter and if the managers told her to stop, she should stop.

Jim Odegard

Jim Odegard
Murmet, N.D.

I support House Bill # 1240 for the following reason. There are no laws to protect a mobile home owner, owning a mobile home has changed over the years. They are now larger, more expensive, not mention harder to set up. People purchasing them have a big expense and no assurance of a future. Park owners sell the property with no guarantee to the tenants that it will remain a park. There is a growing number of retired people purchasing homes in the parks as retirement homes. What happens to all these families if a park close? As it stands now they could be given a 30-day notice to be out. How could they afford this expense, not to mention where would they go?

I support House Bill # 1241 because I managed a MHP Park and was told by the owner we did not have to have a reason to evict a home as long as there given a 30-day notice. I am not against a home being evicted following there rental agreement, park rules or failure to pay there rent. I am against a 30-day notice for such reasons as "Just Because" as one manager said. If a home is evicted for no valid reason, such as the year of the home, metal siding, metal roof, or its age, then I feel these people should be given a reasonable amount of time to move.

I support House Bill # 1242 because as a former park manager the deposit was set at the time the lot was rented and rental agreement signed. At no time did we increase it. The deposit more than covered any clean up or repairs that we did to a lot. Most of the time the lots did not require any work. The people moving out cleaned there lots so they could get there deposit back. I know what a hard ship an increase can cause. I lived in one of oldest parks in Minot and my deposit was increased from \$95. To \$275. My husband and I improved the lot. When we moved on to it, it was full of holes, garbage, and no grass. We spent our own money to fix it up and for that we received a increase in our deposit and rent. Because of the great increase in our rent and deposit we had no choice but to move. But there are still a lot of people in these parks which do not have that choice.

I support House Bill # 1243 because we are not door to door salesman, we are an association and should be able to communicate with one another with out problems from the park management. This matter could have been simplified had we been able to post a notice of our meeting on a display board or in such a place as provided by the management. But to prevent this from happening the display board in one of the parks was removed. All we want is a law so that we can communicate with out the manages throwing us out

Holly Odegard
Minot, ND.

Holly Odegard

**Testimony on House Bills 1240, 1241, 1242, & 1243
Presented by Kenan Bullinger, Director
Food and Lodging Division
ND Department of Health
House Transportation Committee
January 25, 2001**

Mr. Chairman and members of the committee, my name is Kenan Bullinger. I am the Director of the Food and Lodging Division with the North Dakota Department of Health. Our agency has responsibility for the enforcement of the laws and regulations as set forth in NDCC 23-10 and NDAC 33-33-01 and 33-33-02, which deal with mobile home parks, trailer parks and campgrounds. I appear before you today not to take a stand for or against this proposed legislation but to offer some possible amendments to place these requirements in some other chapters of the century code where these provisions are already addressed and could possibly be better served.

Chapter 23-10 of the Century Code was established many years ago to provide various health and safety assurances for the tenants, occupants, and guests of these licensed facilities. Current requirements include licensing and inspection for such provisions as safe drinking water sources, plumbing and electrical connections meeting code, adequate storage and collection of garbage, proper lighting, fire protection, procedures for weather emergencies, proper lot spacing, and basic sanitation and maintenance of the parks. House Bills 1240, 1241, 1242, and 1243 mainly deal with issues relating to eviction notices, changes in zoning, security deposits, and rights to assemble. Again, I am not here to argue the importance of these provisions but simply propose that these be placed in other currently existing sections of the century code dealing with landlord/tenant issues. Chapter 33-06 of the North Dakota Century Code deals with eviction notices and could be amended to include provisions for tenants of mobile home parks. Section 47-16-07.1 of the North Dakota Century Code deals with security deposits and could also be amended to include language for dealing with mobile home parks. Lastly, I believe North Dakota's Constitution deals with the rights to assemble.

I believe the major emphasis as outlined in Chapter 23-10 should be to address health and safety issues in mobile home parks and campgrounds. Our staff is not trained or adequate in number to handle enforcement of the provisions mentioned in these four bills before you. I believe these may be better served in current statutes through local jurisdiction. Our department has not been asked to prepare a fiscal note for these four bills but if they would be placed in Chapter 23-10 for our monitoring, response, and enforcement, this could have some significant impact on our current resources. It is difficult for us to project the impact because our department is not currently involved with these types of landlord/tenant issues and how much time it would demand from our current inspection staff.

I would be happy to answer any questions the committee may have.

Written Testimony of:

Susan D. Ternes
3100 11th Ave SE - #1
Minot ND 58701
(701) 837-7944

February 16, 2001

RE: HOUSE BILL # 1240 Change in use or closure of mobile home park.

In July of this past year, when three mobile home communities in Minot were sold to a company based in Montana, a rumor began floating around that the new owner purchased one of the parks with the intent to sell the land to Home Depot. While it has been mentioned in the media that this rumor held no merit, it was enough to give the residents of the community a good scare.

Could residents move their mobile homes in thirty days if the park they were living in was closed, or sold? Many could not.

I live in a 24' X 54' doublewide, with my three daughters. If the community I am living in were sold in order to make way for a business, or the park were simply closed, my family and I would run the risk of losing our home. Why? My home is a 1977 Wick Craft and, in order to preserve the seal between the two sections, my double wide would have to be moved as a single unit.

A couple of years ago, I called Huwe House Movers, in Minot, to get an estimate on moving my home. At the time, I was considering moving further back in the park, to get my home out of the constant Northwest wind. I was told that it would cost me one-thousand dollars (\$1,000.00), just to get the truck out to my driveway. If I had to venture a guess as to how much money I would have to lay out in order to move my home, I would estimate the figure to be between \$3,000 and \$4,000.

I don't have access to this kind of money and, quite frankly, I don't know of anyone who does. To come up with \$3,000 in thirty days would be an impossibility for my family, as well as an impossibility for many other families.

The age of my double wide is, also, a factor. The newer communities going up in North Dakota are taking the age of our homes into consideration. Most residents would have a difficult time finding a park willing to accept a home that is over a certain number of years.

When residents in Minot first learned of the rumor regarding the possible sale of land to Home Depot, our first concern was, how will families come up with the money to move, if the rumor proved true? Our next concern was, where will the estimated one hundred homes move to? Currently, there are not enough open lots available in the various communities in and around Minot to accommodate all of the homes that would be displaced.

In passing House Bill 1240, you will be giving many families the extra time they may need to pool their financial resources in order to move their homes. You will also be giving them the extra time they will need to locate a new lot to place their homes on.

One hundred eighty days is not too much time to ask if it means keeping North Dakota's families in their homes.

Thank you,

Susan D. Ternes

To Whom it may concern:

My name is Milton Bowen I own and operate Milts Mobile Home Service In Minot. I have been in the what is now called manufactured housing business since ¹⁹⁶⁴ ~~1994~~. In that time I have become acquainted, and in some cases real good friends with many people that live in manufactured home communities

The first place I lived when I first got married was an apartment, and shortly after that I rented a 8X32 trailer. Which I later bought, at that time that was considered a very big TRAILER HOUSE, and they were parked in rented spaces in what was called TRAILER COURTS. If you wanted to move to a different court it was a little unhooking water and sewer unplugging electrical Maybe 10 minutes of jacking and hooking on to your car and you were off to a different spot or court. Then people decided these units were to small as their families grew in size, so the 10 FT. wide units were introduced. These units then went into trailer courts and were a little harder to move. By the late 1960's the 10 wides were getting to small and the 12 foot wide units were introduced, boy everyone thought they could never be any bigger as they were so big and had so much room in them. These units were much harder to move and much more involved in setting up, and or, taking down and moving.

AT THIS POINT IN TIME THEY WERE BEGINNING TO BE CALLED MOBILE HOMES. Then in the early 1970's the 14 wide Mobile homes came into being. With the advent of 12 and 14 wides came the introduction of the huge double wide. The double wides when first introduced for the most part went on private lots and farmsteads because the lots in the trailer courts were not big enough to hold them. A couple of years down the road the trailer court owners decide they were missing out on business and started rearranging their courts to accommodate some of these units.

Then in July of 1976 The United States Government Through HUD, enacted basically a uniform code for the construction of Mobile Homes. Nothing was addressed about the trailer courts where they were parked, however these places did start changing their names from trailer courts to mobile home parks, or Estates, Villages and Etc. to help get away from the old trailer house image, which at this point in time these units had evolved in to what is now Called the RVs. You are all familiar with the KOA CAMPGROUNDS and different Rv parking spots, these are all spin offs from the original trailer house days and can be moved like the old trailers could be moved. All rules regulations and laws that were enacted for the old trailer house days were left in tact on a state level to cover the newer much bigger and improved mobile home. This I must say is that I am referring to mobile park rules , regulation and laws. I must note these rules and regulations have done a pretty good job.

Since this time the mobile home industry has evolved even further until to day they are building units as big as 32feet wide and 80 feet long and bigger units are already being developed. Along with this Many of these unit are sheet rocked taped and textured along with anything else you would find with a site built home. Today the mobile home industry, I think no longer considers them selves in the mobile home

industry, as the new name and new image they are working on implies, The industry is now calling its self Manufactured Homes.

I believe the greatest thing that has changed besides the size and construction of these units, is the cost and the amount of work involved in installing or setting up these newer units. Which leads me back to the 8ft wide trailers which as I stated earlier could be gotten ready and moved in a matter of minutes. with little or no dollar amount required. This is a far cry from to day when to move one of these new units requires days not hours and thousands of dollars. However these residents in the Manufactured Home Communities are still living there under laws enacted back in the days of the old 8 and 10 wide days. which I must admit are still for the most part doing a very good job.

However I believe, the rights of the home owner have not been protected along the path of evolution for the industry. With that said one of the issues I feel very strongly about is ~~HOUSE~~ BILL 1240.

I guess I would ask you to try to put yourself in the position the home owner is in. Lets say you are retired, and say maybe 10 years ago when you were in your 50's you decided the home you had raised your family in was to big for you to handle in your latter years. So you look around for alternatives, and one way or another you find out about manufactured homes, the dealer tells you what a wonderful program it is. You talk to the owner or the manager of the community you are thinking about moving into. They tell you about all about how wonderful it would be there and how much they would appreciate having you. So you take everyone's advice and lo and behold it is some pretty comfortable living, and you decide you did make the right choice by moving into a manufactured home. Life goes on great you retire, are living on a fixed income enjoying the grandkids, heaven forbid maybe even enjoying grandma again. BAM you get a notice the community you live in has been sold you have thirty days to move, because someone has decided the property you live on would be more profitable as a gas station or something. There is no law on the books at this time giving that homeowner any rights or protections, it would be up to that retired person who has limited income and who has no inkling of what to do or how to go about it. Can you just for a moment imagine the stress and fear that must be going threwh that person when they find out how much it is going to cost them to move WHAT THEY THOUGHT WAS GOING TO BE THEIR GOLDEN YEARS RETIREMENT HOME, and is suddenly their goldenyears nightmare when they find out the cost of moving and perhaps no place to move it to, because many newer parks prohibit older homes or metal sided or metal roofed home.

It has been stated to me that, that the owner of the property should have the right to do what ever that owner wishes to do with that property. Yes I would normally agree, but this is a completely different set of circumstances, I think. Here you have a piece of real property which is owned,by one party. and another piece of real property owned by another person, setting on the property that belongs to the first party. Granted there are no laws at this time to protect that second party, which is why I am writing this

letter. Many of the people that I have talked to felt that when they moved into that mobile home park with perhaps their last biggest investment, and or the first biggest investment they have ever made they assumed that park would be there pretty much for ever just like any other residential area in town. I strongly feel that there should be a law protecting these people no matter what monetary gain the land owner might realize, because I think when that park was installed and maintained I feel it should be with the tenants health and happiness first and foremost. Also I must include that the manufactured home industry is calling what used to be referred to as parks are now very much dedicated to calling these areas communities. So I would assume by that, that they are, I think, also of the contentlon that these areas would be considered as any other residential area in a town

I brought up senior citizens as an example of the hardships caused, but it is not only senior's, but single parent families, people with disabilities, students, and to certain extent every one in that community.

I guess I don't want to sound boring or repeating, but it seems to me if this legislation is not passed then we are leaving the individuals in these communities at the mercy of any one that wants to come in and buy that property in order to turn a fast dollar.

I feel that it is a grave and decidedly lack of compassion if we are to let laws remain in effect that are going to put the tenant, or in this case the manufactured home owner, in a position where they are in the hands of either an owner or a park manager who has no feelings or qualms about what misery, or hardships they are willing to put these people through. I said tenant, but I guess that is the wrong choice of words, because these things cannot be treated as a normal landlord tenant situation, because normally the tenant does not own the building he or she lives in. IN talking to these people I find some deep concern with some of these people about this and the other issues. I guess I feel these laws would do nothing to hurt anybody except some unscrupulous managers and or owners that are just there for the fast buck thing. I think personally these laws could and would do nothing but cause a big sigh of relief to some of these people, and a great stability to the industry which I believe is on the verge of being lost. Because I think if this is left up in the air with out the passage of this I guess I don't know who in their right mind would want to go through the expense of moving in to any park in the state not knowing how secure their future would be there. I guess if you could of heard the quiver in their voice or the tears in their eyes of some of these senior citizens last summer and fall, about the concerns they had over coming up with the extra money for deposits and or the thought of having to move their homes, I believe you would have no problem of enacting these laws.

In closing I feel I must stress to you the fact that I do not believe that this ~~commercial~~ property can be treated as ordinary ~~commercial~~ property, because it is strictly of and by its self a very, very unique situation. This is not a law that has just been thought of in North Dakota, Arizona and Nevada already have this law in effect in

effect and it is my understanding there are some other states that have also passed it or have proposals pending. I would ask you to ask yourself how you would feel wherever you live, how you would feel if some one said to you, we are going to use the property your home is setting on for something else and you have got thirty days to move your home at your expense. You will perhaps say it will never happen, but you never know do you! Thanks for your consideration and I hope support, Thank you very much.