

MICROFILM DIVIDER

OMB/RECORDS MANAGEMENT DIVISION

SFN 2053 (2/85) 5M



ROLL NUMBER

DESCRIPTION

1941

2001 HOUSE TRANSPORTATION

HB 1241

2001 HOUSE STANDING COMMITTEE MINUTES

BILL/RESOLUTION NO. HB 1241

House Transportation Committee

Conference Committee

Hearing Date January 25, 2001

Tape Number	Side A	Side B	Meter #
1	x		2,080
Committee Clerk Signature <i>Laurie B. Zink</i>			

Minutes: Rep. Weisz - Chairman opened the hearing on HB 1241; A BILL for an Act to create and enact a new section to chapter 23-10 of the North Dakota Century Code, relating to eviction from a mobile home park.

Rep. Maragos: I sponsored this bill at the requests of the mobile home owners in Minot, ND. I will let their testimony speak for themselves.

Susan Ternes: Our original request was for 90 day notice in the event of an eviction; however, since speaking with Mr. French and Mr. Delmore I would like to request on behalf of the Mobile Home Association that this bill be withdrawn from a further consideration. We no longer wish to pursue the approval of this bill.

Rep. Maragos: Mr. Chairman, I believe now that you have opened testimony you cannot have the bill withdrawn. You will need to hear it and then kill it.

Ken French (2280) appeared in opposition to HB 1241. Mr. French stated that this bill would jeopardize the people who live in these communities. We feel that by limiting the park owners

Page 2
House Transportation Committee
Bill/Resolution Number HB 1241
Hearing Date January 25, 2001

--- like a situation in our community. If a drug dealer is operating there, --- or that type of thing we want the ability to get them out. This bill would be adverse to the residents of the community.

Ken Royse appeared in opposition to HB 1241; a copy of his written testimony is attached.

Rocky Gordon, local property management company owner appeared on his own behalf in opposition to HB 1241. I currently do not have any mobile home parks at present but have had in the past. It is urgent that you vote no on this bill. I have been a follower of tenant/home owner law in North Dakota for about the last 20 years. I can assure you that this would have a negative affect on the tenants themselves. I urge you to vote no.

There being no other persons wishing to appear either for or against HB 1241, Chairman Weisz closed the hearing on receipt of testimony on HB 1241. (2766).

Other persons not testifying file written documnts regarding HB 1241, copies are attached.

2001 HOUSE STANDING COMMITTEE MINUTES

BILL/RESOLUTION NO. HB 1241 b

House Transportation Committee

Conference Committee

Hearing Date January 25, 2001

Tape Number	Side A	Side B	Meter #
1		8	5,511
Committee Clerk Signature <i>Lauren L. Fink</i>			

Minutes: In work session, Rep. Weisz - Chairman opened discussion on HB 1241.

Rep. Jensen: I move a 'Do Not Pass' on HB 1241.

Rep. Kelsch: I second the motion.

On a roll call vote the motion carried. 13 yeas 0 nays 1 absent.

Rep. Thorpe was designated to carry the bill on the floor.

Date: January 25, 2001
Roll Call Vote #:

2001 HOUSE STANDING COMMITTEE ROLL CALL VOTES
BILL/RESOLUTION NO. HB 1241

House Transportation Committee

Subcommittee on _____
or
 Conference Committee

Legislative Council Amendment Number _____

Action Taken Do Not Pass

Motion Made By Rep. Jensen Seconded By Rep. Kelch

Representatives	Yes	No	Representatives	Yes	No
Robin Weisz - 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) 13 No 0

Absent 1

Floor Assignment Rep. Thorpe

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

REPORT OF STANDING COMMITTEE (410)
January 25, 2001 12:49 p.m.

Module No: HR-13-1606
Carrier: Thorpe
Insert LC: . Title: .

REPORT OF STANDING COMMITTEE

HB 1241: Transportation Committee (Rep. Welsz, Chairman) recommends DO NOT PASS
(13 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). HB 1241 was placed on the
Eleventh order on the calendar.

2001 TESTIMONY

HB 1241

Testimony offered relative to House Bill No. 1241

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 1241.

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 Park Owner to give a Park tenant a 180 day Notice in an eviction proceedings. I object to this bill and want to urge this committee to vote no on it.

In my experience with my own Park, evictions are most usually issued either because the Tenant is not paying his rent, or the Tenant is engaging in activity which is disruptive to the Park or to his neighbors. That disruptive behavior may also include activities which put his neighbors in harms way----- such as continued disregard for speed limits in the Park, harboring a vicious pet, or allowing unsanitary conditions to occur on his Lot or in his Home.

I can also tell you, again based on my own experience, that the current process of eviction is already a time-consuming and cumbersome process for any Park Owner to have to undertake. Usually during such a process, which very easily can take several months, the Tenant being evicted stops paying any rent and completely disregards any rules of the Park during the process. A sophisticated tenant, one who knows the various delay tactics available to him, can easily prolong an eviction process under current law--- why would the State want to provide more opportunities for an undesirable Tenant to delay a rightful eviction.

Regardless of what the intent is of this bill, the reality is that this legislation would limit a Park Owner from operating his Park in a professional and business like way. In all other businesses, if customers do not pay, they are denied service--- they are not given an additional 180 days of service with a burden then placed on the business owner to try to collect. In all other businesses, if customers put other customers at risk or do not follow business rules, they are denied service----again they are not given an additional 180 days to continue such unacceptable behavior before such service is denied.

Why enact this provision, which targets specifically mobile home parks? People and families also rent apartments, townhouses, condos, and conventional homes. Businesses rent warehouse space, office space and retail space. If the provisions of this bill are so important to residents of mobile home parks why aren't these same provisions provided to these other categories of renters.

If this bill passes it will undoubtedly cause rent increases to those tenants of mobile home parks who are good tenants---those who consistently pay their lot rents and who follow Park rules and regulations and who are good neighbors to others in the Park. This bill will create a cost of doing business for all Park operators which will be passed on to the good tenants of the Park.

Again I urge you to vote no on this bill.

Respectively submitted,

Ken Royse
Owner, Parktown Mobile Home Park
Mandan, ND

**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.

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

Committee

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 for violating 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