S T A T E O F N E W Y O R K

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2011-2012 Regular Sessions

I N S E N A T E

(PREFILED)

January 5, 2011

Introduced by Sens. PERALTA, PARKER -- read twice and ordered printed, and when printed to be committed to the Committee on Consumer Protection

AN ACT to amend the general business law and the real property law, in relation to requiring manufactured home park owners or operators to provide customers with notice that such owners or operators of manufactured home parks may change the use of land comprising manufactured home parks

THE PEOPLE OF THE STATE OF NEW YORK, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. The general business law is amended by adding a new section 399-nn to read as follows:

S 399-NN. MANUFACTURED HOME CONTRACTS. 1. FOR THE PURPOSES OF THIS SECTION, "MANUFACTURED HOME" MEANS A STRUCTURE, TRANSPORTABLE IN ONE OR MORE SECTIONS, WHICH, IN THE TRAVELING MODE, IS EIGHT BODY FEET OR MORE IN WIDTH OR FORTY BODY FEET OR MORE IN LENGTH, OR, WHEN ERECTED ON SITE, IS THREE HUNDRED TWENTY OR MORE SQUARE FEET, AND WHICH IS BUILT ON A PERMANENT CHASSIS AND DESIGNED TO BE USED AS A DWELLING WITH OR WITHOUT A PERMANENT FOUNDATION WHEN CONNECTED TO THE REQUIRED UTILITIES, AND INCLUDES THE PLUMBING, HEATING, AIR-CONDITIONING AND ELECTRICAL SYSTEMS CONTAINED THEREIN. THE TERM SHALL INCLUDE ANY STRUCTURE THAT MEETS ALL OF THE REQUIREMENTS OF THIS SUBDIVISION EXCEPT THE SIZE REQUIREMENTS AND WITH RESPECT TO WHICH THE MANUFACTURER VOLUNTARILY FILES A CERTIFICATION REQUIRED BY THE UNITED STATES SECRETARY OF HOUSING AND URBAN DEVELOPMENT AND COMPLIES WITH THE STANDARDS ESTABLISHED UNDER TITLE 42 OF THE UNITED STATES CODE; AND EXCEPT THAT SUCH TERM SHALL NOT INCLUDE ANY SELF-PROPELLED RECREATIONAL VEHICLE.

2. EVERY CONTRACT BETWEEN A CONSUMER AND A SELLER OF A MANUFACTURED HOME SHALL BE IN WRITING, SHALL BE DATED, SHALL CONTAIN THE STREET ADDRESS OF THE SELLER AND THE CONSUMER, AND SHALL BE SIGNED BY THE

EXPLANATION--Matter in ITALICS (underscored) is new; matter in brackets [ ] is old law to be omitted.

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CONSUMER AND SELLER. EACH CONTRACT SHALL CONTAIN THE FOLLOWING STATEMENT IN NOT LESS THAN TWELVE-POINT BOLD FACE TYPE:

"A MANUFACTURED HOME PARK OWNER OR OPERATOR MAY PROPOSE A CHANGE IN THE USE OF THE LAND COMPRISING A MANUFACTURED HOME PARK, OR A PORTION THEREOF, ON WHICH MANUFACTURED HOMES MAY BE LOCATED. SUCH A PROPOSED USE CHANGE MAY REQUIRE THE HOME OWNER TO RELOCATE THE MANUFACTURED HOME AND SECURE OTHER ACCOMMODATIONS AT THE HOME OWNER'S EXPENSE."

3. A COPY OF THE FULLY COMPLETED CONTRACT SHALL BE GIVEN TO THE CONSUMER AT THE TIME THE CONTRACT IS SIGNED.

4. WHENEVER THERE SHALL BE A VIOLATION OF THIS SECTION, AN APPLICATION MAY BE MADE BY THE ATTORNEY GENERAL IN THE NAME OF THE PEOPLE OF THE STATE OF NEW YORK TO A COURT OR JUSTICE HAVING JURISDICTION BY A SPECIAL PROCEEDING TO ISSUE AN INJUNCTION, AND UPON NOTICE TO THE DEFENDANT OF NOT LESS THAN FIVE DAYS, TO ENJOIN AND RESTRAIN THE CONTINUANCE OF SUCH VIOLATION; AND IF IT SHALL APPEAR TO THE SATISFACTION OF THE COURT OR JUSTICE THAT THE DEFENDANT HAS, IN FACT, VIOLATED THIS SECTION, AN INJUNCTION MAY BE ISSUED BY THE COURT OR JUSTICE, ENJOINING AND RESTRAINING ANY FURTHER VIOLATIONS, WITHOUT REQUIRING PROOF THAT ANY PERSON HAS, IN FACT, BEEN INJURED OR DAMAGED THEREBY. IF THE COURT IN SUCH A SPECIAL PROCEEDING DETERMINES THAT A VIOLATION OF THIS SECTION HAS OCCURRED, THE COURT MAY IMPOSE A CIVIL PENALTY OF NOT MORE THAN FIVE HUNDRED DOLLARS FOR EACH VIOLATION. IN CONNECTION WITH ANY SUCH PROPOSED APPLICATION, THE ATTORNEY GENERAL IS AUTHORIZED TO TAKE PROOF AND MAKE A DETERMINATION OF THE RELEVANT FACTS AND TO ISSUE SUBPOENAS IN ACCORDANCE WITH THE CIVIL PRACTICE LAW AND RULES.

S 2. Paragraph 2 of subdivision g of section 233 of the real property law, as amended by chapter 566 of the laws of 1996, is amended to read as follows:

2. A manufactured home park owner or operator shall be required to fully disclose in writing all fees, charges, assessments, including rental fees, rules and regulations prior to a manufactured home tenant assuming occupancy in the manufactured home park. A MANUFACTURED HOME PARK OWNER OR OPERATOR SHALL ALSO BE REQUIRED TO FULLY DISCLOSE IN WRITING THE FACT THAT SUCH MANUFACTURED HOME PARK OWNER OR OPERATOR MAY PROPOSE A CHANGE IN THE USE OF THE LAND COMPRISING THE MANUFACTURED HOME PARK, OR A PORTION THEREOF, ON WHICH THE MANUFACTURED HOME IS TO BE LOCATED, AND THAT SUCH PROPOSED USE CHANGE MAY REQUIRE THE TENANT TO RELOCATE THE MANUFACTURED HOME AND SECURE OTHER ACCOMMODATIONS AT THE TENANT'S EXPENSE.

S 3. This act shall take effect on the first of January next succeeding the date on which it shall have become a law; provided, however that effective immediately, the addition, amendment and/or repeal of any rule or regulation necessary for the implementation of this act on its effective date are authorized and directed to be made and completed on or before such effective date.