

1935

2009-2010 Regular Sessions

I N S E N A T E

February 10, 2009

Introduced by Sen. 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:

1 Section 1. The general business law is amended by adding a new section
2 399-nn to read as follows:
3 S 399-NN. MANUFACTURED HOME CONTRACTS. 1. FOR THE PURPOSES OF THIS
4 SECTION, "MANUFACTURED HOME" MEANS A STRUCTURE, TRANSPORTABLE IN ONE OR
5 MORE SECTIONS, WHICH, IN THE TRAVELING MODE, IS EIGHT BODY FEET OR MORE
6 IN WIDTH OR FORTY BODY FEET OR MORE IN LENGTH, OR, WHEN ERECTED ON SITE,
7 IS THREE HUNDRED TWENTY OR MORE SQUARE FEET, AND WHICH IS BUILT ON A
8 PERMANENT CHASSIS AND DESIGNED TO BE USED AS A DWELLING WITH OR WITHOUT
9 A PERMANENT FOUNDATION WHEN CONNECTED TO THE REQUIRED UTILITIES, AND
10 INCLUDES THE PLUMBING, HEATING, AIR-CONDITIONING AND ELECTRICAL SYSTEMS
11 CONTAINED THEREIN. THE TERM SHALL INCLUDE ANY STRUCTURE THAT MEETS ALL
12 OF THE REQUIREMENTS OF THIS SUBDIVISION EXCEPT THE SIZE REQUIREMENTS AND
13 WITH RESPECT TO WHICH THE MANUFACTURER VOLUNTARILY FILES A CERTIFICATION
14 REQUIRED BY THE UNITED STATES SECRETARY OF HOUSING AND URBAN DEVELOPMENT
15 AND COMPLIES WITH THE STANDARDS ESTABLISHED UNDER TITLE 42 OF THE UNITED
16 STATES CODE; AND EXCEPT THAT SUCH TERM SHALL NOT INCLUDE ANY SELF-PRO-
17 PELLED RECREATIONAL VEHICLE.
18 2. EVERY CONTRACT BETWEEN A CONSUMER AND A SELLER OF A MANUFACTURED
19 HOME SHALL BE IN WRITING, SHALL BE DATED, SHALL CONTAIN THE STREET
20 ADDRESS OF THE SELLER AND THE CONSUMER, AND SHALL BE SIGNED BY THE
21 CONSUMER AND SELLER. EACH CONTRACT SHALL CONTAIN THE FOLLOWING STATEMENT
22 IN NOT LESS THAN TWELVE-POINT BOLD FACE TYPE:

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

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

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

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

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

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

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