

STATE OF NEW YORK

7335

2019-2020 Regular Sessions

IN ASSEMBLY

April 25, 2019

Introduced by M. of A. BARRETT -- read once and referred to the Committee on Housing

AN ACT to amend the real property law, in relation to rent increases in manufactured home parks

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

1 Section 1. Section 233 of the real property law is amended by adding a
2 new subdivision y to read as follows:

3 y. 1. (a) The owner of a manufactured home park may not raise a manu-
4 factured home tenant's lot rent above the consumer price index averaged
5 over the most recently available preceding thirty-six month period,
6 unless the proposed rent increase is approved by the division of housing
7 and community renewal and directly related to operating, maintaining, or
8 improving the manufactured home park for the following purposes:

9 (i) The completion and incurring of costs for any capital improvements
10 or rehabilitation work in the manufactured home park, as distinguished
11 from ordinary repair, replacement, or maintenance. Capital improvements
12 shall include roadway improvements, plumbing and piping infrastructure,
13 community structures, natural disaster recovery. All other maintenance
14 shall be considered ordinary, and shall not be grounds for a rent
15 increase. All rent increases resulting from capital improvements shall
16 expire once the improvement is paid for;

17 (ii) Changes in property taxes or other taxes within the manufactured
18 home park;

19 (iii) Changes in utility charges within the manufactured home park;

20 (iv) Changes in insurance costs and financing associated with the
21 manufactured home park;

22 (v) Changes in reasonable operating and maintenance expenses relating
23 to the manufactured home park including, but not limited to costs for:
24 water service; sewer service; septic service; water disposal; trash
25 collection; and employee expenses.

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

LBD10803-02-9

1 (b) (i) A manufactured home park owner shall not incorporate the cost
2 of a civil penalty, criminal fine, or litigation-related costs for rent-
3 related proceedings into rent charged under any circumstance.

4 (ii) A manufactured home park owner shall not utilize the cost of
5 capital improvements or rehabilitation work as justification for any
6 future rental increase once such cost has been fully recovered by rental
7 increases that were incorporated into a prior rental increase in excess
8 of the consumer price index and where such prior rental increase was
9 properly implemented pursuant to this subdivision.

10 (c) When a manufactured home tenant first moves onto a lot in a manu-
11 factured home park, the tenant shall be offered rent at a rate not
12 exceeding the average rent for lots similar in size to such lot which
13 are located within such manufactured home park.

14 2. (a) In addition to the notice required pursuant to paragraph three
15 of subdivision g of this section, a manufactured home park owner shall
16 give written notice to the home owners' association, if one exists, and
17 the division of housing and community renewal at least ninety days prior
18 to any increase in rent. The notice shall identify all affected manufac-
19 tured home owners by lot number, name, group or phase. If the affected
20 manufactured home owners are not identified by name, the manufactured
21 home park owner shall make the names and addresses available to any
22 affected manufactured home owner, the home owners' association, if one
23 exists, and the division of housing and community renewal upon request.

24 (b) (i) If the proposed rent increase exceeds the consumer price
25 index, the division of housing and community renewal shall schedule a
26 final meeting between the parties at a mutually-convenient time and
27 place to be held within thirty days from the mailing of the notice of
28 the rent increase, to discuss the reasons for the increase. At the
29 manufactured home park owner's election, the division of housing and
30 community renewal shall also schedule one or more optional informal
31 meetings prior to the final meeting. The manufactured home park owner
32 proposing the rent increase shall recommend to the division of housing
33 and community renewal a date, time and place of the final meeting and of
34 any preceding informal meetings, and the division of housing and commu-
35 nity renewal shall affirm such recommendation with the manufactured home
36 park owner, if the division finds the date, time and place to be reason-
37 able. At or before the final meeting the manufactured home park owner
38 shall, in good faith, disclose in writing all of the material factors
39 resulting in the decision to increase the rent.

40 (ii) The parties may agree in a writing signed by the manufactured
41 home park owner and at least one affected manufactured home owner or the
42 home owners' association to extend or continue any meetings required by
43 this paragraph to a date specified in the writing and approved by the
44 division of housing and community renewal as reasonable. Within two
45 business days of signing an agreement to continue or extend meetings,
46 the manufactured home park owner shall notify the division of housing
47 and community renewal of such agreement by forwarding the signed agree-
48 ment to the division.

49 (c) After the final meeting, any affected manufactured home owner who
50 has not already accepted the proposed increase, or the home owners'
51 association on behalf of one or more affected manufactured home owners
52 who have not already accepted the proposed increase may, within thirty
53 days from the conclusion of the final meeting, petition the division of
54 housing and community renewal to appoint an arbitrator to conduct arbi-
55 tration subject to the provisions of article seventy-five of the civil
56 practice law and rules.

1 3. A manufactured home park owner who raises a manufactured home
2 owner's rent more than the annual average increase of the consumer price
3 index for the preceding thirty-six month period without having obtained
4 approval of the division of housing and community renewal shall be
5 required to immediately reduce the rent to the amount in effect before
6 the unauthorized increase and rebate the unauthorized rent collected to
7 the manufactured home owners with interest.

8 4. Manufactured home park cooperatives shall be exempt from the
9 provisions of this subdivision.

10 § 2. This act shall take effect immediately.