



SPONSOR: Rep. Briggs King & Sen. Henry
Reps. Dukes, Kowalko, Viola, Wilson; Sen. Lawson

HOUSE OF REPRESENTATIVES
149th GENERAL ASSEMBLY

HOUSE SUBSTITUTE NO. 1
FOR
HOUSE CONCURRENT RESOLUTION NO. 2

AN ACT ESTABLISHING A TASK FORCE TO REVIEW THE MANUFACTURED HOME OWNERS AND
COMMUNITY OWNERS ACT.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF DELAWARE:

1 WHEREAS, Chapter 70 of Title 25 of the Delaware Code is complex and difficult to interpret by community
2 owners, manufactured homeowners, and the courts as cited; and

3 WHEREAS, litigation and the courts' comments show the need for a comprehensive legislative review of Chapter
4 70, Title 25 of the Delaware Code; and

5 WHEREAS, the parties most affected by Chapter 70 of Title 25 of the Delaware Code have the most knowledge,
6 experience, and investment in the implementation and decisions relating to this chapter of the Delaware Code;

7 NOW THEREFORE:

8 BE IT RESOLVED by the House of Representatives of the 149th General Assembly of the State of Delaware, the
9 Senate concurring therein, that the Task Force to review the manufactured home owners and community owner's act be
10 created in the State of Delaware:

11 BE IT FURTHER RESOLVED that this task force shall consist of the following voting members:

12 (1) 3 full time resident owners of manufactured homes located within a manufactured home community in
13 Delaware, with at least one member residing in each county, with two appointed by the Delaware Manufactured Home
14 Owners Association, one appointed by the Land Lease Homeowners Coalition, Inc. (LLHC); and

15 (2) 3 members of the First State Manufactured Housing Association (FSMHA) with at least 1 member who owns
16 or represents a community in each county; and

17 (3) 3 licensed real estate professionals, to be recommended by the Delaware Association of REALTORS for
18 consideration and the selection of 2 appointees by the Governor from those recommended; and

19 (4) the Chair of the Delaware Manufactured Home Relocation Authority (DMHRA) or an appointed public
20 member; and

(5) 2 members of the Delaware House of Representatives, 1 from each caucus, appointed by the Speaker, with the Speaker selecting 1 of the Representatives to serve as the Chair of the Task Force; and

(6) 2 members of the Delaware State Senate, 1 from each caucus, appointed by the President Pro Tempore.

BE IT FURTHER RESOLVED that the task force shall also consist of the following non-voting advisory members:

(1) the State Attorney General, or their designee who can provide expertise with regard to Chapter 70 of Title 25;

(2) the Director of the Delaware State Housing Authority, or their designee who has a primary focus in affordable housing;

(3) 1 member of the Delaware bar representing the Delaware Community Legal Aid Society; and

(4) 1 representative from the Delaware Law School at Widener University.

BE IT FURTHER RESOLVED that the Delaware Manufactured Home Owners Association may designate 1 attorney as a non-voting advisor to the Task Force.

BE IT FURTHER RESOLVED that the FSMHA may designate 1 attorney as a non-voting advisor to the Task Force.

BE IT FURTHER RESOLVED that this task force shall perform a comprehensive review of the Manufactured Home Owners and Community Owners Act ("MHOCOA") under Chapter 70 of Title 25 of the Delaware Code, including § 7042 through § 7046, with rent justification being a priority item.

BE IT FURTHER RESOLVED that this review include recent and subsequent Court and arbitration decisions concerning the rent justification process.

BE IT FURTHER RESOLVED that the task force shall receive its non-legal staffing from the State Attorney General's Office.

BE IT FURTHER RESOLVED that the task force shall meet at least on a monthly basis as determined by the task force during the initial meeting, which shall be scheduled by July 1, 2017.

BE IT FURTHER RESOLVED that this task force shall make a written report of its findings to all members of the General Assembly and the Governor no later than December 31, 2017.

SYNOPSIS

Since its adoption in 2003, the Manufactured Home Owners and Community owners Act has proven to be an effective tool to protect the rights of tenants in manufactured home communities. After 13+ years, a number of issues and concerns have been identified by tenants, community owners, and the courts. This Concurrent Resolution establishes a Task Force to review the manufactured Home Owners and Community Owners Act in order to determine what changes, if any, are needed in order to "fine tune" this Act and support a balance of protections and rights for all parties involved.

