



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

HOUSE OF REPRESENTATIVES
149th GENERAL ASSEMBLY

HOUSE CONCURRENT RESOLUTION NO. 2

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

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

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 owners act be
10 created in the State of Delaware:

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

12 (1) 3 resident owners of manufactured homes located within a manufactured home community in Delaware, with
13 at least one member residing in each county, with two appointed by the Delaware Manufactured Home Owners
14 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, recommended by the Delaware Association of REALTORS for
18 consideration and selection of 1 appointee by the Governor; and

19 (4) 1 member of the Delaware Relocation Trust Authority (DMHRA); and

20 (5) 2 members of the Delaware House of Representatives, 1 from each caucus, appointed by the Speaker, with the
21 Speaker selecting 1 of the Representatives to serve as the Chair of the Task Force; and

22 (6) 2 members of the Delaware State Senate, 1 from each caucus, appointed by the President Pro Tempore.

23 BE IT FURTHER RESOLVED that all voting members must be residents of Delaware.

24 BE IT FURTHER RESOLVED that the State Attorney General, or their designee who can provide expertise with
25 regard to Chapter 70 of Title 25; the Director of the Delaware State Housing Authority, or their designee who has a primary
26 focus in affordable housing; 1 member of the Delaware Bar representing Delaware Community Legal Aid Society; and 1
27 representative from the Delaware Law School at Widener University shall serve in a non-voting advisory role.

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

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

32 BE IT FURTHER RESOLVED that this task force shall perform a comprehensive review of the Manufactured
33 Home Owners and Community Owners Act ("MHCOA") under Chapter 70 of Title 25 of the Delaware Code.

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

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

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

40 BE IT FURTHER RESOLVED that this task force shall make a written report of its findings to all members of the
41 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.