



SPONSOR: Rep. Yearick

HOUSE OF REPRESENTATIVES  
150th GENERAL ASSEMBLY

HOUSE AMENDMENT NO. 3  
TO  
HOUSE BILL NO. 46

1 AMEND House Bill No. 46 by deleting lines 108 and 180 in their entirety.

2 FURTHER AMEND House Bill No. 46 by inserting the following after line 111 and before line 112 and  
3 redesignating accordingly:

4 “(e) No funds from the Delaware Manufactured Home Owner Attorney Fund may be used to represent an  
5 individual or individuals who own the manufactured home and do not use the manufactured home as their full time  
6 permanent residence.

7 (f) No funds from the Delaware Manufactured Home Owner Attorney Fund may be used to represent an individual  
8 or individuals who own a manufactured home and who do not qualify pursuant to the financial means testing standards  
9 established by the Delaware Relocation Trust Authority Board in its regulations.”.

10 FURTHER AMEND House Bill No. 46 by inserting the following after line 183 and before line 184 and  
11 redesignating accordingly:

12 “(e) No funds from the Delaware Manufactured Home Owner Attorney Fund may be used to represent an  
13 individual or individuals who own the manufactured home and do not use the manufactured home as their full time  
14 permanent residence.

15 (f) No funds from the Delaware Manufactured Home Owner Attorney Fund may be used to represent an individual  
16 or individuals who own a manufactured home and who do not qualify pursuant to the financial means testing standards  
17 established by the Delaware Relocation Trust Authority Board in its regulations.”.

SYNOPSIS

The current language puts all of the financial burden upon the community owner to pay for legal counsel with no ability to recover its costs if the community is compelled to defend any action brought using funds from the home owner attorney fund. Currently there are no financial disincentives being placed upon those using the fund to be financially prudent and reasonable in pursuing their matter. This imbalance has resulted in homeowners asking for arbitrations and appealing every case when they have free legal counsel. This amendment would thereby compel those making decisions on the use of funds to be prudent in the decisions on which matter to fund. This amendment allows community owners to recover their legal costs if the community owner is the successful party in any matter using funds from the Fund. The amendment also prohibits the use of the fund for matters brought by or concerning homeowners who do not inhabit the manufactured home as their full time permanent residence. Given the concern for affordable housing the amendment also imposes a means test before any funds can be used to ensure that only homeowners unable to pay for legal services using

their own resources are allowed to benefit from the fund. The means test will be promulgated by the Relocation Trust Authority Board. Finally the amendment prohibits the use of the fund for homeowner challenges to community owners proposed rental increases under Subchapter VI of this Chapter.