



SPONSOR: Rep. Kowalko & Rep. Carson & Rep. K. Williams &
Sen. Walsh & Sen. Ennis
Reps. Baumbach, Mitchell, Wilson-Anton; Sen. Lawson

HOUSE OF REPRESENTATIVES
151st GENERAL ASSEMBLY

HOUSE BILL NO. 176

AN ACT TO AMEND TITLE 25 OF THE DELAWARE CODE RELATING TO MAINTENANCE IN
MANUFACTURED HOME COMMUNITIES.

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

1 Section 1. Amend § 7003, Title 25 of the Delaware Code by making deletions as shown by strike through and
2 insertions as shown by underline as follows and redesignating accordingly:

3 § 7003. Definitions.

4 Unless otherwise expressly stated, if a word or term is not defined under this section, it has its ordinarily accepted
5 meaning or means what the context implies. For purposes of this chapter:

6 (11) “Maintenance” or “maintain” means the scheduled or unscheduled repair of a community asset and
7 includes preventive care for buildings, structures, and installed building equipment as recommended by the
8 manufacturer and engineering or contracted architectural and engineering services that support the planning design,
9 and execution of repairs or preventive care.

10 ~~(24) (25) “Tree” for the purpose of this chapter~~ means a woody, perennial plant at least 25 feet in height or
11 with a main stem a minimum of 6 inches in diameter. “Tree” includes the root system, limbs, and trunk or stem.

12 Section 2. Amend § 7008, Title 25 of the Delaware Code by making deletions as shown by strike through and
13 insertions as shown by underline as follows:

14 § 7008. Provisions of a rental agreement.

15 (a) All new and renewing rental agreements, including those rental agreements whose original term has expired,
16 for a lot in a manufactured home community must include all of the following:

17 (9) A services rider which contains a description of each utility, facility, and service provided by the landlord
18 and available to the tenant. The services rider must clearly indicate ~~the~~ all of the following:

19 a. The financial responsibility of the tenant and the landlord for installation and maintenance of each
20 service, and the service.

21 b. The dividing point where the landlord’s or provider’s responsibility for installation and maintenance
22 ends and the tenant’s responsibilities begin.

23 c. The related fees or charges for each service.

24 (10) A rental agreement summary that must contain all of the following:

25 b. ~~The~~ Lot number of the rented lot.

26 (13) Provisions requiring the landlord to do all of the following:

27 a. Maintain and regrade the lot ~~area~~ areas, bulkheads, streets, and other grounds, where necessary and in
28 good faith, as permitted by law, and to prevent the accumulation of standing water thereon and to prevent the
29 detrimental effects of moving water if such efforts do not cause the creation of any new accumulations of standing
30 water or detrimental effects of moving water on another lot area. Areas defined by local, state, or federal
31 regulations as wetlands, flood plains, tidal areas, water recharge areas, or recorded drainage systems are exempt
32 from this paragraph.

33 ~~1. /~~ Maintain, care for, and remove, if necessary, trees on any lot, including common areas, if the tree is at
34 least 25 feet in height or has a main stem or trunk larger than 6 inches in diameter. ~~Such maintenance,~~
35 Maintenance, care, and removal ~~means of trees includes~~ those steps required to maintain a live and healthy tree
36 condition per standard horticultural practices in accordance with the standards as set forth by the American
37 Association of Nurserymen.

SYNOPSIS

This Act clarifies the responsibilities of manufactured home community owners and homeowners for maintenance.

This Act also makes technical corrections to conform existing law to the standards of the Delaware Legislative Drafting Manual.