

SPONSOR: Rep. Wilson-Anton & Sen. Ennis
Rep. Kowalko

HOUSE OF REPRESENTATIVES
151st GENERAL ASSEMBLY

HOUSE BILL NO. 374
AS AMENDED BY
HOUSE AMENDMENT NO. 1
AND
SENATE AMENDMENT NO. 1

AN ACT TO AMEND TITLE 25 OF THE CODE RELATING TO THE RESIDENTIAL LANDLORD-TENANT CODE AND MANUFACTURED HOME AND MANUFACTURED HOME COMMUNITIES ACT.

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

Section 1. Amend Subchapter I of Chapter 70 of Title 25 of the Code by making deletions as shown by strike through and insertions as shown by underline as follows:

§ 7003. Definitions.

(11) "Manufactured home" means ~~a factory-built, single-family dwelling.~~ any of the following:

~~a. Transportable in 1 or more sections, which is either 8 body feet or more in width and 40 body feet or more in length, or, when erected on site, has more than 400 square feet in living area; and~~

~~b. With or without a permanent foundation and designed to be used as a year-round dwelling when connected to the required utilities; and~~

~~c. If manufactured since June 15, 1976, built in accordance with manufactured home construction requirements promulgated by the federal Department of Housing and Urban Development (HUD) or by other applicable codes. "Manufactured home" is synonymous with "mobile home", "trailer", and similar terms used elsewhere in this title.~~

a. A factory-built, single-family dwelling that is all of the following:

1. Transportable in 1 or more sections, which is either 8 body feet or more in width and 40 body feet or more in length, or, when erected on site, has more than 400 square feet in living area.

2. With or without a permanent foundation and designed to be used as a year-round dwelling when connected to the required utilities.

3. If manufactured since June 15, 1976, built in accordance with manufactured home construction requirements promulgated by the federal Department of Housing and Urban Development (HUD) or by other applicable codes. "Manufactured home" is synonymous with "mobile home", "trailer", and similar terms used

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elsewhere in this title.

b. A home consisting primarily of a camper trailer, recreational vehicle, motor home, or similar vehicle or trailer designed to serve as a mobile, temporary residence if all of the following are true:

1. The camper trailer, recreational vehicle, motor home, or similar vehicle or trailer is located in a manufactured home community that contains at least two manufactured homes as defined by Section 7003(11)a or contained two such homes at the time the tenant obtained title to the camper trailer, recreational vehicle, motor home, or similar vehicle or trailer.

2. The camper trailer, recreational vehicle, motor home, or similar vehicle or trailer is the primary residence of the tenants.

3. At the time the current tenant obtained title to the camper trailer, recreational vehicle, motor home, or similar vehicle or trailer; the camper trailer, recreational vehicle, motor home, or similar vehicle or trailer waws not mobile and could not reasonably be returned to a condition where it would be mobile.

c. Homes defined as a manufactured home under paragraph b. of this subsection shall be considered manufactured homes for the purpose of applying the provisions of this chapter to those homes' lot leases except that:

1. Homes defined as manufactured homes under paragraph b. of this subsection shall not be considered manufactured homes for purposes of zoning, taxation, or any other purpose unless the home meets an applicable definition of a manufactured home other than paragraph b of this subsection.

2. Lot leases for homes defined as manufactured homes under paragraph b. of this subsection are not transferable under § 7013 of this title.

§ 7004. Exemptions.

(a) Except for homes defined as manufactured homes in Section 7003(11), the ~~The~~ rental of ground upon which a recreational vehicle is placed, including any facilities or utilities thereon, is exempt from the requirements of subchapters I through V of this chapter and nothing in subchapters I through V of this chapter may be construed as determining, regulating, or governing the legal rights of parties to any lease or rental agreement for the ground on which a recreational vehicle is situated.

Section 2. Amend Title 25 of the Delaware Code by adding a new § 7022A and by making deletions as shown by strikethrough and insertions as shown by underline as follows:

§ 7022A. Recreational Vehicle Leases.

No community owner may issue a lot lease for the rental of ground in a manufactured home community upon

which a camper trailer, recreational vehicle, motor home, or similar vehicle or trailer is placed or shall be placed if the community owner knows or should know that the vehicle or trailer is likely to be used as the tenant's primary residence. This prohibition does not apply to lot leases issued to tenants who are current residents in the community and for whom the vehicle or trailer in question is their primary residence.

Section 3. Amend Title 25 of the Delaware Code by making deletions as shown by strikethrough and insertions as shown by underline as follows:

§ 7043. Relocation expenses; payments for nonrelocatable homes.

(a) If a tenant is required to relocate due to a change in use or conversion of the land in a manufactured home community under § 7024(b) of this title and complies with the requirements of this section, the tenant is entitled to the maximum relocation payment, established by the Board, from the Trust Fund, regardless of destination, including to property that is not in a manufactured home community or that is located in another state.

(b) The amount of a relocation payment determined under subsection (a) of this section is final and may not be appealed.

(c) A tenant is not entitled to compensation for relocation under subsection (a) of this section if any of the following apply:

(1) The landlord moves the tenant's manufactured home by mutual consent to another lot in the manufactured home community or to another manufactured home community at the landlord's expense.

(2) The tenant is vacating the manufactured home community and so informed the landlord before notice of the change in use was given.

(3) The tenant abandons the manufactured home under subsection (g) of this section.

(4) The tenant has failed to pay the tenant's share of the Trust Fund assessment during the course of the tenancy.

(5) The tenant's home is a camper trailer, recreational vehicle, motor home, or similar vehicle or trailer.

(g) In lieu of the procedure under subsection (a) of this section, a tenant may abandon the manufactured home in the manufactured home community. A tenant must receive a payment from the Trust Fund for the abandoned manufactured home. Before collecting a payment, a tenant shall deliver to the Authority a current State of Delaware title to the manufactured home duly endorsed by the owner of record, a valid release of all liens shown on the title, and a tax release. The amount of the payment shall be set by the Authority. The Authority shall not set the amount of payment under this subsection for a camper trailer, recreational vehicle, motor home, or similar vehicle or trailer that is defined as a manufactured home by § 7003(11)b. of this title to be less than the lowest payment it sets for a manufactured home as

defined by § 7003(11)a. of this title. The Authority's determination of the amount of the payment is final and may not be appealed.