SPONSOR: Rep. Atkins
Reps. Kowalko, Longhurst, Schwartzkopf; Sen. Bunting

HOUSE OF REPRESENTATIVES

145th GENERAL ASSEMBLY

HOUSE BILL NO. 107
AS AMENDED BY
HOUSE AMENDMENT NOS. 1,2 & 3
AND
SENATE AMENDMENT NO. 1

AN ACT TO AMEND TITLE 25 OF THE DELAWARE CODE RELATING TO MANUFACTURED HOUSING IN THE STATE OF DELAWARE.

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

Section 1. Amend section 7006(a)(3), Title 25 of the Delaware Code by striking the language existing therein, and substituting in its place the following:

"(a)(3)(i) A stipulation of the term of the rental agreement and the terms of payment of rent, which shall be in monthly increments, unless the parties agree otherwise as noted below. In addition, rental payments shall be paid by the tenant to the owner/landlord in equal dollar amounts, or as close thereto as possible, and shall be extended equally, pro rata on a monthly basis, over a calendar year. Any provision in a rental agreement or otherwise which requires rental payments or rental increases to be paid in one lump sum shall be null and void. Nothing herein shall preclude a tenant from requesting, and the owner/landlord from agreeing thereto, that rental payment be made in a one-time lump sum payment by the tenant.

(ii) The provisions of this section shall be prospective in nature.

(iii) If any provision of this Act or the application thereof is held invalid, such invalidity does not affect other provisions of applications of the Act which can be given effect without the invalid provision or application; and, to that end, the provisions of this Act are declared to be severable.

(iv) The monthly rental amount, as aggregated, must not exceed the annual rental amount and such monthly rental amount shall be determined by dividing the total annual rental amount, as set forth in the rental agreement, into 12 equal payments, to be made on a monthly rental schedule."

HD : MPM : SES:3941450079
LC : JWH : RAY:0661450015

Section 2. Amend Title 25 of the Delaware Code by adding the following new section 7015B thereto which shall read as follows:

"§ 7015B. Rent - Prohibited Lump Sum Payments.

(a) Rental payments shall be paid by the tenant to the owner/landlord in equal dollar amounts, or as close thereto as possible, and shall be extended equally, pro rata, over a calendar year. Any provision in a rental agreement or otherwise which requires rental payments or rental increases to be paid in one lump sum shall be null and void. Nothing herein shall preclude a tenant from requesting, and the owner/landlord from agreeing thereto, that rental payment be made in a one time lump sum, semi-annual, or quarterly payment made by the tenant; nor does anything herein prevent a landowner from offering discounts as incentives to homeowners to pay annually, semi-annually or quarterly provided it is made clear that the homeowners are under no obligation to pay in any way except monthly."