

**MINUTES**

**MONTANA HOUSE OF REPRESENTATIVES  
54th LEGISLATURE - REGULAR SESSION**

**COMMITTEE ON BUSINESS & LABOR**

**Call to Order:** By **BRUCE T. SIMON**, on February 9, 1995, at 8:00 AM.

**ROLL CALL**

**Members Present:**

Rep. Bruce T. Simon, Chairman (R)  
Rep. Norm Mills, Vice Chairman (Majority) (R)  
Rep. Robert J. "Bob" Pavlovich, Vice Chairman (Minority) (D)  
Rep. Vicki Cocchiarella (D)  
Rep. Charles R. Devaney (R)  
Rep. Jon Ellingson (D)  
Rep. Alvin A. Ellis, Jr. (R)  
Rep. David Ewer (D)  
Rep. Rose Forbes (R)  
Rep. Jack R. Herron (R)  
Rep. Bob Keenan (R)  
Rep. Don Larson (D)  
Rep. Rod Marshall (R)  
Rep. Jeanette S. McKee (R)  
Rep. Karl Ohs (R)  
Rep. Paul Sliter (R)  
Rep. Carley Tuss (D)  
Rep. Joe Barnett (R)

**Members Excused:** None.

**Members Absent:** None.

**Staff Present:** Stephen Maly, Legislative Council  
Alberta Strachan, Committee Secretary

**Please Note:** These are summary minutes. Testimony and discussion are paraphrased and condensed.

**Committee Business Summary:**

Hearing: HB 428, HB 419, HB 426  
Executive Action: HB 387

**HEARING ON HB 428**

**Opening Statement by Sponsor:**

**REP. DAVID EWER, HD 53, Lewis and Clark County** said this bill was an act revising banking laws; conforming Montana statutes to provisions of the Riegle-Neal Interstate Banking and Branching

Efficiency Act of 1994; revising the consolidation and merger of banks; revising the period of existence required of a bank to be acquired by a bank holding company; providing for the sale and relocating of branch banks; revising the Montana Electronic Funds Transfer Act to reflect current technology and to comply with federal laws and regulations; requiring disclosures relating to other charges and surcharges; changing from mandatory to discretionary the adoption of rules by the Department of Commerce concerning bank drafts and retail installment sales.

**Proponents' Testimony:**

**Tom Hopgood, Montana Independent Bankers Association** said section 4, which treats the consolidation of merger banks, requires that if banks want to merge they be in existence for a period of five years prior to the merger. Section 5 deals with the Riegle-Neal Interstate Banking and Branching Act. This conforms the Montana statutes to the requirements of the Act by removing the restrictions on interstate banking and that removal will be effective September 29, 1995. Sections 12 through 16 deal with the revisions to the electronic funds transfer law.

**Don Hutchinson, Commissioner of Financial Institutions, Department of Commerce** said this is a non-controversial bill and said he was fully in support of this bill because it would implement the legislation cleanup that was required.

**George Bennett, Attorney, Montana Bankers Association** stated this was a joint effort by the Department of Commerce, Independent Bankers and the Montana Bankers Association.

**Bill Leary, Montana Bankers Association** stated their support of this bill.

**Opponents' Testimony:**

None.

**Questions From Committee Members and Responses:**

**REP. HERRON** questioned the 1%. **Mr. Hopgood** said those percentages come out of the reference from the acquisition statute back to the merger statute. This determines that the merger statute and the acquisition statute have the same types of percentages.

**REP. BARNETT** questioned the operating loan in place. Does that mean a charge will be accrued for making the request for transfer by telephone. **Mr. Hopgood** said no.

**CHAIRMAN SIMON** asked for clarification that the approval of shareholders of each merging bank must vote by at least 2/3 of the outstanding shares of each class. That would be the 2/3 of each class within each bank. **Mr. Bennett** said yes. **CHAIRMAN**

**SIMON** then said if there was a group of preferred stockholders in one bank and that group of preferred stockholders did not vote by at least a 2/3 margin they could hang up a merger of the bank because that would not constitute 2/3 of that class. **Mr. Bennett** said if the preferred stock was voting stock the answer is yes. **CHAIRMAN SIMON** then questioned the electronic terminal. **Mr. Bennett** said in this bill it referred to electronic fund transfer. He suspected the Chairman was referring to credit card transactions. In a point of sale terminal the merchant will draw down on an account with a financial institution by use of the card.

**CHAIRMAN SIMON** said there was a movement toward a debit card that could probably be accessed through that same device and that would transfer the funds directly with a debit card. He asked if one were using that kind of a device would that be considered an electronic terminal for the purposes of this section. **Mr. Bennett** said financial institution customers already have a debit card. They can go to an automated teller machine and get cash or they can use that at a point of sale terminal which draws down on their account. That is an electronic funds transfer. The state already uses electronic fund transfers. They have a depository bank.

**Closing by Sponsor:**

The sponsor closed.

**HEARING ON HB 419**

**Opening Statement by Sponsor:**

**REP. LINDA MCCULLOCH, HD 70, Missoula County** said this bill was an act generally revising the laws governing landlord and tenant relations; clarifying the requirement of supplying essential services; revising conditions for the sale of a mobile home in a mobile home park; revising mobile home park rules; clarifying that a mobile home park landlord may not charge an additional road maintenance fee; revising the damages recoverable in certain landlord-tenant actions; revising actions involved in recovery of possession; clarifying the presumption of retaliatory conduct; revising the grounds for termination of a mobile home park rental agreement; clarifying that a mobile home park landlord may obtain injunctive relief and receive rent during a termination proceeding; clarifying conditions for imposition of a security deposit; allowing recovery of unpaid utilities from a security deposit; clarifying allowable cleaning charges and limiting a landlord's right to bring certain actions.

**Proponents' Testimony:**

**Klaus City, Managing Attorney, Montana Legal Services Association** explained the changes in the bill.

**Nancy Weinzettel** said there are critical problems being faced by over 100,000 people in mobile home courts across the state. She also said when each person agrees to rent or lease land on which to place mobile homes they did not agree to forfeit their right to control their personal property. There are urgent needs and they must preserve their rights as homeowners and they can do that with the support of this bill. **EXHIBIT 1**

**Matt Warner** said he resided in Bozeman at the Covered Wagon Mobile Home Park requested the support of this bill. The changes made in this bill protect tenants' property.

**Patsy Peterson** said she was a resident of the Hidden Valley Mobile Home Park in Bozeman and supported this bill.

**Sharon Tusken** said she resided in Lexley Acres Mobile Home Park in Belgrade. She had their mobile home approved for residency in 1992 before they moved in. They are now trying to sell an older mobile home that is 20 years old. Older mobile homes, if sold, must be moved but newer homes may stay if sold.

**Ann Barnes, Montana People's Action** said she supports this bill. She questions if another individual may legally make someone else's property worthless. People should be able to sell their assets according to sound decisions and current market forces and not because someone else can make an unreasonable profit by making a home worthless.

**Lela DeCock** said she was from Belgrade and also lives in Lexley Acres Mobile Home Park. Two years ago when a tenants' association was established they were immediately evicted and the manager/owner took them through the Supreme Court in which **Ms. DeCock's** case was awarded to the tenant. They, in turn, tried to sell their 1980 double-wide trailer because they wanted out of the court. **EXHIBIT 2**

**Audrey Parlmeay** said she was a resident of Hidden Valley Mobile Court and said she supported this bill. She also stated for senior citizens like herself, this bill addresses a very important problem concerning the restrictions on the sale of mobile homes. Housing in Bozeman is becoming prohibitive for people on fixed incomes. The particular problem she faces is to receive a fair price for her home in order to afford to move to a retirement community. She stated she was told by a realtor that she could expect to sell her home for \$19,500 if it could stay on the lot she now leased. If it was to be moved, the realtor said she would be lucky to receive \$5,000. **EXHIBIT 3**

**Kelly Holland** stated she was a resident of Hidden Valley Mobile Home Court in Bozeman. She had not been told by the owner of the mobile park she would be required to move her home if it was sold. She also said she had been told she could trade this home for a newer model. To a family that is trying to advance in life this is no option. She bought this mobile home as a stepping

stone to a conventional house and not as a stepping stone to another mobile home. **EXHIBIT 4**

**J.V. Bennett, Montana Public Interest Research Group (MontPIRG)** said his organization has been involved in landlord-tenant issues through the consumer hotline they operate. **EXHIBIT 5**

**David Thodal** said he and his family resided at King Arthur Mobile Home Community in Bozeman. He purchased his home as an investment towards a future home. He also said the lease which was signed at the time of purchase stated a minimum width of 12 feet was required for any mobile home moving into the park for the first time. The rules regarding sale according to their lease only states that management be notified of the desire to sell and the prospective buyers fill in an application form. There is no mention of removing a mobile home as a condition for future sale. This lease is the only lease he has signed.

**EXHIBIT 6**

**TAPE 1, SIDE B**

**Bob Chrestenson, Montana People's Action** said this bill discriminates because low income and elderly people cannot afford to purchase a new home.

**Kenneth VanStock** said he was a resident of Countryside Village and is attempting to sell his home.

**Cindy Moree** said she supported this bill. **EXHIBIT 7**

**Dick Herbel** from Missoula supported this bill.

**Russ Halsey**, a resident of the Westview Park in Missoula supplied a copy of rules of occupancy from his mobile home park. **EXHIBIT 8**

**Laura Brent** said she resided in the Alderidge Trailer Court in Laurel and supported this bill.

**Randy McIntyre** from Billings said he was in support of this bill. He also supplied testimony from **Kristy L. Olson EXHIBIT 9, Karen Pester EXHIBIT 10, B. Valledalid EXHIBIT 11 and Jennifer Boho EXHIBIT 12**

**Cindy Brower** said she resided in King Arthur Mobile Home Park and supported this bill.

**Ed Barron** supported this bill.

**Opponents' Testimony:**

**Greg VanHorssen, Montana Housing Providers** said he was especially opposed to certain sections. He said the people he represented are not the stereotypical landlords that some people have spoken

about. They are interested in providing a nice place to live in and gain the close situation of a mobile home park. But they are business people as well. These are people who have chosen to go into business of providing space for living arrangements. Portions of this bill would have a negative impact on tenants as well. Other portions simply create difficult and unnecessary obstacles to this business of providing space for living arrangements.

**Dan McLean, Hope and Company** stated his opposition to certain portions of the bill. This bill interferes with a persons ability to operate their business in a reasonable manner and that type of language in a bill is only going to invite litigation.

**Rhonda Carperter, Chairman, Montana Housing Providers** stated her opposition to this bill.

**Stan Clothier, President, Montana Landlords Association/Evergreen Water and Sewer/Spruce Park Mobile Home Village Park** said the existence of a person's mobile home on his property increases the value of their mobile home. There must be some reciprocation in value. The mobile home park owners are the individuals who are responsible for any violation of rules.

#### **TAPE 2, SIDE A**

**Stuart Doggett, Manufactured Housing and RV Dealers Association** stated he had concerns regarding the provisions in the bill. Their concern is the precedent set in this law which could be a problem with zoning and other areas.

**Andrew Skinner** stated he was a mobile home dealer, mobile home park owner and an apartment owner. This bill was restructured during the last session at the request of the Low Income Coalition. Now the bill is being heard again. There were many concessions made to attempt to make a just cause eviction but now it seems no matter what the changes are they want more. There are no new courts in this state for a reason. There has not been a court built in Helena for the last ten years and the reason is that it is not profitable. Yet, there are requests to plow roads and the tenants in turn do not want to pay for this service. Landlords want good tenants and they will go out of their way to help the tenants. Contrary to what many people think, bad tenants will try to be eliminated because they create problems for the good tenants. Landlords are looking for the good of the masses not the good of the few. Good tenants are not evicted without cause.

**Brad Hall** said he was the owner of a small mobile home park in Kalispell. He said he worked with very low income people. He said he tried to keep his budget as low as possible.

**Ed Eaton** indicated he owned a mobile home park in Helena. He also said this legislation would discourage someone from buying

an older, rundown mobile home park with the intent of fixing it up and enhancing its value by upgrading the age and quality of the units parked there. **EXHIBIT 13**

Informational Testimony:

**Kami R. Verbael EXHIBIT 14; Debbie Sauskogis EXHIBIT 15; Nancy Rae Sherman EXHIBIT 16; Gary Oakland EXHIBIT 17; Cindy Brouwer EXHIBIT 18; Shel Akane EXHIBIT 19**

Questions From Committee Members and Responses:

**REP. ELLINGSON** said it had been stated in testimony that these restrictions regarding the moving of a mobile upon its sale were unfair restrictions on property rights. He then asked if the owners of the mobile homes also have property rights. **Mr. McLean** said yes. Their property rights are subject upon placing their property on another person's property for rent. There is a tension between those two rights but the unreasonable restriction of the landowner's rights as to how the park should be managed overall for the benefit of all residents is the objection.

**REP. ELLINGSON** further questioned if it was agreed upon that what was trying to be decided was whether or not the restrictions which the owners of the trailer courts are placing upon those mobile homes are unfair restrictions upon the property rights of individuals who own the trailers. **Mr. McLean** said he would agree that the proposed bill take that position but does not agree with that conclusion.

**REP. ELLINGSON** asked if it were reasonable to have a particular mobile home on a lot which is meeting all of the requirements of the lot but when the mobile home owner wishes to sell his home suddenly that home becomes unacceptable for the trailer court. **Mr. McLean** said this was feasible because the mobile home owner wants to upgrade that park and replacing these homes is exactly what is trying to be accomplished; newer and nicer mobile homes. It is the right of the landlord to manage that park and how he wants to develop it. **REP. ELLINGSON** asked if it were his position that the mobile home court owner should have that right regardless of the impact upon the owner of the mobile home to which he received an affirmative answer.

**REP. BARNETT** asked if a person were not able to sell his much older conventional home, not a mobile home, on a portion of property because it is now outdated and not able to meet the standards of the other homes being built around him. **Mr. McLean** said the question deals with a different problem than what is being dealt with. If there is the inability to sell a home, and a person does have the right to sell that home, but if it had lost economic value because it is the most decrepit home in the neighborhood because of its devaluation. There is no protection of any landowner because they had bought some property and it is going to continue to maintain its value. **REP. BARNETT** said he

disagreed with the answer to the question because the home would increase in value because of the homes around him. **REP. BARNETT** said **Mr. McLean** had represented a number of mobile home park owners and many of whom were here to testify. He then questioned if he had represented any of the mobile home park owners in the Bozeman area. **Mr. McLean** said yes, he represented King Arthur Park.

**REP. BARNETT** said the testimony of **Mr. McLean** and also **Mr. VanHorssen** could be good arguing points for the people who came in as proponents. He said **Mr. VanHorssen** had talked about safety and affordable housing. Consequently, the price of real estate disables these people for not being able to improve their living status. In regard to safety, parks are not maintained if the power bill had become delinquent and lights had been turned off in the park. He asked if people who went into business owe something to the customers. **Mr. VanHorssen** said that was possible. Certainly there are statutory requirements with respect to the maintenance of common areas and the safety of the roads. Those are requirements that these people must meet. This takes the person to the delicate issue of balancing the rights and obligations of the two parties of the two property owners here. The real property owner who owns the underlying property and ultimately is responsible for the health, safety and welfare of the people living in this community. Balancing those rights and obligations of the people who own the personal property parked thereon. There was no testimony regarding the potential liabilities which exist when older trailers are kept in a close living quarter situation such as a mobile home park. There is a sensitive balancing issue going on here which is the position of the people he represents who are business owners, as individuals who have chosen to provide this space; as people who are ultimately responsible for the communities. They should be allowed to make these types of business decisions.

**Closing by Sponsor:**

The sponsor closed.

**EXECUTIVE ACTION ON HB 387**

**Motion/Vote:** **REP. DEVANEY** MOVED HB 387 DO PASS. **REP. COCCHIARELLA** MOVED THE AMENDMENTS. Motion carried to adopt the Cocchiarella amendments 18-0.

**Motion:** **REP. COCCHIARELLA** MOVED AMENDMENT #2.

**Discussion:**

**REP. COCCHIARELLA** explained amendment #2.

**REP. LARSON** spoke in favor of the amendment. He explained a situation which had occurred in an accident. Consequently, his

premium had risen substantially. There was no notice of the increase and it took a week of concerted telephone calls.

**REP. COCCHIARELLA** said she had not talked with the Sponsor on this amendment.

**Mr. Ashbrenner** gave a detailed account of the laws which affect this situation regarding the amendment.

**Vote:** Motion carried to adopt the #2 Cocchiarella amendment with a vote of 10-8 with REPS. SLITER, ELLIS, OHS, MCKEE, DEVANEY, MARSHALL, BARNETT and SIMON voting no.

**Motion/Vote:** REP. COCCHIARELLA MOVED HB 387 DO PASS AS AMENDED. Motion carried 18-0.

#### HEARING ON HB 426

##### Opening Statement by Sponsor:

**REP. BOB RANEY, HD 26, Park County** said this bill was written from Oregon statute. He said the idea of the bill was to set up Project Benchmark. Goals were established which were related to the legislature. There were programs established. Under the present system there is no way to determine if programs are working.

**TAPE 2, SIDE B**

##### Proponents' Testimony:

**REP. JOHN COBB** said benchmarking is a good concept and he supported this bill.

**George Ochenski** said he had worked with **REP. RANEY** since the last session when the bill was being drafted and he supported this bill.

**Melissa Case** said this was a decade of planning. The bill's goals are set and focus on the path of reaching those goals. When more and more people come into the community they understand there is a plan and know how to participate in achieving the goals of the plan. It is stated, it is clear and there is a concise plan. It makes it easier for everyone to operate.

**REP. CARLEY TUSS** said she supported this bill. Private industry is doing this and has benefited. This approach is legislatively driven and the goals are already set.

**Roy Wells** said the benchmark perimeters are a good idea and there will be some governmental services to achieve these goals and he supported this bill.

**Opponents' Testimony:**

None.

**Questions From Committee Members and Responses:**

**REP. EWER** asked if it were naive to suggest that benchmarking discreet variables is a way of measuring the protection of the environment or protecting child care. **REP. RANEY** said there was a major relationship between government and business. Much business is providing services which is mostly what government does. Many of the government projects are building.

**REP. LARSON** asked if they were giving away power to the executive branch of the government. He said nowhere in this bill does it indicate the involvement in the executive branch of the government and the establishment of goals. What is to stop the executive agencies from tinkering with those goals along the way. **REP. RANEY** said the goals were not going to be set by the legislature. The purpose is to go out to the people.

**CHAIRMAN SIMON** said the concept which was presented is certainly one which is interesting. What is the cost to have a nine-member board traveling around, holding public hearings throughout Montana and trying to get input for virtually the entire gamut of life. The potential is there for an enormously expensive process to have to go through in terms of money and time. **REP. RANEY** said it was a volunteer effort where it took a very minimal amount of money.

**Closing by Sponsor:**

The sponsor closed.

ADJOURNMENT

Adjournment: 12:00 PM.

  
\_\_\_\_\_  
BRUCE T. SIMON, Chairman

  
\_\_\_\_\_  
ALBERTA STRACHAN, Secretary

BTS/ajs

# HOUSE OF REPRESENTATIVES

## Business and Labor

ROLL CALL

DATE 2-9-95

NAME	PRESENT	ABSENT	EXCUSED
Rep. Bruce Simon, Chairman	X		
Rep. Norm Mills, Vice Chairman, Majority	X		
Rep. Bob Pavlovich, Vice Chairman, Minority	X		
Rep. Joe Barnett	X		
Rep. Vicki Cocchiarella	X		
Rep. Charles Devaney	X		
Rep. Jon Ellingson	X		
Rep. Alvin Ellis, Jr.	X		
Rep. David Ewer	X		
Rep. Rose Forbes	X		
Rep. Jack Herron	X		
Rep. Bob Keenan	X		
Rep. Don Larson	X		
Rep. Rod Marshall	X		
Rep. Jeanette McKee	X		
Rep. Karl Ohs	X		
Rep. Paul Sliter	X		
Rep. Carley Tuss	X		



## HOUSE STANDING COMMITTEE REPORT

February 9, 1995

Page 1 of 1

Mr. Speaker: We, the committee on Business and Labor report that House Bill 387 (first reading copy -- white) do pass as amended.

Signed:   
Bruce Simon, Chair

And, that such amendments read:

1. Title, line 5.

Following: "THE INSURED'S"

Strike: "DRIVING RECORD"

Insert: "CLAIMS HISTORY"

Following: "RECORD;"

Insert: "REQUIRING THAT RISK CLASSIFICATIONS AND MODIFICATIONS BE COMMUNICATED IN WRITING AT THE TIME OF APPLICATION;"

2. Page 2, line 14.

Following: "insured's"

Strike: "driving record"

Insert: "claims history"

3. Page 2, line 17.

Following: "conditions"

Insert: "and must be communicated to the applicant in writing at the time of application"

4. Page 4, line 8.

Following: "insured's"

Strike: "driving record"

Insert: "claims history"

-END-

2/9  
mu  
Committee Vote:  
Yes 8, No 0.

341436SC.Hbk

Chairman and Members of the Committee,

My name is Nancy Weinzettel.

Myself and others come before you today to address critical problems being faced by over 100 thousand people in mobile home courts across the state.

For every person in this room, there are another 100 people who could tell you the same kinds of stories that you are going to hear. We are a working class people and despite the short notice of this hearing feel it's important enough to come down and talk to you.

We are seeking technical solutions to problematic situations. This legislation can provide those solutions.

It is not my intent to be reproachful or evil speaking of landowners or their managers. We have such a unique situation: We need our landlords and they need us. They own the land and we own our homes. You have seen many of us before---especially during the last legislative session when you passed the "good cause" eviction legislation.

The threats of retaliatory action by a landlord or their managers is still a common occurrence with many mobile home owners. Intimidation and fear aren't conducive to harmonious relationships in our neighborhoods.

We are also concerned that while services and facilities in mobile home communities are decreasing, the monthly fees are increasing. We want to pay for what we get and in turn the landlords should provide what they have been paid for.

There exists economic tie-ins between mobile home court owners and mobile home dealers. Those relationships provide court owners incentive to evict older homes, regardless of condition. There are also managers that require a fee be paid by a homeowner before a home can be put on the market. That fee is paid to the manager and no service is rendered!

While I appreciate the desire to maintain integrity in a mobile home court or community, the restrictions and prohibitions on our own homes is crippling people economically and destroying our equity.

I live in the Highwoods mobile home court in Great Falls. It's a really nice looking place to live and I want it to stay that way. I don't want to live next to a rattletrap, but I sure don't mind living next to or across the street from mobile homes that are over ten years old. They are in excellent condition and it's not fair that myself and my neighbors on the other 524 lots should have to move our homes just to sell them. Nor should a home over ten years old and in good condition be prohibited from moving in.

When each of us agreed to rent or lease land on which to place our homes we did not agree to forfeit our right to control our personal property.

We have urgent needs. We must preserve our rights as homeowners and we can do that with your support of House Bill 419.

Thank you.

Nancy Weinzettel  
3807 Poker Flats Road  
Great Falls MT 59405  
406 452 8534

EXHIBIT 2  
DATE 2-9-95  
HB 419

Lela DeCock - Belgrade

Mr. Chairman & Comm. members

I live in Lexley Acres Mobile Park. Two + a half years ago we started a tenants assoc. + were immediately evicted. Jerry Swenson, the manager-owner took us through Supreme Ct. We won consistently + were awarded court costs + fees. We tried to sell our 1980 Doublewide (see photos) - we had a full price cash buyer from Minnesota. She flew here to buy it and our landlord, after telling us we could sell it there, told her if she would pay his legal fees, it could stay. Otherwise move it! Needless to say she was angry and didn't buy it. We listed it for sale "to be moved" for 3 months and had several lookers, but at \$4000 to move it, they are quickly discouraged. We need defined laws to prohibit things like this happening.

P.S. We have recently received another eviction notice - Addressed to "You and your dog," telling us to get out + move our house too!

BRENDA DE COCK - BELGRADE - 17 YRS OLD.

I HAVE LIVED WITH MY FAMILY IN LEXLEY  
ACRES MOBILE HOME COURT FOR 5 YEARS.

I AM VERY TIRED OF SEEING MY PARENTS  
BECOME VERY STRESSED OUT OVER THE ISSUES  
THAT THEY MUST DEAL WITH WHEN THEY FIND  
LITTLE "STICKY"NOTES" ON THE DOOR THAT INFORM  
THEM THAT WE WILL BE EVICTED IF THE  
LANDLORD SEES TOYS OR SUCH LYING IN THE  
YARD, OR BECAUSE MY MOTHER HELPED PASS  
THE GOOD CAUSE EVICTION BILL, OR SIMPLY  
BECAUSE WE HAVE A DOG. THIS PUTS US IN  
A VERY AWKWARD SPOT - IN THE BOZELMAN/  
BELGRADE AREA IT IS NEAR IMPOSSIBLE TO

Blue Bk Value vs. Market Value -

Rebuttal to Stan: Kalispell

My mobile home blue book value is \$15,000.  
The market value is \$39,000. The appraisal  
came in at \$38,650. To be moved it  
is maybe worth the \$15,000.

The local banks have no problem loaning  
on the market value with 1/3 down.

I've been a realtor 3 years - Selling  
them off the lot is near impossible. Land  
prices are too high to create new parks.

Vote yes on HB 419.

Lela DeCock  
Belgrade MT

EXHIBIT 2  
DATE 2-9-95  
HB 419

MOVE YOUR MOBILE ANYWHERE,

MY PARENTS, WITH A FAMILY OF 5,

CANNOT JUST UP AND MOVE OUT WITH NO

PLACE TO GO. THIS NOT ONLY AFFECTS MY

PARENTS BUT US KIDS AS WELL.

PLEASE SUPPORT HB 419



**Summit Realty**

625 North Seventh Avenue  
Bozeman, Montana 59715  
Fax (406) 586-8668  
Business (406) 586-1753 / 1-800-521-5065

EXHIBIT 2  
DATE 2-9-95  
HB 419

2/7/95

Re: House Bill #419

Dear Sirs:

As a Realtor in Gallatin County, I have sold about 20 mobile homes in the past year. I have noticed that this is the only affordable housing for many families. Young couples are also using mobile homes as a means of getting their "foot in the door" towards buying a house with land. I myself, have used the equity in my mobile to buy some property in which to someday build a house.

There is a definite problem if a mobile home landlord decides to evict a mobile. If a mobile must be moved its value decreases markedly. It becomes very difficult to sell because most of the lots for sale in the Gallatin just do not allow mobiles or modulars. If a mobile has to be moved from a park, its value decreases to sometimes  $\frac{1}{4}$  of what it could sell for if it were sold in the park. Even if the tenant finds a lot that allows mobiles, there are certain age restrictions (mobiles must be 10 years old or newer) that rules out many of these young families, and couples. To be evicted from the park spells financial disaster for these families.

**Summit Realty**

625 North Seventh Avenue  
Bozeman, Montana 59715  
Fax (406) 586-8668  
Business (406) 586-1753 / 1-800-521-5065

My office receives many calls a week from people looking for places to move their mobile homes to. We have to tell them 90% of the time that there is just nothing available.

As a realtor and a mobile home owner, I would like to see this situation change.

If a mobile home is well kept, it should not be forced to be evicted because of age or size.

Please consider the many families involved when you consider passing this bill.

Thank you for your time and consideration.

Sincerely,

A handwritten signature in cursive script that reads "Dona Reid".

Dona Reid

Century 21 Summit Realty  
585-8007 586-1753

county price  
UNUFACTURED HOMES  
location

selling price

date  
market

mobile  
year

county price	UNUFACTURED HOMES	location	selling price	terms	specific	date market	mobile year
80,000	816	N 17TH	80,000	CASH	75+5 14X65A	1972	TR 1, COS #1130
22,000	1000	N 17TH	22,000	CASH	2 1 924A	1978	1978 14X86 TAMARACK #0281
29,000	1000	N 17TH	28,000	CASH	3 2 24X60A	1974	1974 24X60 GUERDON EMBASSY #M07012
20,500	1000	N 17TH	19,500	CASH	2 1 980A	1980	1980 14X70 HACHENDA #3484
17,000	1000	N 17TH	16,500	CASH	2 2 14X70A	1977	1977 14X70 TITAN, ID #DA77352426
28,500	1000	N 17TH	28,500	CASH	2 2 CALL LA	1983	1983 14X72 NASHUA #NZIDBNX370142BR
19,900	1000	N 17TH	17,000	CONV+CSH	2 1 980A SF	1979	1979 14X70 MONTROSE
10,000	1000	N 17TH	9,900	CONV	2 1 572A	1961	1961 10X50 GENERAL #Y305945
8,200	1000	N 17TH	8,200	CASH	2 1 10X50A	1962	1962 10X50 NEW MOON #Y351653
12,500	1000	N 17TH	17,000	CASH	2 1 980A	1978	1978 16X80 GLENWOOD GW10015
11,400	1000	N 17TH	11,000	CASH	2 1 720A	1967	1967 12X60 1967 MAGNOLIA, SER #3472, TITLE #663433472
19,900	1000	N 17TH	18,500	CASH	2 1 720A	1974	1974 12X60 CHAMPION #1941
31,900	1000	N 17TH	31,900	CASH	3 1.5 14X70A	1981	1981 14X70 DETROITER #K428113
22,000	1000	N 17TH	20,500	CONV	2 1 980A	1984	1984 14X70 SKYLINE #Z2960168T
19,900	1000	N 17TH	30,000	CASH	3 2 980A	1985	1985 14X70 KITT SER #9511, #M100898
10,800	1000	N 17TH	17,500	CASH	3 2 980A	1980	1980 14X70 LIBERTY #06L14882
15,900	1000	N 17TH	9,000	CASH	3 1 CALL LA	1970	1970 12X65 SCHULTZ #K282466
20,500	1000	N 17TH	15,900	CASH	2 1 980A	1971	1971 14X70 DETROITER #GAO41089
16,000	1000	N 17TH	19,900	CASH	3 1.5 980A	1971	1971 14X70 COLUMBIA #8296
16,000	1000	N 17TH	15,500	CASH	2 1 980A	1973	1973 14X70 STAR ASTOR #936
39,900	1000	N 17TH	39,000	CASH	3 2 1458A	1983	1983 18X81 MOBILE, ID #SA5360, TITLE #K582077
89,500	1000	N 17TH	69,500	C4D	2 1.5 920A	1987	TRACT P. IN NE4 SW4 SEC 14, T2S R6E*
13,900	1000	N 17TH	13,900	CONV+CSH	2 1 750A	1969	1969 12X63 MARLETTA #K12365RKH81312
22,000	1000	N 17TH	20,000	CASH	3 2 1120A SF	1974	1974 16X70 HIGH COUNTRY #0611
67,500	1000	N 17TH	62,500	CASH+C4D	3 2 24X56A	1969	NZ E2 B2A, BELLEVUE/ADDN + ADJ VACATED STREETS
65,000	1000	N 17TH	65,000	NOTE-T.I.	3 2 1385A	1980	TR 8B, OLWIN MINOR SUB, COS #471E
19,500	1000	N 17TH	17,200	CONV	3 2 1280A	1980	1980 16X80 DETROITER #MNOB040601559-1-A
25,000	1000	N 17TH	24,000	CONV	3 1.5 1072A	1977	1977 16X67 GALLATIN CHATEAU SER #CH1919
23,000	1000	N 17TH	21,500	CONV+CSH	3 2 1120A	1982	1982 16X70 GALLATIN #K645279
16,000	1000	N 17TH	16,000	CASH	2 1.5 12X64A	1970	1970 12X64 MARLETTE #M813096
13,500	1000	N 17TH	13,500	CASH	3 1.75 14X70A	1972	1972 14X70 LAKES #1821262
45,000	1000	N 17TH	35,000	CASH	4 2 1716A	1983	1983 26X66 CHADWICK #IDFLNDA415546
21,500	1000	N 17TH	21,000	CASH	4 2 768A	1985	1985 CHAMPION SEQUOIA #2358216688
33,000	1000	N 17TH	33,000	CASH	3 2 1280A	1989	NO R E, 1989 BELLAVISTA, SER #98-A17362
26,900	1000	N 17TH	25,900	CASH	3 1.75 952A	1984	1984 14X68 KAUFMAN #KBIDSN-413411
38,000	1000	N 17TH	36,000	CONV	3 2 1216A	1982	1982 16X76 ATLANTIC #II W510548
49,900	1000	N 17TH	43,000	CONV	3 2 1400A	1990	1990 28X50 CREST MEDALLION #2908A
27,500	1000	N 17TH	24,000	CASH	3 1 24X50A	1969	48 342 1969 24X50 CHAMPION #M222592
46,900	1000	N 17TH	40,000	CONV	3 1 980A	1971	L7, B7, BUTTELMAN/ADDN + 1971 14X70 BOISE CASCADE*
25,500	1000	N 17TH	22,000	CASH	2 2 939	1978	CALL LA
61,500	1000	N 17TH	56,000	CASH	2 2 1404A	1980	L7, B3, SCOTTISH ACRES SUB; 1980 18X70 GALLATIN
32,500	1000	N 17TH	14,000	CASH	3 1 14X70A	1972	1974 14X70 GUERDON #313277
49,900	1000	N 17TH	32,500	CASH+C4D	3 1 980A	1987	1987 14X70 CENTRAL HACHENDA #IDA 089452
54,900	1000	N 17TH	49,150	CONV	3 1.75 1344A	1986	1986 28X48 FUCUA #9216X
11,000	1000	N 17TH	51,700	CASH	3 2 1248A	1972	CT-6, B29, OLD TOWN, THREE FORKS
			10,500	CASH	2 1 14X60A	1973	1973 14X60 ADRIAN #M585716

I HAVE blacked out the confidential information.

EXH 2 2-9-95

HO 419



**Summit Realty**

625 North Seventh Avenue  
Bozeman, Montana 59715  
Fax (406) 586-8668  
Business (406) 586-1753 / 1-800-521-5065

February 8, 1995

To Whom It May Concern:

In reference to the regulation regarding age/size of the mobile homes to be relocated if they are sold, please think about the following:

In Montana, there is a remarkable market for these older mobiles that are already set up in the parks. People, whose homes can remain on the lot when sold, are realizing a good profit on their initial investment, whereas those that have to be moved, are virtually worthless. In Gallatin County, there are no lots available to these older mobiles, another situation controlled by the court owners.

We have buyers, willing and qualified to purchase. We have sellers willing to sell. However, the court owners have the upper hand in controlling this market. This is both unfair and unreasonable. Every homeowner, regardless of initial investment, should have the opportunity to better themselves and upgrade their standard of living.

Park residents, who have been occupying the property for some time, initially located their homes in the park, unaware of the sad consequences to come. There should be some legislation to protect them...i.e. a grandfather clause for instance.

These people live in enough fear everyday with the situation they're in. If they are able to get out of the parks, they should at least have the opportunity. House Bill #419 will open doors for them that have previously been closed. Please vote YES for HB 419.

Please review the attached documents.

EXHIBIT 2  
DATE 2-9-95  
HB 419

Respectfully submitted,

*Debbie Sauskojus*

Debbie Sauskojus, Realtor  
Century 21 Summit Realty, Bozeman

~~Please pay specific attention to the "list price",  
the "selling price" + the age of the mobiles.~~

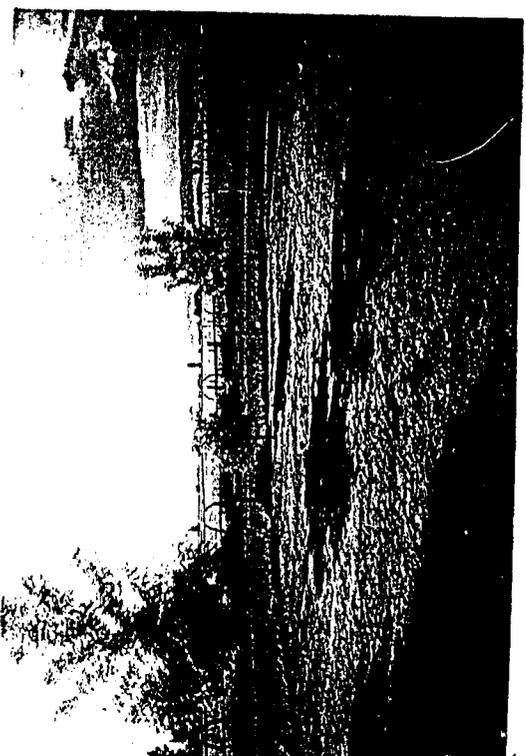
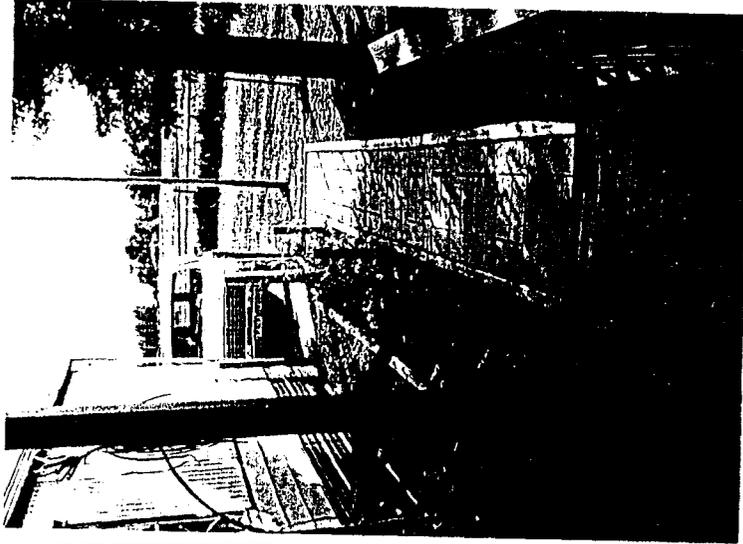
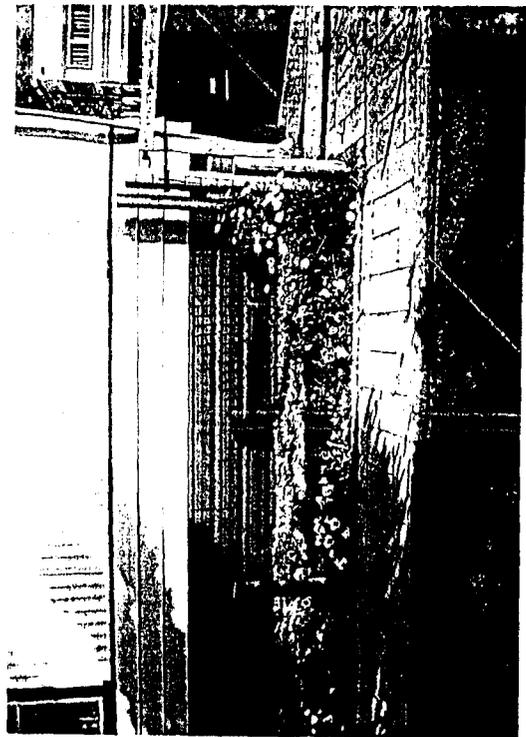


EXHIBIT 3  
DATE 2-9-95  
HB 419

Testimony in Support of H.B. 419  
Audry Parmly  
February 9, 1995

Mr. Chairman and members of the committee, my name is Audry Parmly. I am a resident of Hidden Valley mobile home court, and here to support House Bill 419.

For senior citizens like me this bill addresses a very important problem concerning the restrictions on the sale of mobile homes. I bought my mobile home because it was an affordable form of housing. As many of you probably know, housing in Bozeman is becoming prohibitive for people on fixed incomes. In the past year, I have applied for residency in a retirement home, as I know it will be more and more difficult to live on my own.

The problem I face is that I need to receive a fair price for my home in order to afford to move to a retirement community. Because my home is older, the owners of my court say my home must be moved if I sell it. I was told by a Realtor that I could expect to sell my home for \$19,500 if it could stay on the lot. If it has to be moved, the Realtor said I will be lucky to get \$5,000.

I can assure you Mr. Chairman, my home is not an eye sore on the outside, and is very comfortable place to live. Is it fair that my equity in this home be slashed just because my home is a certain age?

Thank you, and please support House Bill 419. It means a great deal to Seniors who live on fixed incomes.

EXHIBIT 4  
DATE 2-9-95  
HB 419

Testimony in support of H.B. 419  
Kelly Holland  
February 9, 1995

Mr. Chairman and members of the committee, my name is Kelly Holland. I am a resident of Hidden Valley Mobile Home Court in Bozeman. I am here to testify in support of HB 419. *Please forgive me reading this to you, but I am very nervous & wish to make my point clearly*  
I would like to speak to one of the issues in this bill that hits directly home with my family and me, the restrictions placed on the sale of our home.

When we bought our home, we were not told at the time that if we sold our home it would have to be moved from its lot. If we had known this, we ~~most likely~~ would not have purchased it. As it stands now, we are stuck with a home that is virtually worthless if we are forced to move it from the lot when it sells. Let me give you an example. I was recently told by a Realtor at Century 21 in Bozeman that I could expect approximately \$27,000 for our home if we were to sell on the lot it now sits on. However, if we have to move it, we were told they would not even touch it. *because setting a value is almost impossible as it would be so far below market value.*  
The opposition to this bill will try to tell you that there is a market for our homes. They will say we can trade them in on a newer mobile home. To a family that is trying to advance in life this is no option. We cannot sell our home without buying another mobile home to replace it with. We bought this not-so-mobile home as stepping stone to a conventional house, not as a stepping stone to another mobile home.

*Is it*  
~~Is it~~ unreasonable, Mr. Chairman, to expect fair market value for our home? Any other property owner certainly expects this.

Thank you for listening to my concerns, and please support House Bill 419. It is a fair bill that protects good Montanans.

# MontPIRG

## Montana Public Interest Research Group

360 Corbin Hall - Missoula, MT - (406) 243-2908

Testimony For House Bill 419, February 9, 1995

Chairman Simon and members of the House Business and Labor Committee:

For the record, my name is J.V. Bennett, for the Montana Public Interest Research Group, or MontPIRG.

MontPIRG is a non-profit, non-partisan research and advocacy organization working for good government, consumer rights and sound environmental protection. MontPIRG represents over 4000 members in Montana, with 2200 student members students, and is funded with membership donations.

MontPIRG has become involved in landlord-tenant issues through the consumer hotline we operate. In recent years the consumer hotline has specialized in providing tenants and landlords with information regarding their rights and obligations. One of the most frequent difficulties we deal with is the timely return of security deposits.

In the last Legislative Session a provision was removed which allowed tenants to recover double damages when their deposit was wrongfully withheld. Now, tenants can only sue for the amount of their deposit. This removed an important incentive for landlords to return the deposit promptly. Currently, the landlords will only be required to return the amount they all ready owe, no matter how long the deposit is wrongfully withheld. Through our consumer hotline we are seeing an increase in this problem.

In executive session you will be presented with a friendly amendment to return the double damages language to the law. This language was originally contained in this bill, but was inadvertently removed during a revision of the bill.

For the vast majority of landlords prompt return of deposits is not a problem. For those few landlords with a tendency for withholding deposits wrongly, the double damages language acts as an effective incentive to encourage their proper behavior. MontPIRG urges you to support the amendment and to give this bill a do pass recommendation.

## **Proposed Ammendment for HB 419**

**70-25-204. Wrongful withholding of security deposit - action.** (1) A person who wrongfully withholds a residential property security deposit or any portion of the deposit is liable in damages to the tenant in a civil action for an amount equal to double the sum to be withheld or deducted. The attorney fees may be awarded the prevailing party at the discretion of the court. The burden of proof of damages caused by the tenant to the leasehold premises is on the landlord.

(2) An action may not be maintained by a tenant for any amount of wrongfully withheld or deducted prior to:

(a) the tenant's receipt from the landlord or landlord's agent of a written denial of the sum alleged to be wrongfully detained;

(b) the expiration of a 30-day period after the termination of a tenancy;

(c) the expiration of a 30-day period after surrender and acceptance of the leasehold premises; or

(d) the expiration of a 10-day period after the landlord has indicated there were no damages to the premises, no cleaning was required, no rent was unpaid, no utilities were unpaid by the tenant.

DATE 2-9-95HB 419

My name is David Thodal. In June 1992, my wife Suzanne, daughter Ellie and I, moved from Moscow, Idaho to Bozeman. We bought a 1974 Nashua mobile home at 21 Bedivere Blvd in King Arthur Mobile Home Community. We needed something for our immediate home but wanted something that would serve as an investment towards any future home. With our budget and being new to the community, a mobile home was what we could afford.

Almost immediately upon moving in we started making improvements in our new home. Most of the initial work done on the mobile were repairs in nature: resurfacing the roof, new paint, new window screens etc.. However we also started many improvements which we thought would increase the resale value of the place when we eventually sold it and moved on. Among these improvements are a 12x16ft deck and entry porch, new insulated windows, pine wainscot in the living/kitchen area, wood trim throughout the place and new carpet, vinyl and tile floor. In addition to the deck and other outside improvements, my wife Suzanne planted many flower beds landscaped around the mobile home, carport and shed with perennials, annuals and shrubs. We have received many compliments on these changes and felt confident that we would have no trouble selling our home when the time came. At the same time the monthly KAMHC newsletter was very supportive of the improvements being made throughout the park and expressed that the improvements we be good for resale by everyone.

In June 1994, we found a small house in Belgrade that we wanted to buy. Both our business were doing well and we were able to qualify for the mortgage to buy the house. The sale of our mobile would provide the down and closing costs on the new house. A young couple was interested in buying our mobile and submitted the necessary application to the managers. It was then that we were advised that whoever bought our mobile home, would have to move it from the park because they were no longer accepting 12wides. The buyers we had backed out of the purchase. We still managed to buy our new house but spent all our savings and business operating money to do so. We tried to sell our mobile to someone willing to move it; we tried to find another court with vacancy to relocate to and then sell; we are still in the mobile because we have not been able to do either and if we vacate the mobile we will need to move it.

If we were to sell our mobile home as it sits, someone would have a well-maintained, comfortable and affordable home in a nice location. We would recoup our investment and be able to live in our new home. If we are forced to have the mobile moved from King Arthur Park as a condition of sale we stand to lose over half of our investment. It is one thing to lose or gain at the ups and downs of the real estate market, but it is another to lose on our investment because the rules change at a later date. If we had known when we made the original purchase that this was to happen, we would have never done so to begin with. Or at the very least we would have never made the improvements we did.

The lease we signed at the time of purchase stated a minimum width of 12 feet was required for any mobile home moving into the park for the first time. Our mobile home is 12x64. The mobile home at 21 Bedivere has been at this location for, I think, at least 10 years. The rules regarding sale according to our lease, only state that management be notified of the desire to sell and the prospective buyers fill in an application form. There is no mention of removing a mobile home as a condition for future sale. This lease is the only lease we have signed.

For any community to prosper and remain attractive, the residence must have pride in their homes. Part of that pride, I think, comes, from the prospect of eventually seeing a return on the investment made in purchasing the house or mobile home. There is not much incentive to spend money even on routine up-keep if there is no chance to regain even half of the investment.

DSTL

21 BEDIVERE BLVD  
BOZEMAN, MONTANA 59715

Mr. Chairperson and members of the Committee. My name is Cindy Moore, I am the Co-Chair of the Residents Assoc. at Travois Village in Missoula where I have lived for 5 years in June, and Secretary of the local & state board of Montana Peoples Action. In my testimony I will try to justify our request under Section 70-24-431/ ~~to~~ subsection 3 to change the six months to one year protection. Except for the provisions in this section, a landlord ~~is~~ may not retaliate by increasing rent, decreasing services or

So I put out a news letter  
telling the truth and surprise  
Six days later I leave my home  
to find park maintenance team  
tearing down my fence. We  
don't feel that six months is  
enough time for some people to  
forget the desire for vengeance to  
lessen. In my situation I  
don't feel that my family can  
be safe until I am safe  
and my mind is clear. I made  
up my mind to leave in six  
months. I don't want to  
live in fear. I don't want to  
live in a state of panic.

by bringing or threatening to bring an action for possession after the tenant.

This means that if a tenant complains of a violation affecting health safety to a governmental agency charged with responsibilities for enforcement of a building or housing code, has complained in writing of violation under 70-24-303 or has ~~organized~~ organized and/or become a ~~neighbor~~ <sup>member</sup> of a residents association.

That means the tenant has six months where if the Manager chooses to seek vengeance on a tenant for complaining to them or someone

of a higher authority or becomes a member of an Association to any level by increasing rent, decreasing services or by bringing or threatening to bring an action for possession after the tenant it is automatically presumed that the landlord is retaliating against the tenant, unless or until evidence is introduced which would support that is nonexistent.

~~Over~~ The Residence Association was started after the new owner of the park I live in blessed residents with 11 pages of rules and regulations.

with a good number of them we found to be simply illegal. After ~~many~~ <sup>and attempts</sup> efforts and continuous offers to negotiate over and over again with residents always walking away after the door is slammed in their faces by <sup>our</sup> landlords. We were forced to enter the process of litigation. Four years down the dusty tired road they have managed to split, conquer and divide breaking us down to a low minimum leaving only the truest of stubborn few. Using not only retaliation, but

harassment, and intimidation by playing on the fear factor. Not forgetting those that will be bought, or setting all their principles.

I began my tread on the dusty Road in the beginning finding myself at the forefront within time.

Our situation began in June 1991 with my involvement being active member. I didn't receive

~~many~~ hardly any complaints in 1991 + 1992. In 1992 I was

becoming more visible by being a part of the core group that took

charge on all actions which made us more visible. The end of 1992 I was voted in as Co-Chairperson. ~~and~~ In 1993 I continuously got notices ~~so~~ that dog was outside running at-large. The dog the manager didn't ~~even know~~ even know I had the first ~~time~~ two years I was ~~to~~ there. Bernie stayed close to home. Our Bernie passed away. We watched dog after dog move in the Court ~~we~~ that ~~were~~ obviously the dogs were over 20lb. We decided to fill the ~~other~~ whole

that out Bernie left and  
~~we~~ we chose to take the risk  
and we replaced Bernie with  
a vivacious singer Riba, safely  
figuring she would be close on  
size to Bernie, who was accepted  
by management by the original  
set of rules being the ones we  
are suppose to be using until  
we reached a solution. Finishing  
1993 with a minimum one of  
them written on a piece of  
paper torn off a Brown grocery  
bag. Demanding that we move

EXHIBIT 7

DATE 2-9-95

HB 419

the broken truck, being a flat  
tire that had gone flat the day before,  
Also telling me to use only my 2  
assigned parking spaces. We had  
boughten a third vehicle. We have  
a teenage son who had just passed  
drivers ed. There were families  
all over the park that have  
at more than two vehicles staying  
with the home right next door to  
me. When I got a number  
my friend I had to let the  
people know I had all the  
that I had and they would  
at the time.

Then comes the prize, when management took advantage of the news that the leader of the nail in the coffin gang was residing in the park. They took a petition door to door with two good rules listed. People are afraid of the idea that gangs are in our park fearing the rise of crime rate within the park. Amara ~~to~~ to find out the amount of people that will sign things without reading <sup>what</sup> they were actually signing for the original set of 11 pages of rules.

what  
fear

homes. Say your son is out  
playing ball with the boys. Someone  
misses the ball and it hits her  
name. She comes out to deal with  
this and the boys get lippy.  
Then next week they are out  
playing again and this time her  
son throws the ball and someone  
misses it and it hits your name.  
You come out to deal with it  
and again they get lippy. So  
you have to see your manager  
So you get the letter and you  
I have reported this

They grow up and get into high school and their needs change. I'm thinking to myself ~~am~~ I just not hearing myself right. This notice this time was a illegal 14 day notice that failure to comply would result in an action for unlawful detainer and would be taken against me for the removal of my home.

Then there was the group of boys playing ball on a regular basis in the common area that my home shared with four other

EXHIBIT 8  
DATE 2-9-95  
HB 419

1. This is the  
1<sup>st</sup> change in  
rules and regulation  
in less than 1 yr.

JOSEPH W. BRIGGS  
Resident Manager  
Westview Park  
3500 Schramm  
Missoula, MT 59082  
(406) 549-3111

October 26, 1994

Dear Resident,

Winter is almost here. The temperature is dropping, there is snow in the mountains and we've seen at least one light frost in the morning. As the season changes there are several things you need to know.

**Water lines** - Unprotected water lines will freeze when the temperature drops below freezing. Take time now to protect your water lines and the water riser. Put heat tape on your water line and riser. You are responsible for all your water lines, Rental Agreement, Article 5.5.

**Recreational Vehicles** - Many of you have recreational vehicles (e.g. trailers, boats, campers, camper shells utility trailers, snowmobiles, all terrain vehicles, etc.) in your parking spaces or on your lot. Park rules and regulations, pg. 3 item 24, does not allow that. They must be moved off your lot within sixty (60) days; **out of the park or into the mini storage compound**. Space is available in the compound to store your recreational vehicles. Storage fees will vary between \$1.00 and \$25.00 per vehicle based on the appearance of your trailer and how you maintain your yard/lot.

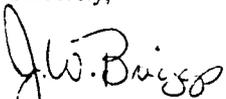
**Sheds/fences** - All sheds must be located directly behind your mobile home, park rules and regulations, pg. 1 item 7. Exceptions to the policy must be granted in writing by management. Many sheds still must be painted. Painted on all sides, not just the side facing the street. Park rented sheds should be brown. Private sheds must match your trailers paint scheme.

Westview will continue to rent park owned storage sheds and fences to residents, but we are not in the shed or fence maintenance business. If the roof leaks, the floor has rotted or your fence needs repair you have two options:

- (1) Repair the shed/fence or;
- (2) Have us remove the shed/fence from your lot.

**Pets** - Your pets are your responsibility. All pets in the park must now be registered with the Landlord. Each tenant may have **house pets**, one (1) cat and/or one (1) dog, who's adult weight is twenty (20) lb. or less. This does apply to tenants with **registered animals** who resided in the park before February 1, 1994.

Complaints concerning pets at large (running loose) are on the rise. Call Animal control (523-4785) when you see pets at large. Any resident of the park can make the call. All pets must be limited to the area of your lot and leashed when you take them out, park rules and regulations, pg. 3 item 30. Your pet will not be allowed back in the park if it is picked up and removed by animal control.

Sincerely,  
  
Joseph W. Briggs

Changes were made to both the Westview Mobile Home Park Rental Agreement and Rules and Regulations. The changes became effective December 1, 1994. They are listed below:

#### RENTAL AGREEMENT

ARTICLE XI - SALE OF MOBILE HOME, Para 11.2 THE MOBILE HOME OWNER MUST HAVE PRIOR WRITTEN PERMISSION FROM THE LANDLORD IF THE HOME IS TO REMAIN IN THE PARK. The Landlord has the right to approve, or disapprove any new owner of the mobile home for tenancy in the Park. *Approval of the Mobile Home to remain in the park must be granted by Landlord in writing prior to the Mobile Home being made available for sale. Mobile Home Owner must state on any "For Sale" sign on the lot whether or not the Mobile Home may remain in the park upon sale. Landlord reserves the right to place its own sign on the lot indicating the same.*

ARTICLE XIII - INSTALLING OR REMOVING THE MOBILE HOME, Para 13.1 Installing or Removing the Mobile Home. The Mobile Home Owner shall give the Park written notice seventy-two (72) hours prior to the Mobile Home Owner moving a mobile home out of the Park. *A move in/out inspections will be completed when a mobile home is installed or removed from the park.*

ARTICLE XVIII - PETS, Para 18.1 Pets. Each Mobile Home Owner is allowed to have one (1) cat and/or one (1) dog whose adult weight does not exceed twenty (20) pounds. House (inside) pets are allowed only. Mobile Home Owners with pets that qualify must complete a Pet Agreement which will become a separate, but integral part of this Rental Agreement. *Should the Mobile Home Owner be found to have an unregistered animal, the Mobile Home Owner shall be subject to a \$100 fine per pet per month and to eviction. No exterior pet housing is permitted. Any Mobile Home Owners that have pets which were registered prior to February 1st, 1994 are not restricted to Article XVIII of the Agreement.*

#### RULES AND REGULATIONS

Page 1, Para 3. *Mobile Homes must be skirted within thirty (30) days. If not skirted within thirty (30) days, Landlord reserves the right to skirt the trailers at a cost to the Tenant, after the thirty (30) day period. A fine of \$5.00 per day will be assessed to Tenant on the thirty-first (31st) day until mobile home is properly skirted. Mobile Home must be skirted with appropriate metal skirting, and painted to match the Mobile Home.*

Page 1, Para 11. *Landlord must approve in writing the painting of a Mobile Home insofar as to the method, color, etc..*

These changes become part of your rental agreement and should be attached to it. If you no longer have a copy of your rental agreement you can get a copy at the store.

JB

EXHIBIT 9  
DATE 2-9-95  
HB 419

# PLEASANT PARK MOBILE HOME COURT

P.O. Box 427  
Havre, MT 59501-0427  
(406) 265-2621  
January 25, 1995

Mr. Robert Brothers  
2611 Upper River Road #31  
Great Falls, MT 59405

RE: Rule Infraction

Dear Mr. Brothers:

As you are aware Pleasant Park Mobile Home Court is posted for "no solicitation". Despite your knowledge of this fact you are soliciting door to door in the court. This is an infraction of the rules of the trailer court and will not be tolerated. Further disregard for the rules of the court shall jeopardize your ability to reside in Pleasant Park Mobile Home Court.

Sincerely,

*Kristy L. Olson*  
Kristy L. Olson  
owner/manager

*EXAMPLE OF INTIMADATION  
OR RETALIATION.*

*NOTIFYING TENANTS TO  
CALL IN SUPPORT FOR VARIOUS  
BILLS  
SB 218*

2-7-95

Dear Chairman and committee members:

I need your support on this HB# 419.

It greatly affects me, for I live in a mobile home.

It provides protection that other homeowners have

I am a resident at Pleasant Park in Great Falls.

Thank you

EXHIBIT 10  
DATE 2-9-95  
HB 419

Karen Pester

EXHIBIT 11  
DATE 2-9-95  
HB 419

To The House of Business & Labor

I am a homeowner living in Pleasant  
Park Manor court and would like  
you to vote yes on HB419 to  
protect our rights that we would  
be able to sell our home if we  
ever decided to sell it & not  
have any problems from the landlord  
or any interference.

Sincerely  
B. Yalldadid

EXHIBIT 12  
DATE 4.9.95  
HB 419

Dear Business & Labor

I'm Jennifer Boto from Pleasant Park  
in Great Falls. I'm writing to tell  
you I'm ~~going~~ <sup>SUPPORTING</sup> for House Bill no. 419  
I am a property owner I don't have  
hardly any wrights, so please except  
my vote.

Jennifer Boto

EXHIBIT 13  
DATE 2-9-95  
HB 419

HB 419 .....OPPOSED

Chairman, Committee members,

I, am Ed Eaton, I own a fourteen space mobilehome park outside of Helena .

I take exception to page 5, section 6, items 3 and 4 <sup>since 1 thru 21</sup> of the introduced bill. They would have the affect of restricting a mobilehome park owner from controlling the age and size of the units in the park.

When I first bought my court in 1978, there was an older 10' wide mobilehome in place. The tenants in the unit were not taking very good care of it and eventually the value became worth less the amount they owed. They abandoned the mobilehome, and I had no end of grief trying to get rid of that thing. There were questions of ownership, responsibility and disposal. All the while I'm trying to resolve these difficulties, I'm losing income. At a 10% profit margin, This loss of income wipes out the profit from ten other units that are paying their rent.

I eventually had to tear the unit down to its frame and then have welder cut the frame into sections that could be hauled to dump.

This very expensive lesson taught me that I do not want to let an uneconomical mobilehome on to the park and I do not <sup>want to</sup> continue one that maybe already residing in the park.

In addition, this legislation would discourage someone from buying an older, rundown mobilehome park (which I' sure many of you have seen) with the intent of fixing it up and enhancing it's value by upgrading the age and quality of the units parked there.

This section of the bill promotes economic stagnation.

For these reasons, I would hope that you will vote NO on HB 419.

Ed Eaton  
431 S. Butler  
Helena, MT



EXHIBIT 14  
DATE 2-9-95  
HB 419

*Rm 312 - 3A*

SENATE BILL 151 - REDEFINING THE DEFINITION OF A TEMPORARY.

MR. CHAIRMAN AND MEMBERS OF THE COMMITTEE, MY NAME IS KAMI VERDAEL. I OFFER THIS WRITTEN TESTIMONY IN SUPPORT OF SENATE BILL, 151.

I AM THE OWNER AND OPERATOR OF AN EXPRESS PERSONNEL FRANCHISE IN BUTTE, MT. IN 1994, SEVEN (7) EXPRESS PERSONNEL OFFICES EMPLOYED 4400 MONTANANS, PAID OUT \$6.7 MILLION IN SALARY, \$182,000 IN STATE TAXES, AND \$493,000 IN WORKERS' COMPENSATION PREMIUMS.

BEING ONE OF MONTANA'S LARGEST EMPLOYERS, WE ARE PROVIDING BUSINESSES WITH THE OPPORTUNITY AND ABILITY TO EMPLOY MONTANANS THAT WOULD OTHERWISE BE UNABLE TO DO SO. WE ALSO PROVIDE MONTANANS WITH EMPLOYMENT OPPORTUNITIES WHO WOULD OTHERWISE BE UNEMPLOYED.

EXPRESS PERSONNEL IS NOT A LEASING COMPANY AND HAS NO PLANS TO BECOME ONE. REDEFINING THE DEFINITION OF A TEMPORARY WILL PROTECT NOT ONLY MONTANANS, BUT ALSO MONTANA BUSINESSES.

I URGE YOUR SUPPORT OF SENATE BILL, 151.

KAMI R. VERDAEL,  
623 N. HENRY  
BUTTE, MT 59701



Summit Realty  
625 North 7th Ave.  
Bozeman, Montana 59715  
Fax (406) 586-8668  
1-800-521-5065  
Business (406) 586-1753

EXHIBIT 15  
DATE 2-9-95  
HB 419

FAX TRANSMITTAL FORM

SENT TO: Melisa Case

OF: \_\_\_\_\_

FAX # 406 444-4057

TOTAL NUMBER OF PAGES 3 (including transmittal form)

FROM: lila

DATE: ~~2-9-95~~ 2-9-95

TIME: 8:30

OPERATOR: Susan

COMMENTS: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

If any problems occur, please contact us immediately

OFFICE (406) 586-1753

FAX (406) 586-8668

**Summit Realty**

625 North Seventh Avenue

Bozeman, Montana 59715

Fax (406) 586-8668

Business (406) 586-1753 / 1-800-521-5065

We the undersigned realtors, would like to see a bill passed allowing mobile homes to stay on their lot when sold. It makes it very difficult to sell a home when it has to be moved. Not to mention it is only worth half as much money. There is no where to move a mobile home to in this valley. Especially if it is older than two or three years. Some of these older ones have been resided, reroofed, etc., and look very nice. They need to be able to stay on their lot also as moving them frequently causes irreparable damage.

Please vote to keep mobile homes on their lot when they are in good condition.

David & Pats  
John C. Harris  
March Onseora  
Thomas Jarac  
Daniel E. Reddick  
Jim Little  
B. K. Krum  
Debbie Spuskovius  
Cindy Kostuba  
Vanessa Gurneeth  
Alan Kottwitz

(Further comments on back.)

Forcing these older mobile to be ~~not~~ moved when sold places a hardship on the owner and make it even more difficult for them to move up to better housing;

David A. [Signature]

This regulation requiring these mobiles to be moved is both unfair + unreasonable! It should not be up to a park/court owner to decide the "fixed" standard of living for anyone! We have a market for mobiles that can stay when sold + no market for those having to be moved. I vote YES on HB 419!

— Debbie Sawkojiz

EXHIBIT 15  
DATE 2-9-95  
# HB 419

*Attorney  
 testimony*

EXHIBIT 16  
DATE 2-9-95  
HB 419

February 8, 1995

Dear Representatives:

My name is Nancy Sherman. I am a Montana resident in Billings and am representing the Hillside Village Residents Association. We are a newly formed group with a need to voice our opinions on the matter before you today HB 419. I would like to be there in person but, like most of the people in my court, I have children and cannot get to Helena to talk to you very often. This is my attempt to be heard. We are an established mobile home court here in Billings with lots of problems that never seem to get fixed.

I do not know how aware you are of the number of people living in mobile home courts, but I can tell you that 1 out of every 5 Montanans live in mobile courts today. In my community alone (Lockwood) we are 44% mobile home dwellers. Some of us own our trailers and some of us rent them. In either instance we have very few rights and recourses that we can take and we are mostly at the mercy of our landlords. We realize our responsibilities to the rules and regulations that come with living here but we feel that the responsibilities of the landlord to provide fair rules and regulations leaves something to be desired.

We have a couple in our court who have lived here for many years. They had the opportunity to finally move out and own their own property. They wanted to sell their trailer here in the park and use the money to buy another trailer. The management here offered them \$8,000.00 to buy their home. This was below the value of the trailer. They declined the offer and attempted to sell their home to an outside party. The management informed them that if they did this, the new owner would have to move the trailer out because of its' age. This vastly lowers the value of their trailer. Even if they were able to sell it there are no spaces in our town to move it to. This does not seem fair to me. Does it to you?

We have few rights. We need some assurance that we will not be evicted or our rent increased because we make a valid complaint to the landlords such as sewer gasses backing up into our trailers or the fire hydrants not being tested in years and we want to make sure they work. These are safety issues and should be basic rights. At present we are at the mercy of the landlord. If we complain about these issues we risk the possibility of eviction IF THIS BILL DOES NOT PASS!

How plainly can I state to you that we are living in mobile homes that are not really mobile. Great expenses are incurred if you must move a mobile home. Even if you have the money to move it, where do you move it to? There are no spaces available unless you are fortunate enough to have the money to buy a plot of land. Face it, if we had the funds would we be living in a shoebox anyway? I know I wouldn't. I would still like to believe that the American dream exists but living in this mobile home court I am beginning to realize that the dream is fading away. We elected you into office because we believe that you can make a difference in the lives of those who are facing a hardship and who are lower on the economic scale.

Here is your chance to prove to us that what you said is true. We want to believe that this is a government for all the people not just the ones who have money in the bank. I thank you for your time and any help that you can give to us. We are counting on you to let us have a say in our own lives. Please feel free to contact me for any information you may need.

Respectfully,

*Nancy Rae Sherman*

Nancy Rae Sherman  
2224 Hwy 87E # 96  
Billings, MT 59101  
(406)245-4295

EXHIBIT 17  
DATE 2-9-95  
HB 419

**King Arthur**  
Mobile Home Park and Sales  
an Oakland Community

February 1, 1995

Dear Park Residents;

I would like to announce that there has been a change in management. Doug and Vickie Wyant have resigned. The new park manager is Sheila Townley.

Sheila has been with our company for several months. Because of her strong management and accounting background, I am sure she will serve you well as park manager. Sheila will also be handling the resale activities for King Arthur Sales. We have many people stop by the office and we receive phone calls from people looking for homes to purchase, so please come and talk to us before you list your home. Our rates are competitive, and we can show your house at a moment's notice! While there is certainly no obligation to list with King Arthur Sales, when it is time to sell your home, we feel confident that we can get you top dollar. We do not buy any of our listings, so there is never a conflict of interest. We also have special programs available for those who wish to move up to a new home through our Curtis Homes division. Call today for more information about these exciting opportunities. Sheila will be at the office Monday through Friday to meet you and help you in any way. An answering service is available to take messages after office hours and in the case of an emergency.

Jim Traucht will continue to provide maintenance in the park. As always, we appreciate Jim's quality work and friendly manner.

Just as a reminder--we have received several calls inquiring about the sale of 12' wide homes in the park. Any 12' wide homes sold must be moved from the park.

It was nice to see the improvements people have been making on their homes in the past year. This will help to maintain the park's reputation. Thank you for your patience and help through this transition. I look forward to the coming year, and hope the community continues to thrive and all are content with the changes.

Best wishes,

Gary Oakland

EXHIBIT 18  
DATE 2-9-95  
HB 419

Submitted by Cindy Brouwer  
February 9, 1995  
Attachment: letter  
: Rule Review

In favor of HB 419

Dear Committee Members:

Concerning restrictions of the sale of a mobile home:

1. A landowner trying to make a sale and gain maximum profit in a business transaction.

A homeowner trying to make a sale and gain maximum profit in a business transaction.

Under current situations the landowner is given priority and more weight of consideration over a home owner during the sale of the home.

In the King Arthur Mobile park rules to date:

"The right to sell your mobile within the Park must be approved by the management."

mobile home = house = homestead = property

The opponents of this bill are saying a landowner should be able to choose to whom the land is rented. Proponents of the bill agree with this idea, however, a landowner/landlord cannot be allowed to unreasonably deny.

It is proposed that this is currently occurring when landowners restrict the sale of a home already in the mobile park which is in a condition already established by the landowner/landlord as being at the acceptable standards of the park as evidenced by continuation of rental up until the point of announcement of the sale of the home. What makes an older mobile home an acceptable unit one day but not the next?

To suggest the restriction of the sale of an older mobile home is based upon a landowner's desire to maintain his property is ridiculous.

The true basis of the restriction is pure profit for the landowner, at the loss of

2. Opponents of the bill suggest a comparison between subdivision development and upgrading and mobile home parks. To note: A mobile home park rental transaction is separate but related to a mobile home sale transaction. The transactions must be identified as occurring as such, in relation to each other but individual.

The benefits to the landowner and homeowner must be considered separately when focusing on the restriction of the sale of mobile homes within a park.

3. Emphasis must be reinforced in this bill as to the legality of current rules being enforced by mobile home landlord.

For example, to date in King Arthur Mobile Parks' rule book

a. "No damage deposit return if home moves out of the park within 6 months of move in."

To note: Tenants in this park only have month-to-month leases."

b. "No automobile, boat, snowmobile, and etc repairs will be permitted in the park area."

Yet, in the same rule book:

\* Vehicles parked on mobile home driveways and King Arthurs parking lots need to be in operable condition."

- The tenant must have a maintained vehicle but is not allowed to maintain it?

4. Opponents will claim a mobile home is devalued on the market is a car and this devalued home decreases the value of the landowners property. To note: Montana is one of the few states within the country where market value increases in mobile homes if properly maintained.

Example: My 1976 Gallatin home was purchased for \$10,000;

5. Opponents will suggest that older homes are substandard and not up to housing code. If the home is indeed substandard and doesn't meet various codes, this is governed by such codes. An inspection by the proper authoritative agency can determine whether a home is substandard according to local, regional, and state law. If such an inspection does not reveal or establish a purported "substandard" home which will pose a potential risk to the homeowner, landowner, and other nearby homeowners, what grounds does a landowner/landlord have to override such?

6. I moved my mobile home into King Arthur Mobile Park in December, 1986. Lot rent was \$158.00 per month. Today, the rent for the same lot is \$225.00 per month and services performed according to the lease have remained the same, been reduced, or been eliminated.

7. Per Rep. Rod Marshall's statement suggesting the opponents and proponents of this bill should have attempted effort to work together on the items in this bill. In response I submit the park rules review enclosed.

HOUSE OF REPRESENTATIVES  
VISITORS REGISTER

Business & Labor

DATE 2-9-95

BILL NO. HB-419 SPONSOR(S) \_\_\_\_\_

PLEASE PRINT

PLEASE PRINT

PLEASE PRINT

NAME AND ADDRESS	REPRESENTING	Support	Oppose
ED EATON	Self		✓
Barbara Pauda	Trailer space owner	X	
Kelly Holland	home owner	✓	
Eva Calderon	" "	✓	
Andrey Parmly	" "	✓	
Marion Rose	" "	✓	
Patricia Burrows	" "	✓	
Late Peterson	Trailer home owner	✓	
Donald C. Scott	Montana People's action	✓	
Paul Shively	MHA	✓	
Dick Herbel	Home owner	✓	
Carla Perrigo	Homeowner	✓	
Shel Akane	home owner	✓	

PLEASE LEAVE PREPARED TESTIMONY WITH SECRETARY. WITNESS STATEMENT FORMS ARE AVAILABLE IF YOU CARE TO SUBMIT WRITTEN TESTIMONY.

→ Stuart Roggett

MT Manufactured Housing  
& RV Dealers Assoc

✓

HOUSE OF REPRESENTATIVES  
VISITORS REGISTER

Business & Labor

DATE 2-9-95

BILL NO. HB 419 SPONSOR(S) \_\_\_\_\_

PLEASE PRINT

PLEASE PRINT

PLEASE PRINT

NAME AND ADDRESS	REPRESENTING	Support	Oppose
RONDA CARPENTER 3208 2 <sup>nd</sup> AVE SO; Gt Falls	MT Housing Providers (MLA, WMLA, IPM's)		4
STAN CHOZHAKA 1985 Hwy 435 Kspn 59901 Everett DRake	MONTANA LANDOWNERS Assoc.		✓
338 Braig rd col Falls Bradley Hall Yalispell	trailer park owner		✓
Kenneth L. Van Stockum 1805 7 <sup>th</sup> ST NE #22 Great Falls	MPA	✓	
ROBERT BROTHERS 261 UPPER RIVER RD GT FALLS	MRA	✓	
ED BARON 3805 7 <sup>th</sup> ST N.E. #54 GT FALLS	MPA.	✓	
J.V. Bennett	Mont PERC	✓	
Klaus S. He	MT. Legal Services	✓	
Alice Janku	Lexley acres Trailer House Owner	✓	4
Sharon Tusken	Lexley acres Trailer House Owner	✓	4
LAURA Brent LAUREL MT	Trailer House Owner	X	
Russ Halsey	" " " BOZEMAN MT	X	

PLEASE LEAVE PREPARED TESTIMONY WITH SECRETARY. WITNESS STATEMENT FORMS ARE AVAILABLE IF YOU CARE TO SUBMIT WRITTEN TESTIMONY.

HOUSE OF REPRESENTATIVES  
VISITORS REGISTER

Business & Labor

DATE 2/9/95

BILL NO. HB 419

SPONSOR(S) \_\_\_\_\_

PLEASE PRINT

PLEASE PRINT

PLEASE PRINT

NAME AND ADDRESS	REPRESENTING	Support	Oppose
CAROL DAVIS	SELF - HOMEOWNER WILLIAM STEVENS - MH OWNER	✓	
Daniel N. McLean	Oakland Holding Co.		✓
Greg VanHorsen	Montana Housing Provider		✓
Nancy Weinzettel	Montana People's Action	✓	
Bob Christenson	Montana People's Action		
ANDY SKINNER	SELF	<del>✓</del>	✓
Lois Halsey	Self	X	
Matt Warner	Bozeman Area Residents' Coalition	X	
NINA CRAMER EMSLA, MT 341 SPEEDWAY	MONTANA PEOPLES ACTION	✓	
Brian Dulin	GREAT FALLS Montana Peoples Action	✓	
	MPA	✓	
Melissa M. Case	MPA	✓	
Seely Fasione	HERE / MPA	✓	

PLEASE LEAVE PREPARED TESTIMONY WITH SECRETARY. WITNESS STATEMENT FORMS ARE AVAILABLE IF YOU CARE TO SUBMIT WRITTEN TESTIMONY.

HOUSE OF REPRESENTATIVES  
VISITORS REGISTER

Business & Labor

DATE 2-9-95

BILL NO. HB 419 SPONSOR(S) \_\_\_\_\_

PLEASE PRINT

PLEASE PRINT

PLEASE PRINT

NAME AND ADDRESS	REPRESENTING	Support	Oppose
Cindy Brouwer 66 Lancelot Lane, Bozeman	Mobile Home Owner - Self	✓	

PLEASE LEAVE PREPARED TESTIMONY WITH SECRETARY. WITNESS STATEMENT FORMS ARE AVAILABLE IF YOU CARE TO SUBMIT WRITTEN TESTIMONY.

HOUSE OF REPRESENTATIVES  
VISITORS REGISTER

Business & Labor

DATE 2-9-95

BILL NO. HB 428 SPONSOR(S) \_\_\_\_\_

PLEASE PRINT

PLEASE PRINT

PLEASE PRINT

NAME AND ADDRESS	REPRESENTING	Support	Oppose
GEORGE T. BENNETT	MONT. BANKERS ASSN	✓	
Bill LEARY	MONT. BANKERS ASSN	✓	
Tom Hogwood	Mt. Ind. Bankers	✓	
<del>W. H. Wagner</del>			
Donald W. Hutchinson	DEPT. OF COMMERCE BANKING & FINANCIAL DIV	✓	

PLEASE LEAVE PREPARED TESTIMONY WITH SECRETARY. WITNESS STATEMENT FORMS ARE AVAILABLE IF YOU CARE TO SUBMIT WRITTEN TESTIMONY.

HOUSE OF REPRESENTATIVES  
VISITORS REGISTER

Business & Labor

DATE 2-9-95

BILL NO. HB 426 SPONSOR(S) \_\_\_\_\_

PLEASE PRINT

PLEASE PRINT

PLEASE PRINT

NAME AND ADDRESS	REPRESENTING	Support	Oppose
Roy A. Wells 59601 301 Geddis St. Helena,	self	✓	
Deborah Smith	Senra Club	✓	
RICHARD CROFTS	OCHE		
GEORGE OCHENSKI	SELF	✓	

PLEASE LEAVE PREPARED TESTIMONY WITH SECRETARY. WITNESS STATEMENT FORMS ARE AVAILABLE IF YOU CARE TO SUBMIT WRITTEN TESTIMONY.