

1 INTRODUCTION BY Senate BILL NO. 215  
2 Eck B. Bowdell  
3

4 A BILL FOR AN ACT ENTITLED: "AN ACT CLARIFYING THE RIGHTS OF MOBILE HOME OWNERS AND  
5 MOBILE HOME PARK OWNERS WITH RESPECT TO THE SALE OF A MOBILE HOME IN THE PARK; AND  
6 ESTABLISHING THAT A MOBILE HOME PARK OWNER'S REASONS FOR DENYING TENANCY TO A  
7 PROSPECTIVE BUYER MUST BE SET FORTH IN WRITING."  
8

9 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:  
10

11 NEW SECTION. Section 1. Short title. [Sections 1 through 5] may be cited as the "Mobile Home  
12 Park Equity Protection Act".  
13

14 NEW SECTION. Section 2. Definitions. As used in [sections 1 through 5], unless the context  
15 requires otherwise, the following definitions apply:

- 16 (1) "In-park sale" means a sale of a mobile home that occupies a space in a mobile home park.
- 17 (2) "Mobile home owner" means mobile home owner as provided in 70-24-103.
- 18 (3) "Mobile home park" means the same as trailer court as provided in 50-52-101.
- 19 (4) "Park owner" means the owner of a mobile home park.
- 20 (5) "Resident" means a mobile home owner in a mobile home park.

21  
22 NEW SECTION. Section 3. Resident's rights -- limitations. Except as otherwise provided in this  
23 section, a resident has the right to sell a mobile home through an in-park sale. The park owner may not  
24 charge a fee for allowing the resident to exercise this right, except a fee of up to \$25 for processing a  
25 prospective buyer's tenancy application. If the park owner is licensed as a dealer, the park owner may agree  
26 in writing to broker the in-park sale of a resident's mobile home. The park owner may not require a resident  
27 to use the park owner's services as a broker. The park owner may not give preferential treatment to  
28 applications for tenancy from people seeking to buy homes whose in-park sale is being brokered by the park  
29 owner.  
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1           **NEW SECTION. Section 4. Park owner's rights -- limitations.** An in-park sale is subject to the park  
2 owner's approval of the buyer as a resident. A park owner may not deny a prospective buyer approval as  
3 a resident unless:

4           (1) the park owner has specified in writing the procedures and criteria used to evaluate the  
5 creditworthiness and suitability as a resident of an individual seeking to buy a home offered for in-park sale;

6           (2) the written disclosure required by subsection (1) is made available on request at no charge to  
7 any resident, any prospective buyer, and any agent of either person;

8           (3) the park owner is available to the prospective buyer at reasonable times if the park owner  
9 requires the prospective buyer to apply or be interviewed in person;

10          (4) all the specified procedures and criteria are reasonable and applied uniformly;

11          (5) the park owner does not use any stricter standards in evaluating a prospective buyer than the  
12 park owner uses for evaluating other prospective buyers;

13          (6) the park owner does not deny tenancy to a prospective buyer for any reason prohibited by  
14 federal, state, or local law;

15          (7) within 14 days of receiving a completed application form, the park owner makes a decision or  
16 gives the prospective buyer and the seller a written explanation of the specific reasons for the delay and  
17 makes a decision as soon as practicable; and

18          (8) the park owner gives the prospective buyer denied tenancy a written explanation of the denial  
19 within 3 days of receiving a written request for an explanation.

20

21           **NEW SECTION. Section 5. Application information.** (1) Whenever a prospective buyer of an in-park  
22 sale seeks approval as a resident, the park owner may require the prospective buyer to submit information  
23 that is reasonably necessary to determine whether the prospective buyer satisfies the park owner's criteria  
24 as set forth in the park rules. The required information may include the purchase price of the mobile home  
25 and the amount of monthly payments on the mobile home, together with any documents reasonably  
26 necessary to verify the information.

27           (2) The park owner may inquire into the creditworthiness of the prospective buyer but may not  
28 require the submission of any information concerning the business relationship between the seller and a  
29 dealer acting for the seller.

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## 1 SENATE BILL NO. 215

2 INTRODUCED BY ECK, BARNHART

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