

HB 475 -- Mobile Homes

Sponsor: Sutherland

This bill governs the legal rights and remedies of parties to leases of mobile homes or lots in mobile home parks containing five or more mobile homes. In its main provisions, the bill:

(1) Prohibits persons from renting or offering for rent or sale mobile homes that do not conform to sanitation, housing, and health codes of the state, county, or municipality;

(2) Prohibits persons from renting or offering for rent mobile home park lots that do not conform to subdivision ordinances of the county or municipality;

(3) Exempts mobile home parks operated by the state or federal government and recreational camper or travel parks;

(4) Requires park owners to show prospective tenants or purchasers of mobile homes or lots the applicable lease;

(5) Requires park owners to notify their tenants in writing within 30 days of the bill's effective date that a written lease is available. If a tenant fails to sign and return the written lease to a park owner within 30 days, the tenancy may only be terminated by the park owner by giving the tenant written notice that the tenancy will terminate no sooner than 60 days from the date the next rent payment becomes due;

(6) Requires that the terms for payment of rent and fees must be specifically itemized in the lease. Rent charged by a park owner may be increased upon the renewal of a lease if 60 days' notice has been provided prior to the expiration of the lease. Any provision of a lease that is not consistent with the provisions of the bill will be void;

(7) Requires all mobile park leases to contain covenants which require the park owner to:

(a) Keep the park area free from noxious weeds and plants;

(b) Maintain all utilities in good working condition;

(c) Respect the privacy of tenants;

(d) Maintain all roads within the park in good condition;

(e) List all services and facilities provided by the park owner to the tenant;

(f) Disclose the names and addresses of all owners of the park;
and

(g) Provide a custodian's office and furnish each tenant with the name, address, and telephone number of the custodian;

(8) Prohibits lease provisions that:

(a) Allow park owners to charge an amount in excess of one month's rent as a security deposit;

(b) Require tenants to pay fees not specified in the lease;

(c) Allow park owners to move mobile homes to different lots;
and

(d) Require tenants to purchase mobile homes from park owners;

(9) Specifies the basic duties of the tenant, including not storing vehicles, furniture, or appliances outside the premises;

(10) Authorizes enforcement of rules promulgated by park owners only if copies of the rules were delivered to tenants prior to signing the lease; the rules apply to all tenants in a fair manner; the rules fairly inform tenants of what they can or cannot do; and the rules are not for the purpose of evading the obligation of park owners;

(11) Requires the Missouri Housing Development Commission to produce and distribute pamphlets delineating the rights of mobile home landlords and tenants. All new tenants must be offered a pamphlet before they are obligated under a lease and must sign a receipt to be kept on file by park owners;

(12) Authorizes park owners to evict tenants only for nonpayment of rent, failure to comply with park rules, or failure to comply with local ordinances or other state laws regulating mobile homes;

(13) Prohibits eviction of tenants for exercising their rights under the lease; complaining to governmental authorities regarding a park owner's alleged violation of health or safety laws, regulations, codes, or ordinances; or being members of a home owners' association;

(14) Prohibits park owners from restricting a tenant's access to goods and services. Park owners cannot require tenants to purchase gas or fuel from a particular dealer as a condition of a lease unless the gas or fuel is provided through a centralized distribution system;

(15) Allows tenants to terminate leases and vacate premises if park owners fail, within 30 days of written notice, to remedy a condition which deprives tenants of their enjoyment of the premises. Park owners may terminate leases if tenants fail to pay rent after being provided notice. If tenants breach any mobile home park rules, park owners must provide them with specific notice of the breach. If the breach continues after tenants receive notice, park owners may terminate the lease;

(16) Requires tenants who remain in possession of premises without park owners' consent after a lease expires to pay park owners a prorated sum, not to exceed two times the previous rent, for each day the tenants remain in possession;

(17) Prohibits park owners from restricting mobile home owners from selling their mobile homes. Park owners cannot restrict mobile home owners from hiring independent salespersons when selling their mobile homes. Park owners are prohibited from imposing fees on mobile home sales unless they assist mobile home owners in the sale. If park owners provide assistance, the fee must be specified in writing prior to the sale and must be a percentage of the actual sale price of the mobile home; and

(18) Allows tenants to hold tenant meetings at reasonable hours and when facilities are available without prohibition by park owners.