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## SENATE BILL NO. 194

## AMENDMENT IN THE NATURE OF A SUBSTITUTE

(Proposed by the Senate Committee on General Laws and Technology  
on January 22, 2018)

(Patrons Prior to Substitute—Senator Locke and McPike [SB 648])

A BILL to amend and reenact § 55-248.41 of the Code of Virginia and to amend the Code of Virginia by adding a section numbered 55-248.46:2, relating to Manufactured Home Lot Rental Act; manufactured home park; sale of park; notice; penalties.

Be it enacted by the General Assembly of Virginia:

1. That § 55-248.41 of the Code of Virginia is amended and reenacted and that the Code of Virginia is amended by adding a section numbered 55-248.46:2 as follows:

§ 55-248.41. Definitions.

For the purposes of this chapter, unless expressly stated otherwise:

"Abandoned manufactured home" means a manufactured home occupying a manufactured home lot pursuant to a written agreement under which the tenant has defaulted in rent or if the landlord has the right to terminate the lease pursuant to § 55-248.33;

"Landlord" means the manufactured home park owner, lessor or sublessor, or a manager who fails to disclose the name of such owner, lessor or sublessor as provided in § 55-248.12;

"Manufactured home" means a structure, transportable in one or more sections, which in the traveling mode is 8 body feet or more in width or 40 body feet or more in length, or, when erected on site, is 320 or more square feet, and which is built on a permanent chassis and designed to be used as a dwelling with or without a permanent foundation when connected to the required utilities, and includes the plumbing, heating, air-conditioning, and electrical systems contained therein;

"Manufactured home lot" means a parcel of land within the boundaries of a manufactured home park provided for the placement of a single manufactured home and the exclusive use of its occupants;

"Manufactured home park" or "park" means a parcel of land under single or common ownership upon which ~~ten~~ five or more manufactured homes are located on a continual, nonrecreational basis together with any structure, equipment, road or facility intended for use incidental to the occupancy of the manufactured homes, but shall not include premises used solely for storage or display of uninhabited manufactured homes, or premises occupied solely by a landowner and members of his family;

"Owner" means one or more persons, jointly or severally, in whom is vested (i) all or part of the legal title to the property, or (ii) all or part of the beneficial ownership and right to present use and enjoyment of the premises, and the term includes a mortgagee in possession;

"Rent" means payments made by the tenant to the landlord for use of a manufactured home lot and other facilities or services provided by the landlord;

"Rental agreement" means any agreement, written or oral, and valid rules and regulations adopted in conformance with § 55-248.17 embodying the terms and conditions concerning the use and occupancy of a manufactured home lot and premises and other facilities or services provided by the landlord; and

"Tenant" means a person entitled as under a rental agreement to occupy a manufactured home lot to the exclusion of others.

§ 55-248.46:2. Sale of manufactured home park; notice.

A. For the purposes of this section, "association" means (i) a nonprofit organization acting at the written request of at least 25 percent of the residents of the park, (ii) a nonprofit organization governed by a board that includes residents of the park as at least 25 percent of its members, or (iii) a residents association representing at least 25 percent of the residents of the park.

B. If an association provides written notice of its interest in purchasing a park to the landlord within the 12 months before the park is offered for sale, the owner of the park shall (i) notify the association of his intent to list the park for sale at least 60 days before the park is initially listed for sale, (ii) consider and negotiate in good faith regarding any offer to purchase the park made by the association, and (iii) prior to accepting any offer to purchase the park from a bona fide purchaser, offer to sell the park on the same terms and conditions to the association.

C. A landlord shall notify residents and prospective residents of an intent to close the park for any reason at least 180 days prior to the date of closure.