

20107393D

HOUSE BILL NO. 1249

AMENDMENT IN THE NATURE OF A SUBSTITUTE

(Proposed by the House Committee on General Laws
on February 4, 2020)

(Patrons Prior to Substitute—Delegates Torian, Jenkins [HB 1229], and Lopez [HB 1163])

A *BILL to amend and reenact §§ 55.1-1308, 55.1-1309, 55.1-1311, and 55.1-1316 of the Code of Virginia and to amend the Code of Virginia by adding a section numbered 55.1-1308.1, relating to Manufactured Home Lot Rental Act; manufactured home park; termination due to sale of park; notice.*

Be it enacted by the General Assembly of Virginia:

1. That §§ 55.1-1308, 55.1-1309, 55.1-1311, and 55.1-1316 of the Code of Virginia are amended and reenacted and that the Code of Virginia is amended by adding a section numbered 55.1-1308.1 as follows:

§ 55.1-1308. Termination of tenancy.

A. Either party may terminate a rental agreement with a term of 60 days or more by giving written notice to the other at least 60 days prior to the termination date; however, the rental agreement may require a longer period of notice. Notwithstanding the provisions of this section, where a landlord and seller of a manufactured home have in common (i) one or more owners, (ii) immediate family members, or (iii) officers or directors, the rental agreement shall be renewed except for reasons that would justify a termination of the rental agreement or eviction by the landlord as authorized by this chapter. A landlord may not cause the eviction of a tenant by willfully interrupting gas, electricity, water, or any other essential service, or by removal of the manufactured home from the manufactured home lot, or by any other willful self-help measure.

B. If the termination is due to ~~rehabilitation or~~ a change in the use of all or any part of a manufactured home park by the landlord, *including conversion to hotel, motel, or other commercial use, planned unit development, rehabilitation, or demolition*, a 180-day written notice is required to terminate a rental agreement. As used in this subsection, "change" includes conversion to hotel, motel, or other commercial use; planned unit development; rehabilitation; demolition; or sale to a contract purchaser. ~~This 180-day~~ Such termination notice requirement shall not be waived; however, a period of less than 180 days may be agreed upon by both the landlord and tenant in a written agreement separate from the rental agreement executed after such notice is given and applicable only to the 180-day notice period. The notice required by this section may be sent concurrently with the notice of intent to sell required by § 55.1-1308.1.

§ 55.1-1308.1. Notice of intent to sell.

A. A manufactured home park owner who offers or lists the park for sale to a third party shall provide written notice containing the date on which the notice is sent and the price for which the park is to be offered or listed for sale. Such notice shall be sent to the Department of Housing and Community Development, which shall make the information available on its website within five business days of receipt. Such written notice shall also be given to each tenant of the manufactured home park, in accordance with § 55.1-1202, at least 90 days prior to accepting an offer. A manufactured home park owner shall consider any offers to purchase received during such 90-day notice period. For purposes of this section, "third party" does not include a member of the manufactured park owner's family by blood or marriage or a person or entity that owns a portion of the park at the time of the offer or listing of such manufactured home park. Nothing shall be construed to require any subsequent notice by the manufactured home park owner after the written notice provided in this section.

B. If a manufactured home park owner receives an offer to purchase the park, acceptance of that offer shall be contingent upon the park owner sending written notice of the proposed sale and the purchase price in the real estate purchase contract at least 60 days before the closing date on such purchase contract to the Department of Housing and Community Development, which shall place the information on its website within five business days of receipt. Such written notice shall also be given to each tenant of the manufactured home park. During the 60-day notice period, the park owner shall consider additional offers to purchase the park made by an entity that provides documentation that it represents at least 25 percent of the tenants with a valid lease in the manufactured home park at the time any such offer is made, but shall not be obligated to consider additional offers after the expiration of the 60-day notice period. Nothing shall be construed to require any subsequent notice by the manufactured home park owner after provision of the written notice required by this section.

§ 55.1-1309. Waiver of landlord's right to terminate.

Unless the landlord accepts the rent with reservation, and gives a written notice to the tenant of such acceptance within five business days of receipt of the rent, acceptance of periodic rent payments with

60 knowledge in fact of a material noncompliance by the tenant shall constitute a waiver of the landlord's
61 right to terminate the rental agreement. Except as provided in § ~~55.1-1423~~ 55.1-1250, if the landlord has
62 given the tenant written notice that the rent payments have been accepted with reservation, the landlord
63 may accept full payment of all rent payments and still be entitled to receive an order of possession
64 terminating the rental agreement.

65 **§ 55.1-1311. Other provisions of law applicable.**

66 ~~Sections~~ Section 55.1-1202, subsection A of § 55.1-1204, §§ 55.1-1207, 55.1-1208, 55.1-1216,
67 55.1-1224, 55.1-1226, 55.1-1228, 55.1-1234 through 55.1-1249, 55.1-1251, 55.1-1252, and 55.1-1259
68 shall, insofar as they are not inconsistent with this chapter, apply, mutatis mutandis, to the rental and
69 occupancy of a manufactured home lot.

70 **§ 55.1-1316. Right to sell or rent manufactured home upon eviction.**

71 A. A tenant who has been evicted from a manufactured home park shall have 90 days after judgment
72 has been entered in which to sell the manufactured home or remove the manufactured home from the
73 manufactured home park. Such tenant shall be responsible for paying the rental amount and for regular
74 maintenance of the manufactured home lot during the period between the date of eviction and the sale
75 of the manufactured home or the removal of the manufactured home from the manufactured home park.
76 Such right to keep the manufactured home in the manufactured home park shall be conditioned upon the
77 payment of all rent accrued prior to the date of judgment and prospective monthly rent as it becomes
78 due. During such term, a secured party shall be liable for such charges as provided in § 55.1-1305. The
79 manufactured home park owner shall have a lien on the manufactured home to the extent that such
80 rental payments are not made. Any sale of the manufactured home shall be subject to the rights of any
81 secured party having a security interest in the home, and the lien granted to the manufactured home park
82 owner under this section shall be subject to any such security interest.

83 B. A tenant who has been evicted from a manufactured home park shall have 90 days from after the
84 judgment has been entered by a court of competent jurisdiction in which to rent the manufactured home
85 to a subtenant, contingent on the subtenant making a rental application to the manufactured home park
86 owner within such 90-day period and approval by the manufactured home park owner of such rental
87 application from the subtenant. The tenant of the lot shall be responsible for paying the lot rent amount
88 to the park owner and for regular maintenance of the manufactured home lot during the period between
89 the date of eviction and any rental of the manufactured home to a subtenant. Such right to keep the
90 manufactured home on the lot in the manufactured home park shall be conditioned upon the payment of
91 all rent accrued prior to the date of judgment and prospective monthly rent as it becomes due. During
92 such term, a secured party shall be liable for such charges as provided in § 55.1-1305.