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SENATE BILL NO. 648

Offered January 10, 2018

Prefiled January 10, 2018

A BILL to amend and reenact §§ 55-248.41 and 55-248.51 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.

Patron—McPike

Referred to Committee on General Laws and Technology

Be it enacted by the General Assembly of Virginia:

1. That §§ 55-248.41 and 55-248.51 of the Code of Virginia are 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" 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. An owner of a manufactured home park shall (i) notify residents and prospective residents of his intent to sell a manufactured home park at least 30 days prior to the date the manufactured home park is initially offered for sale; (ii) consider any offer to purchase the manufactured home park made by a resident association representing at least 25 percent of the community, or a nonprofit or housing authority acting at the request of at least 25 percent of the residents; and (iii) negotiate in good faith with the offeror.

B. Prior to accepting any offer to purchase the manufactured home park from a bona fide purchaser, the owner shall first offer to sell the manufactured home park on the same terms and conditions to any resident association representing at least 25 percent of the community, or a nonprofit or housing authority acting at the request of at least 25 percent of the residents, that has provided written notice to the landlord of its interest in purchasing the manufactured home park.

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

§ 55-248.51. Penalties for violation of chapter.

If the landlord acts in willful violation of §§ 55-248.43, 55-248.45, 55-248.47 or § 55-248.50 or if

59 the landlord fails to provide a written, dated lease, the tenant is entitled to recover from the landlord an
60 amount equal to the greater of either *three times* the tenant's monthly rental payment at the time of the
61 violation, or actual damages, and reasonable ~~attorney's~~ *attorney* fees.