

State by State Information

**California || Connecticut || Delaware || Florida || Idaho || Maine || Massachusetts
Minnesota || Montana || Nevada || New Hampshire || New Jersey || New York
North Carolina || Oregon || Pennsylvania || Rhode Island || Vermont || Washington**

California provides some protection to residents of manufactured home communities by requiring notice 30 days to one year before the community owner lists the community with a licensed real estate broker or offers to sell the community to any party. This gives residents the opportunity to buy the community. However, California's law:

- Only requires notice, no right of first refusal (which would obligate the community owner to sell to the residents if they matched the terms of the other offer);
- Does not require the community owner to negotiate in good faith with the residents;
- Only requires notice to a resident association – if the residents do not have a resident association, no notice is required; and
- Only requires notice to the resident association if it sends a letter to the owner once a year stating that it is interested in purchasing community.

Connecticut provides some protection to manufactured home community residents by requiring the community owner to give residents notice and a right of first refusal in some circumstances 120 days before the community is sold. (The right of first refusal obligates the community owner to sell to the residents if they match the terms of the other offer). A strength of Connecticut's law is that it requires notice to each resident, even if they do not have a resident association. However, Connecticut's law applies only if the community owner intends to discontinue use as a manufactured home community or sell to someone who intends to discontinue that use. As a result, residents miss many opportunities to purchase their communities.

Delaware's law includes many of the elements of an effective resident purchase opportunity law. Whenever the community owner reaches a decision to sell the community, notice must be given to any home owner association or, if none exists, to all the home owners, and to two state agencies and the statewide home owner association. The home owners have 30 days to indicate their intent to accept the offered price, or to make a counteroffer, and 30 more days to finalize a contract. The community owner cannot sell for a lower price for 12 months without giving the home owners 30 days to match the lower price, and must give the home owners the opportunity to match a higher offer in certain circumstances. The law requires the community owner and the home owner association to negotiate in good faith for the sale of the community to the home owner association. Among the weaknesses in the law are complicated alternative provisions for auction sales and certain overly broad exceptions such as one for sales to relatives.

Florida provides some protections to manufactured home community residents by requiring the community owner to give residents notice and a right of first refusal in some circumstances 45 days before the community is sold. (The right of first refusal obligates the community owner to sell to the residents if they match the terms of the other offer). This gives residents an opportunity to buy their

community in some circumstances. However, Florida's law has serious loopholes:

- It requires notice only to a resident association – if the residents do not have one, the community can be sold without any advance notice.
- It requires notice to the resident association only if it has given a notice to the community owner, recorded a notice with the local court, and given the community owner a copy of that notice.
- If the community owner receives an offer to buy the community without having offered it for sale, the only obligation is to give notice – no delay in the sale is required.

Idaho requires a community owner to give notice to residents within 15 days of entering into a listing agreement with a licensed real estate broker for the sale of the community, but only if the residents have formed a notice for the purpose of purchasing the community and given the community owner an annual written notice listing the names and addresses of three designated members or officers.

*****Maine** offers some protections to residents of manufactured home communities by requiring community owners to give 45 days' written notice before accepting an offer to purchase the community. A strength of the law is that it requires notice to each resident, without requiring that there be a resident association. However, the law:

- Does not give residents a right of first refusal (which would obligate the community owner to sell to the residents if they match the terms of the other offer).
- Does not require advance notice if the purchase and sale agreement forbids the buyer of the community from changing its use for the first two years.

Massachusetts gives manufactured home community residents a relatively strong opportunity to purchase their community. The community owner must give notice to each resident, with copies to public officials, within 14 days of offering the community for sale or lease and, in any event, at least 45 days before the sale or lease occurs. In addition, residents are entitled to a copy of the third-party offer and a right of first refusal in two circumstances: 1) when the community owner receives an offer for sale or lease that would result in changing the use of the community; or 2) when 50% or more of the residents, or a resident homeowners' association that represents 50% or more of the residents, notifies the community owner that it wants to receive information about the proposed sale or lease.

Minnesota offers some protection to manufactured home community residents by requiring community owners or buyers, in some circumstances, to give 45 days' notice and a right of first refusal (meaning that the community owner is obligated to sell to the residents if they match the terms of the other offer). A strength of Minnesota's law is that the community owner must give notice to a resident of each home, not just to a resident association if there is one. However, notice is required only if the buyer intends or decides to close the community or convert it to another use within one year, which dramatically narrows the scope of the protection. A community owner who lists the community with a realtor or advertises it for sale to the public in a newspaper must also give written notice to the residents, but need not delay before selling the community.

Montana gives a tax incentive for sale of a manufactured home community to a tenants' association, a mobile home park residents' association, a nonprofit § 501(c)(3) organization that purchases a mobile home park on behalf of such an association, or a county or municipal housing authority.

Nevada provides some opportunity for manufactured home community residents to purchase their community, but the protections are relatively weak. Nevada requires the community owner to give notice to the resident association, if there is one in the community, 10 to 30 days before listing the community for sale with a licensed real estate broker. Even this notice is required only if the resident association 1) sends the owner a letter saying it wants to be given notice and that it is interested in buying the community, and listing the names and addresses of three members; and 2) renews this letter every year. Nevada does not require the community owner to negotiate in good faith with the residents. Nor does Nevada give the residents the right of first refusal, which would obligate the community owner to sell to the residents if they match the terms of the other offer.

New Hampshire gives manufactured home community residents a relatively strong opportunity to purchase their community. It has a very strong notice requirement, requiring community owners to give each resident advance notice of almost any sale of the community. In addition, the owner has a duty to consider any offer the residents make to buy the community, and to negotiate in good faith with them. New Hampshire does not give residents a right of first refusal, so the community owner is not obligated to sell to the residents if they match the terms of the other offer, but it has a very strong community loan program that has enabled many community residents to take advantage of the advance notice and buy their communities.

New Jersey provides some protections to manufactured home community residents. Community owners must give notice to residents before offering the community for sale or accepting an offer to sell the community. The community owner must give notice to the resident association if there is one, but otherwise must give notice to each resident. Residents then have the right of first refusal, meaning that the community owner is obligated to sell to the residents if they match the terms of the other offer. The weakness in New Jersey's law is that it only applies if the sale is made in contemplation of a change of use for the community, so residents miss many opportunities to buy their communities.

New York provides some minor protections to residents of manufactured home communities. A prospective purchaser of a manufactured home community must give the community owner a certification stating whether the purchaser intends to discontinue using the property for manufactured home lot rentals within 60 months after closing. If yes, the community owner must notify the officers of any homeowners association of the price, terms, and conditions of the proposed sale or any counteroffer. If there is no homeowners association, the community owner must notify all the homeowners. In either case, the homeowners have the right to purchase the community (through a homeowners association) if they deliver an offer meeting the same price, terms, and conditions within 120 days.

North Carolina provides a tax incentive in some circumstances for a sale of a manufactured home community to the residents or to a nonprofit organization that represents the residents.

Oregon provides some protections to manufactured home community residents. A community owner must notify the residents and a state agency before marketing the community or when the community owner receives an offer to purchase the community. Then residents then have 25 days to submit an offer. Oregon also provides a tax incentive for community owners to sell to residents or non-profit organizations.

Pennsylvania requires notice to the residents of the sale or lease of a manufactured home community, but only after the agreement of sale is signed, so this requirement does little to give residents the opportunity to purchase their community. If residents learn of the potential sale of their community in time to make an offer, Pennsylvania requires the community owner to consider any offer made by a resident association representing at least 25% of the manufactured home spaces or by a nonprofit corporation, a community development corporation, a housing authority, or a redevelopment authority acting at the request of the residents of at least 25% of the spaces, and to negotiate in good faith with the entity submitting the offer.

Rhode Island provides fairly strong protections to manufactured home community residents. The community owner must give residents notice and the right of first refusal before selling the community, and also before any lease that would result in change of use. (The right of first refusal means that the community owner is obligated to sell to the residents if they match the other offer). The main weakness in Rhode Island's law is that notice is required only if there is an incorporated resident association that has sent the owner a certified letter. Rhode Island also provides a tax incentive for sale of a community to the residents.

Vermont gives manufactured home community residents a relatively strong purchase opportunity. The community owner must give notice to each resident 45 days before accepting an offer to buy the community. If the residents make an offer to buy the community, the owner must negotiate in good faith with them. Vermont does not, however, give residents the right of first refusal, so the community owner is not obligated to sell to them if they match the other offer. Vermont also gives community owners a tax incentive to sell the community to the residents or a non-profit organization.

Washington provides some protection to manufactured home community residents. The community owner must give notice to the residents, and to any resident association and a number of governmental offices, within 14 days after any advertisement, multiple listing, or public notice advertise the community for sale. The law also encourages the community owner to negotiate in good faith with the residents for the sale of the community, and provides a tax incentive if the community owner sells the community to the residents or a local government, local housing authority, nonprofit community or neighborhood-based organization, federally recognized Indian

tribe, or regional or statewide nonprofit housing assistance organization. The law does not require the community owner to wait any period of time after giving notice or after receiving a third-party offer to enable the residents to make an offer.
