

MICROFILM DIVIDER

OMB/RECORDS MANAGEMENT DIVISION
SFN 2053 (2/85) 5M



ROLL NUMBER

DESCRIPTION

1240

2001 HOUSE TRANSPORTATION

HB 1240

2001 HOUSE STANDING COMMITTEE MINUTES

BILL/RESOLUTION NO. HB 1240

House Transportation Committee

Conference Committee

Hearing Date January 25, 2001

Tape Number	Side A	Side B	Meter #
1	X		109
Committee Clerk Signature <i>Lauren L. Fink</i>			

Minutes: Rep. Welsz - Chairman opened the hearing on HB 1240: A BILL for an Act to create and enact a new section to chapter 23-10 of the North Dakota Century Code, relating to the change in use of a mobile park.

Rep. Maragos introduced HB 1240, HB 1241, HB 1242 and HB 1243 at the request of mobile home owners in Minot, N D . Since requesting this legislation to correct many inequities a lot of things have transpired. Therefore, Rep. Maragos deferred the testimony to the delegation from Minot for their most current information.

Rep. Janet Wentz from Minot appeared to support these bills. She preferred that the mobile home residents who were present to tell there own story.

Sen. Randy Schobinger from Minot appeared to lend his support for this legislation . He asked the committee's support find resolution to these peoples problems.

Susan Ternes: I am the president of the newly formed tenants association in Minot although I am not here to speak on behalf of everyone in the association I would like to make a request that a

section of HB 1240 be amended to take out section 2 of that House Bill. We have since met with Mr. French and Mr. Delmore. We thought that if there was 180 days notice that we would have this would be enough time to get our opinion and to coordinate rezoning issues. May I talk on other bills too?

Rep. Weisz - Chairman: (438) We would prefer that unless you have more on this bill, that you wait until your other bill or bills come up, if you can do that.

Susan Ternes: I am in support of the 180 day notice. I believe it would be better for the residents if there is to be a rezoning rather than a 30 day eviction notice.

Rep. Weisz - Chairman: Can you tell us specifically which paragraph you would like to have deleted from this Bill? Which lines?

Susan Ternes: Paragraph 2. Line 16 and down.

Rep. Thoreson: (519) Currently if they were going to build on your mobile home park, they could give you 30 days notice and you would have to be out of there in 30 days, right?

Susan Ternes: Yes, there is nothing in the law that I have seen or that I understand that will allow more than 30 days notice.

Rep. Thoreson: Is there much turn over in mobile home parks? Aren't they pretty stable?

Susan Ternes: No they don't change a great deal. I guess the reason we requested this that we heard some rumors that one of our parks was purchased for the sole purpose of having it rezoned. We have some concerns because there are more than one hundred tenants in this park. If it were closed within 30 days. I don't think there is enough spots in Minot to house those trailers. Even if there is, some of the trailers to be moved are so old that they would not be accepted into a park.

Rep. Carlson: (628) I am not aware of what type of lease a tenant signs when he moves into a park. There must be some sort of a renewal. I would be interested in knowing --- obviously the land that the trailer sits on is owned by the landlord. In his lease he must call out that he can give you notice or something right now under present law? Correct?

Susan Ternes: Yes.

Rep. Carlson: Is that the thirty days you are talking about?

Susan Ternes: No month to month.

Rep. Carlson: Everyone is month to month?

Susan Ternes: No there are some on Housing Assistance -- there leases run longer. But the majority of them that aren't -- it is a month to month lease.

Rep. Carlson: I am just trying to understand what your status would be now. The way your lease you would sign today -- if the landlord asked you to move in thirty days, you would have to move in thirty days -- could he do that?

Susan Ternes: Yes

Rep. Carlson: So if he asked for zoning changes you are asking that it would be 180 days?

Susan Ternes: Yes, if he were requiring one tenant to move, that is separate but if he were requiring all the owners in the park to move their homes -- I mean that that's a large number of homes to relocate within a community. I don't think there is enough spaces in Minot and our community would be broken up into all the other communities.

Rep. Weisz - Chairman (768) This bill only applies to the change in use for the park within 180 days , right?

Susan Ternes: Change in use or if they were closing the park. If the landlord just decided he no longer wanted to have a park.

Rep. Mahoney: (827) If there is no other provision in the lease, the law is generally that you have to give 30 days notice. Are you familiar with what the time would be under current law -- you are talking about a situation where they are rezoning? Under rezoning, they have to go through notice requirement under planning and zoning ordinances. Presumably they would give you notice to exit the park until after they went through that and then it goes to the city board. Have you talked to anybody about that?

Susan Ternes: No but Mr. Delmore might be.

Bill Delmore (919) I am a registered lobbyist and a member of the Kelsh Law firm. We work with the Manufactured Housing Association. I am here with Kent French who will speak on behalf of the Association. We met with the proponents of these bills and we are going to try support several of them. Some of them will impose restriction far beyond what you would find in some other industries. For the most part we are in support their concerns. We are in support of their proposed amendment. We can live with the 180 days to close a park or to rezone it. But it takes about that long at least four of those months to rezone it. We are also happy to support that you can't raise the rent for ninety days before you give notice for the 180 days. So it is really a 270 day commitment in terms of rent.

Kent French (1080) I speak for the industry --- the North Dakota Manufactured Housing Association takes a stand to support HB 1240 with the recommended changes. We feel that they need the security to know that a landlord is not going to rezone the area without notice.

Rep. Mahoney: (1167) They (out of state purchasers of the site) came in and raised lot deposits. They had the right to do this but it wasn't right the way these people were treated. We couldn't believe how these people were treated.

Rep. Schmidt: (1346) You said they lost their lot deposits?

Kent French: No, they increased it and I think they had a right to do that. But to raise it hundred and some dollars and then to increase the rent too at the same time -- I felt and the association feels that was just too much.

Rep. Schmidt: What I did the prior owner -- were these people reimbursed that money?

What I mean was when the new people sold that property , was the prior owner reimbursed the money for the earlier deposits?

Kent French: They quite possibly could have done that but I believe that they kept both deposits -- but I don't know that.

Rep. Mahoney: The main thing is that the people did get their deposit plus interest --- that is what the law is.

Milt Bowen: Last summer when all this transpired --- I will never forget the tears in their eyes and the quiver in their voices when some of these people on fixed income and they were required within thirty days to pay increased deposit, increased lot rent, along with the rumor going around that it was going to close and they were going to have to move. There was no place for them to move even if they could afford it .I have a Mobile Home Service in Minot.

Ken Royse: I own and operate a small mobile home park. Mr. Royse's written testimony is attached.

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House Transportation Committee
Bill/Resolution Number HB 1240
Hearing Date January 25, 2001

Rep. Weisz - Chairman (2010) If the language in section 2 was removed, would you still be opposed to HB 1240?

Ken Royse: No.

There being no others who wished to appear on HB 1240, either for or against, Chairman Weisz closed the hearing for taking testimony on HB 1240. (2069).

Note: Several persons turned in written testimony but never spoke. That testimony is attached.

2001 HOUSE STANDING COMMITTEE MINUTES

BILL/RESOLUTION NO. HB 1240 b

House Transportation Committee

Conference Committee

Hearing Date January 25, 2001

Tape Number	Side A	Side B	Meter #
1		X	5,873
Committee Clerk Signature <i>Lauren H. Fink</i>			

Minutes: In working session, Rep. Weisz - Chairman opened the discussion on HB 1240.

Rep. Kelsch: Moved to amend HB 1240 by over-striking lines 16 through lines 22 thus removing them from the bill.

Rep. Ruby: I second the motion.

The motion to amend HB 1240 carried on a voice vote.

Rep. Ruby moved a 'Do Pass as Amended' for HB 1240.

Rep. Hawken: I second the motion.

On a roll call vote the motion carried. 12 yeas 1 nay 1 absent.

Rep. Dosch was designated to carry HB 1240 on the floor.

10329.0101
Title.0200

Adopted by the Transportation Committee
January 25, 2001

VR
1/25/01

HOUSE AMENDMENTS to HB 1240

Htrn 1-25-01

Page 1, line 7, remove "1."

Page 1, remove lines 16 through 22

Renumber accordingly

Date: January 25, 2001
Roll Call Vote #:

2001 HOUSE STANDING COMMITTEE ROLL CALL VOTES
BILL/RESOLUTION NO. HB1240

House Transportation Committee

Subcommittee on _____
or
 Conference Committee

Legislative Council Amendment Number _____

Action Taken Do Pass as Amended

Motion Made By Rep. Ruby Seconded By Rep. Hawken

Representatives	Yes	No	Representatives	Yes	No
Robin Weisz - Chairman	✓		Howard Grumbo	✓	
Chet Pollert - Vice Chairman	✓		John Mahoney		A
Al Carlson		✓	Arlo E. Schmidt	✓	
Mark A. Dosch	✓		Elwood Thorpe	✓	
Kathy Hawken	✓				
Roxanne Jensen	✓				
RaeAnn G. Kelsch	✓				
Clara Sue Price	✓				
Dan Ruby	✓				
Laurel Thoreson	✓				

Total (Yes) 12 No 1

Absent 1

Floor Assignment Rep. Dosch

If the vote is on an amendment, briefly indicate intent:

REPORT OF STANDING COMMITTEE (410)
January 26, 2001 11:36 a.m.

Module No: HR-14-1700
Carrier: Dosch
Insert LC: 10329.0101 Title: .0200

REPORT OF STANDING COMMITTEE

HB 1240: Transportation Committee (Rep. Weisz, Chairman) recommends
AMENDMENTS AS FOLLOWS and when so amended, recommends **DO PASS**
(12 YEAS, 1 NAY, 1 ABSENT AND NOT VOTING). HB 1240 was placed on the Sixth
order on the calendar.

Page 1, line 7, remove "1."

Page 1, remove lines 16 through 22

Renumber accordingly

2001 SENATE POLITICAL SUBDIVISIONS

HB 1240

2001 SENATE STANDING COMMITTEE MINUTES

BILL/RESOLUTION NO. HB1240

Senate Political Subdivisions Committee

Conference Committee

Hearing Date February 16, 2001

Tape Number	Side A	Side B	Meter #
2	x		6.5-35.2
March 2, 2001 1	x		16.9-21.4
Committee Clerk Signature <i>Mary Jo Wacker</i>			

Minutes:

The hearing was opened on HB1240; relating to the change in use or closure of a mobile home park.

REPRESENTATIVE MARAGOS introduced HB1240, and is one of the sponsors of this bill.

This bill is introduced on behalf of a Mobile Home Owners Association which was recently formed earlier this summer as a result of some mobile home parks being sold and some problems being created as a result of the sale of those parks. The mobile home owners when they went to find out what sort of recourses they had because of the treatment that they felt they received as a result of these sales, found out that North Dakota really does not have anything in code to set down how things should be handled when these types of situations arise. So what we had Legislative Council do is check around with the other states in the country and see what kind of laws were in place, to give everybody some protection. They do it for apartment renters with the Renters' Association and so we brought these bills forward and House Bill 1240 is one of those

