

State of Vermont
Department of Housing and Community Development
Deane C. Davis Building – 6th Floor [phone] 802-828-3211
One National Life Drive
Montpelier, VT 05620-0501

*Agency of Commerce and
Community Development*

MEMORANDUM

TO: Vermont Mobile Home Park Owner
FROM: Department of Housing and Community Development
RE: Notification of Intent to Sell a Mobile Home Park
10 V.S.A. §6242 and the Housing Division Rules Part I, Rule 13

The provisions of the Mobile Home Park Act and Housing Division Rules pertaining to mobile home park sales are designed to preserve the affordability of mobile home parks by giving mobile home owners in the park an opportunity to buy the park as a group or approve a nonprofit corporation to negotiate for purchase of the park. Vermont law requires a notice to each mobile home owner in the park and the Commissioner of the Department of Housing and Community Development before selling the mobile home park. The law also requires a sale notice before closing the park unless you file a restriction in the Land Records committing to not selling the underlying land for at least five years.

The mobile home owners have 45 days from the notice date to decide if they are interested in buying the mobile home park. During this 45-day notice period you may not commit to selling the park to anyone else. If a majority of the mobile home owners are interested in buying the park or approving a nonprofit to negotiate for purchase of the park, they must notify you before the end of the 45-day notice period, and you will have an additional 120 days to negotiate the sale of the mobile home park in good faith with each other. You may not commit to selling the park to anyone except for the mobile home owners or a nonprofit they have approved during the entire 165-day period (45 days plus 120 days).

While the notice is in effect, you may not sell the park for a price more than five percent below the price you offered in the notice or less than five percent above the final written offer from a group representing a majority of the mobile home owners or a nonprofit approved by them without giving a new notice and opportunity for the mobile home owners to consider purchase. By law, the notice is effective for a period of one year from the expiration of the 45-day notice period.

Example:

If asking price is \$400,000: $\$400,000 \times 5\% = \$20,000$ $\$400,000 - \$20,000 = \$380,000$
New sale notice required before any sale for a price below \$380,000.

If residents offer \$375,000: $\$375,000 \times 5\% = \$18,750$ $\$375,000 + \$18,750 = \$393,750$
New sale notice required before any sale for a price below \$393,750.



TAX BENEFITS

If you pay Vermont income tax, you may be eligible for a tax credit if you sell the park to the mobile home owners or a nonprofit approved by them, and the sale may be exempt from land use and property transfer taxes. These are additional factors that you should discuss with your attorney or tax preparer.

DISCLOSURE TO SELLER; SECURITY DEPOSITS

When the park is sold, the law requires you to disclose of the results of any recent sanitary survey, water tests taken during the past three years, and applicable State and local permits to the buyer (10 V.S.A. §6266(d)). Security deposits, if any, must be transferred to the new park owner (10 V.S.A. §6244(f)) who must provide a statement to the leaseholders that he/she has received the deposits.

INSTRUCTIONS

Complete, sign, and mail the Notification of Intent to Sell a Mobile Home Park form with a list of the names and mailing addresses of the mobile home owners, and a copy of the notification letter, to the Commissioner and each mobile home owner by Certified Mail Return Receipt Requested.

These forms and instructions are available on our website at accd.vermont.gov/housing. If you have any questions, please call (802) 828-3749 or email arthur.hamlin@vermont.gov.

Enclosures:

1. Notification to Department of Housing and Community Development of Intent to Sell a Mobile Home Park form (Effective April 12, 2013 – Revised 2/6/2019)
2. Sample Notification Letter for Park Sale (Effective April 12, 2013 – Revised 2/6/2019)

**NOTIFICATION TO DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT OF
INTENT TO SELL A MOBILE HOME PARK**

1. **Name of Owner(s):** _____
 a. Mailing Address: _____ b. Phone #: _____ (W)
 _____ (H)

2. **Name of Mobile Home Park:** _____
 a. Park Address: _____ e. # Mobile Home Lots: _____
 _____ # Mobile Homes at Park: _____
 _____ # Owned by Park Owner: _____
 b. Taxed by City/Town(s): _____ # Owned by Leaseholders: _____
 c. Year park established: _____ # of Mobile Home Owners: _____
 d. Year(s) of expansion(s): _____
 f. Lot Rent \$ _____ Date of last increase: _____

3. Is the park served by municipal water? _____ sewer? _____ **If no, describe water and septic systems:**

To your best knowledge, is the mobile home park in compliance with the following regulations and permits?

Water:	yes _____	no _____	Act 250 permit(s):	yes _____	no _____
Sewer/Septic:	yes _____	no _____	Mobile Home Park registration:	yes _____	no _____
Electrical:	yes _____	no _____	Municipal permits:	yes _____	no _____

Reasons for noncompliance: _____

4. a. **Asking Price:** \$ _____ **Price Includes:** **Number of Acres** _____
Other buildings _____ **Mobile homes** _____
Equipment / vehicles _____ **Other items** _____

Use this space or back of form for additional details: _____

b. **Sale Terms:** _____

c. Is there a private sale pending? _____ Must be contingent on mobile home owners' rights.

Please attach names of all mobile home owners, their complete mailing address, lot number, and the number of leaseholds held by each.

CERTIFICATION - I certify that the foregoing and attached information is true and correct.

Owner's Signature: _____ Co-Owner's Signature: _____
 Date: _____ Date: _____

SEND BY CERTIFIED MAIL RETURN RECEIPT REQUESTED TO MOBILE HOME OWNERS AND:

Josh Hanford, Acting Commissioner
 Department of Housing & Community Development
 One National Life Drive
 Deane C. Davis Building, sixth floor
 Montpelier, VT 05620-0501

INSTRUCTIONS

1. **Name and address of owner:** 1. Provide the name(s) of actual owner(s) of the mobile home park. If the mobile home park is owned by a partnership or corporation, include all partners or principals of the corporation; 1a. Provide the mailing address for the park owner(s); 1b. Telephone number(s) where owner can be reached.
2. **Name and description of the mobile home park:** Provide the name of the mobile home park, if any. If none, the Department uses the park owner(s) name; 2a. Provide the actual physical address/location of the mobile home park; 2b. City or Town(s) to which property taxes assessed on the mobile home park are paid; 2c. Year the park was established; 2d. The year(s), if any, that additional lots were developed in the mobile home park; 2e. Number of developed lots in the mobile home park and number of mobile homes currently sited; number of mobile homes that you own and number owned by leaseholders; 2f. Current lot rent (including any capital improvements surcharge) and the date of the most recent rent increase.
3. **Utilities and permits:** Answer “Yes” or “No” to indicate whether the mobile home park is served by municipal water and sewer. If “No”, provide explanation as to the water source and type of septic systems for the mobile home park. Check off “Yes” or “No” whether, to the owner’s best knowledge, the mobile home park is in compliance with the required permits and/or registrations listed. For any “No” answer provide an explanation of the reason for the noncompliance and any steps being taken to correct the noncompliance.
4. **Asking price and terms:** Provide the asking price for the mobile home park; 4a. Indicate the amount of land/acreage that is included, all buildings included with the sale, including any mobile homes that you own that are included, garages, equipment, sheds/storage etc.; Provide detailed descriptions of any buildings (e.g. type of building, age, size, condition, value); 4b. Sale terms: indicate whether or not there are any special conditions to the sale or if, for example, you are offering owner financing; 4c. Indicate whether or not a private sale is pending. Department may request a copy of any purchase and sale agreement or offer.

Attach a complete list of the mobile home owners’ names and mailing addresses, lot number, and number of leaseholds held by each. The mobile home park owner must sign and date the form. **SEND BY CERTIFIED MAIL RETURN RECEIPT REQUESTED** to the Commissioner of Housing and Community Development and each mobile home owner along with a copy of the notification letter.

If you have any questions call (802) 828-3749 or email arthur.hamlin@vermont.gov.

USE THE SPACE BELOW OR ADDITIONAL SHEETS FOR MORE INFORMATION

**MOBILE HOME PARK SALE
NOTIFICATION LETTER TO MOBILE HOME OWNERS**

Certified Mail Return Receipt Requested

Date: _____

Dear Mobile Home Owner(s):

Please be advised that {I/we} intend to sell the mobile home park in which you own a mobile home. By law, {I/we} are required to give you the opportunity to consider buying the park before selling it to anyone else, or before closing the park to sell the property within five years. This notice **is** ___ **is not** ___ due to a potential closure of the park. If a majority of the park's mobile home owners are interested, you may negotiate to buy the mobile home park as a group, or approve a nonprofit corporation to buy the mobile home park.

The property that is for sale includes {describe in detail}:

Number of Acres _____ No. Mobile Home Lots _____

Buildings _____ No. of Mobile Homes _____

Equip. / Vehicles _____ Other items _____

The asking price for the above property is \$_____.

The terms and conditions of the sale are: _____

To the best of my/our knowledge, the mobile home park **is** ___ **is not** ___ in compliance with applicable statutes, regulations and permits. {Discuss the status of compliance:} _____

As required by law, for 45 days following receipt of proper notice to the Department of Housing and Community Development and your receipt of this notice, {I/we} will not commit to selling the mobile home park to anyone.

If during the 45-day notice period, {I/we} receive notice from a group representing a majority of the mobile home owners or a nonprofit approved by you stating that you are interested in buying the mobile home park, then you will have an additional 120 days to negotiate in good faith with {me/us} to buy the mobile home park, for a total of 165 days from the notice, and during the entire 165-day period, {I/we} will not commit to selling the mobile home park to anyone except a group representing a majority of the mobile home owners or a nonprofit approved by you, and will consider any offers that you make to purchase the park.

By law, this notice is good for a period of one year from the expiration of the 45-day notice period. While this notice is in effect, {I/we} will not sell the mobile home park for a price more than five percent below the asking price disclosed in this notice or less than five percent above a final written offer made by a group representing a majority of you or a nonprofit approved by you without providing you a new notice and opportunity to consider purchase.

In a few weeks, the Department of Housing and Community Development may schedule an informational meeting to tell you more about your rights. If you would be interested in meeting with the Department or have any questions, contact the Housing Division at (802) 828-3749 or email arthur.hamlin@vermont.gov.

Sincerely,

{Owner}

Required Enclosures

List of mobile home owners' names and mailing addresses, and # of leaseholds
Notification to Department of Intent to Sell a Mobile Home Park form

cc: Josh Hanford, Acting Commissioner
Department of Housing and Community Development