

118TH CONGRESS
1ST SESSION

S. 2204

To ensure that federally backed financing for the construction, rehabilitation, or purchase of manufactured home communities is available only for communities whose owner has implemented minimum consumer protections in the lease agreements with residents of all manufactured home communities owned by such owner, and for other purposes.

IN THE SENATE OF THE UNITED STATES

JUNE 22, 2023

Mrs. SHAHEEN (for herself, Mr. BLUMENTHAL, and Mr. FETTERMAN) introduced the following bill; which was read twice and referred to the Committee on Banking, Housing, and Urban Affairs

A BILL

To ensure that federally backed financing for the construction, rehabilitation, or purchase of manufactured home communities is available only for communities whose owner has implemented minimum consumer protections in the lease agreements with residents of all manufactured home communities owned by such owner, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

1 **SECTION 1. SHORT TITLE.**

2 This Act may be cited as the “Manufactured Housing
3 Tenant’s Bill of Rights Act of 2023”.

4 **SEC. 2. DEFINITIONS.**

5 For purposes of this Act, the following definitions
6 shall apply:

7 (1) **AFFILIATE.**—Except as provided by the
8 Secretary or the Director, as applicable, the term
9 “affiliate” means, with respect to a borrower re-
10 ferred to in section 2(a), any entity that controls, is
11 controlled by, or is under common control with, the
12 borrower.

13 (2) **COVERED LOAN PROGRAM.**—The term “cov-
14 ered loan program” means any of the following pro-
15 grams:

16 (A) The program under section 207 of the
17 National Housing Act (12 U.S.C. 1713) for in-
18 surance of loans for financing for the construc-
19 tion or substantial rehabilitation of manufac-
20 tured home parks.

21 (B) The program of the Federal National
22 Mortgage Association for multifamily loans for
23 manufactured housing communities.

24 (C) The program of the Federal Home
25 Loan Mortgage Corporation for loans for manu-
26 factured housing communities.

1 (3) COVERED PRICING INCENTIVE.—The term
2 “covered pricing incentive” means any pricing dis-
3 count available to borrowers under any of the cov-
4 ered loan programs that rewards the borrower’s im-
5 plementation of one or more specific resident protec-
6 tions and is designed to ensure that the benefits of
7 a covered loan program are provided at a lower cost
8 for manufactured home communities based on the
9 extent to which residents of a manufactured home
10 community are better protected from predatory rent
11 increases and management practices.

12 (4) DIRECTOR.—The term “Director” means
13 the Director of the Federal Housing Finance Agen-
14 cy.

15 (5) ENTERPRISE.—The term “enterprise” has
16 the meaning given the term in section 1303 of the
17 Federal Housing Enterprises Financial Safety and
18 Soundness Act of 1992 (12 U.S.C. 4502).

19 (6) MANUFACTURED HOME.—The term “manu-
20 factured home”—

21 (A) has the meaning given the term in sec-
22 tion 603 of the National Manufactured Housing
23 Construction Safety and Standards Act of 1976
24 (42 U.S.C. 5402); and

1 (B) includes any structure described in
2 such section 603 without regard to—

- 3 (i) whether the structure complies
4 with any standards under such Act; and
5 (ii) the date of the manufacture of the
6 structure.

7 (7) MANUFACTURED HOME COMMUNITY.—The
8 term “manufactured home community” means any
9 community, court, or park equipped to accommodate
10 manufactured homes for which pad sites or pad sites
11 and the manufactured homes, or both, are leased to
12 residents to be used primarily for residential pur-
13 poses, including any manufactured housing commu-
14 nity, as the term is used for purposes of a program
15 described in subparagraph (B) or (C) of paragraph
16 (2).

17 (8) SECRETARY.—The term “Secretary” means
18 the Secretary of Housing and Urban Development.

19 **SEC. 3. REQUIREMENTS FOR COVERED LOAN PROGRAMS.**

20 (a) REQUIREMENTS.—On and after the date that is
21 180 days after the date of enactment of this Act, no loan
22 shall be eligible for insurance by the Secretary or purchase
23 by an enterprise, as applicable, under a covered loan pro-
24 gram unless—

1 (1) the borrower under the loan certifies to the
2 Secretary or the applicable enterprise that the bor-
3 rower will include, in any lease agreement for a pad
4 site, or a pad site and manufactured home, located
5 in any manufactured home community that the bor-
6 rower or an affiliate of the borrower owns, the min-
7 imum consumer protections described in subsection
8 (b); and

9 (2) the borrower complies with regulations
10 issued by the Secretary or the Director, as applica-
11 ble, that require the borrower to submit documenta-
12 tion to the Secretary, or to the applicable enterprise
13 and the Director, that is sufficient, as determined by
14 the Secretary or the Director, to ensure that the
15 borrower is complying with the certification de-
16 scribed in paragraph (1), which shall include a copy
17 of the standard lease agreement used by the bor-
18 rower that includes the minimum protections de-
19 scribed in subsection (b).

20 (b) MINIMUM CONSUMER PROTECTIONS.—

21 (1) IN GENERAL.—The minimum consumer
22 protections described in this subsection are as fol-
23 lows:

1 (A) 1-year lease terms that are renewable
2 for additional 1-year terms unless there is good
3 cause for non-renewal.

4 (B)(i) A right to receive written notice of
5 any newly required charges (including water
6 and other utilities) or increase in the rents for
7 pad sites, or pad sites and manufactured
8 homes, located in the community, including a
9 written justification of the increase with infor-
10 mation on increases in the costs of operating,
11 maintaining, or improving the community.

12 (ii) A written notice described in clause (i)
13 shall—

14 (I) be provided to the tenant not less
15 than 60 days before the effective date of
16 any newly required charge or increase in
17 the rents, except that, in the case of any
18 increase exceeding 5 percent of the pre-
19 vious monthly rent, an additional 30-days
20 notice shall be provided for each additional
21 2.5-percent increase in the rent; and

22 (II) include identification of the
23 amount of, and a description of, any newly
24 required charges (including water and
25 other utilities) that the tenant is not cur-

1 rently responsible for but will be respon-
2 sible for upon the rent increase and, if
3 available, an estimate of the monthly
4 amount of those charges.

5 (iii) For purposes of the calculation in
6 clause (i)(I)—

7 (I) the amount of any increase in the
8 monthly rent for a dwelling unit shall be
9 considered to include any newly required
10 charges described in clause (i)(II); and

11 (II) any newly required charges with-
12 out an estimate of the monthly amount
13 shall be estimated at 5 percent of the pre-
14 vious monthly rent.

15 (C) A 5-day grace period for rent pay-
16 ments.

17 (D) A right to cure defaults on rent pay-
18 ments within 15 days of the due date.

19 (E) A right for a tenant who owns a man-
20 ufactured home to sell a manufactured home
21 owned by the tenant without having to first re-
22 locate the manufactured home out of the com-
23 munity.

24 (F) A right for a tenant who owns a man-
25 ufactured home to sell a manufactured home

1 owned by the tenant in place within a reason-
2 able time period, but not earlier than 45 days,
3 after eviction by the owner of the manufactured
4 housing community.

5 (G) A right for a tenant who owns a man-
6 ufactured home—

7 (i) to sublease or assign the pad site
8 lease for the unexpired term to a new
9 buyer of the manufactured home unless the
10 prospective tenant fails to meet the reason-
11 able and uniformly applied application cri-
12 teria of the manufactured housing commu-
13 nity; and

14 (ii) in such a case of denial, a right to
15 written notice provided by the owner of the
16 manufactured housing community inform-
17 ing the tenant of the denial and the pro-
18 spective tenant of the denial and the spe-
19 cific reason or reasons for denial.

20 (H) A right for a tenant who owns a man-
21 ufactured home to post “For Sale” signs.

22 (I) A right to receive 60-day advance writ-
23 ten notice of the planned sale or closure of the
24 manufactured housing community, which
25 shall—

1 (i) include the price, terms and condi-
2 tions for the sale of the manufactured
3 housing community; and

4 (ii) provide that—

5 (I) no final acceptance of an
6 offer to sell the manufactured housing
7 community may be made for 60 days;
8 and

9 (II) the owner shall negotiate in
10 good faith with the tenants if they
11 wish to purchase the manufactured
12 housing community during that 60-
13 day period;

14 (J)(i) A right against termination of ten-
15 ancy except in cases in which a tenant engages
16 in a material noncompliance with the rental
17 agreement, a tenant commits a material viola-
18 tion of the manufactured home community rea-
19 sonable rules or regulations, or the community
20 has a material, legitimate, and uniformly ap-
21 plied business reason for termination that was
22 included in the lease agreement as grounds for
23 termination.

24 (ii) In the case of a termination described
25 in clause (i), a right to written notice provided

1 by the owner of the community informing the
2 tenant of the termination and the specific rea-
3 son or reasons for termination.

4 (2) RULE OF CONSTRUCTION.—Nothing in this
5 subsection may be construed to annul, alter, or af-
6 fect any State or local law providing greater protec-
7 tions to tenants of manufactured home communities
8 than the protections afforded under this subsection.

9 (c) PRICING INCENTIVES.—

10 (1) IN GENERAL.—Any covered pricing incen-
11 tive offered for loans purchased under a covered loan
12 program on or after the date that is 180 days after
13 the date of enactment of this Act shall reward imple-
14 mentation of resident protections that are more pro-
15 tective than those specified in subsection (b).

16 (2) PROHIBITION.—Any covered pricing incen-
17 tive described in paragraph (1) that does not comply
18 with the requirement described in that paragraph
19 may not be offered for any loan purchased under a
20 covered loan program on or after the date that is
21 180 days after the date of enactment of this Act.

22 (d) PUBLICATION.—

23 (1) IN GENERAL.—The Secretary and Director
24 shall make the list of properties covered by the pro-

1 tections described in subsection (b) publicly available
2 on a single website.

3 (2) OTHER COVERED PROPERTIES.—Properties
4 that are covered as of the date of enactment of this
5 Act by the Federal National Mortgage Association’s
6 Tenant Site Lease Protections or the Federal Home
7 Loan Mortgage Corporation’s MHC Tenant Protec-
8 tions shall—

9 (A) be made publicly available; and

10 (B) include an explanation of the dif-
11 ferences between those protections and the min-
12 imum consumer protections described in sub-
13 section (b).

14 (e) PENALTIES.—

15 (1) IN GENERAL.—The Secretary and Director
16 shall—

17 (A) prohibit a borrower or an affiliate of
18 the borrower from securing future federally
19 backed financing or other housing-related Fed-
20 eral assistance for a period of not less than 2
21 years beginning on the date of the violation or
22 failure if the borrower or affiliate, as applicable,
23 willfully and materially—

24 (i) violates a consumer protection de-
25 scribed in subsection (b); or

1 (ii) fails to include the consumer pro-
2 tectations described in subsection (b) in any
3 lease agreement; and

4 (B) determine appropriate penalties for
5 any borrower who fails to—

6 (i) include the consumer protections
7 described in subsection (b) in any lease
8 agreement; or

9 (ii) comply with a lease agreement in-
10 cluding the protections described in sub-
11 section (b).

12 (2) NATURE OF PENALTIES.—The penalties de-
13 termined under paragraph (1)(B) shall be in addi-
14 tion to minimum payments to the injured tenant as
15 follows:

16 (A) For a material violation of subpara-
17 graph (A) or (J) of subsection (b)(1), 6 months
18 of the current monthly rent.

19 (B) For a material violation of subsection
20 (b)(1)(B), any increased rent must be paid back
21 to the tenant with interest, plus 25 percent.

22 (C) For a material violation of subsection
23 (b)(1)(C), any penalties or late fees must be
24 paid back to the tenant with interest, plus 25
25 percent.

1 (D) For a material violation of subpara-
 2 graph (D), (E), or (F) of subsection (b)(1), the
 3 greater of—

4 (i) the sale price of the manufactured
 5 home, if the borrower or an affiliate sells
 6 it within 12 months of the violation; or

7 (ii) 12 months of the prior monthly
 8 rent.

9 (E) For a material violation of subpara-
 10 graph (G) or (H) of subsection (b)(1), the total
 11 remaining monthly rent owed on the tenant's
 12 lease.

13 (F) For a material violation of subsection
 14 (b)(1)(I), the greater of 2 months rent or 10
 15 percent of the sale price of the community di-
 16 vided by the number of tenants in the manufac-
 17 tured housing community.

18 **SEC. 4. MANUFACTURED HOME COMPANY LENDING STAND-**

19 **ARDS COMMISSION.**

20 (a) **ESTABLISHMENT.**—There is established a com-
 21 mission to be known as the Manufactured Home Company
 22 Lending Standards Commission.

23 (b) **DUTIES.**—

24 (1) **PROPOSED STANDARDS.**—Not later than 1
 25 year after the date of enactment of this Act, the

1 Commission shall submit to Congress, the Secretary,
2 and the Director a report that sets forth proposed
3 consumer protection standards for covered loan pro-
4 grams that—

5 (A) are in addition to and provide greater
6 protection than the requirements described in
7 section 3(b); and

8 (B) could be used as a basis for estab-
9 lishing covered pricing incentives under the cov-
10 ered loan programs that comply with section
11 3(e).

12 (2) STANDARD FOR DETERMINATIONS.—Any
13 determination by the Commission to approve a con-
14 sumer protection in the proposed standards required
15 under paragraph (1) shall be made by a vote of a
16 simple majority of the members of the Commission.

17 (c) MEMBERSHIP.—

18 (1) NUMBER AND APPOINTMENT.—The Com-
19 mission shall be composed of 16 members, as fol-
20 lows:

21 (A) The Secretary (or the Secretary's des-
22 ignee).

23 (B) The Director (or the Director's des-
24 ignee).

25 (C) 1 representative from each enterprise.

1 (D) 3 each shall be appointed by the
2 Speaker of the House of Representatives, the
3 minority leader of the House of Representa-
4 tives, the majority leader of the Senate, and the
5 minority leader of the Senate. Of the 3 mem-
6 bers appointed by each such officer—

7 (i) 1 shall be employed at the time of
8 appointment as a professor or academic re-
9 searcher with demonstrated background in
10 housing and consumer protection issues,
11 especially as they relate to manufactured
12 housing;

13 (ii) 1 shall be a current or former
14 member of Congress; and

15 (iii) 1 shall be a current resident and
16 homeowner at a manufactured housing
17 community.

18 (2) CHAIRPERSON AND CO-CHAIRPERSON.—

19 (A) CHAIRPERSON.—The chairperson of
20 the Commission shall be designated by the
21 President from among the members of the
22 Commission.

23 (B) CO-CHAIRPERSON.—The co-chair-
24 person of the Commission shall be selected as
25 follows:

1 (i) DESIGNATION BY SPEAKER OF
2 THE HOUSE.—If, on the date of appoint-
3 ment, the Speaker of the House of Rep-
4 resentatives is of a different political party
5 than the President, the Speaker of the
6 House of Representatives shall designate
7 the co-chairperson from among the mem-
8 bers of the Commission.

9 (ii) DESIGNATION BY MINORITY LEAD-
10 ER OF THE HOUSE.—If, on the date of ap-
11 pointment, the Speaker of the House of
12 Representatives is of the same political
13 party as the President, the minority leader
14 of the House of Representatives shall des-
15 ignate the co-chairperson from among the
16 members of the Commission.

17 (3) TIMING OF APPOINTMENTS.—Appointments
18 to the Commission shall be made not later than 45
19 days after the date of enactment of this Act.

20 (4) TERMS; VACANCIES.—

21 (A) TERMS.—Each member shall be ap-
22 pointed for the life of the Commission.

23 (B) VACANCIES.—Any vacancy in the
24 Commission shall—

1 (i) not affect the powers of the Com-
2 mission; and

3 (ii) be filled within 45 days of the va-
4 cancy in the manner in which the original
5 appointment was made.

6 (5) HEARINGS.—

7 (A) IN GENERAL.—In carrying out the du-
8 ties of the Commission under this section, the
9 Commission is authorized to hold such hearings
10 and take testimony with respect to matters to
11 which it has a responsibility under this section.

12 (B) OATHS.—The chairperson of the Com-
13 mission, or any member of the Commission au-
14 thorized by the chairperson, may administer
15 oaths or affirmations to witnesses appearing be-
16 fore the Commission.

17 (6) PROHIBITION OF COMPENSATION.—Mem-
18 bers of the Commission shall serve without pay.

19 (d) OPERATION AND POWERS.—

20 (1) MEETINGS.—The Commission shall meet
21 not later than 30 days after the date upon which a
22 majority of the members of the Commission have
23 been appointed and at such times thereafter as the
24 chairperson or co-chairperson shall determine. De-
25 tailed minutes of each meeting of the Commission,

1 except for any closed session, shall be kept and shall
2 include a record of the persons present and a com-
3 plete and accurate description of matters discussed.

4 (2) RULES OF PROCEDURE.—The chairperson
5 and co-chairperson of the Commission shall, with the
6 approval of a majority of the members of the Com-
7 mission, establish written rules of procedure for the
8 Commission, which shall include a quorum require-
9 ment to conduct the business of the Commission.

10 (3) HEARINGS.—

11 (A) FREQUENCY.—The Commission shall
12 hold no fewer than 2 hearings on matters to
13 carry out the duties of the Commission under
14 subsection (b).

15 (B) TESTIMONY.—The Commission may
16 take testimony and receive evidence as the
17 Commission considers appropriate.

18 (C) NOTICE.—

19 (i) HEARINGS.—Timely public notice
20 of each hearing of the Commission, includ-
21 ing the time, place, and agenda of the
22 meeting, shall be provided by any means
23 determined by the Commission to provide
24 for wide publicity.

1 (ii) MEETINGS.—Timely notice of
2 each regular meeting of the Commission
3 shall be published in the Federal Register.

4 (iii) COMMENTS.—Interested persons
5 shall be permitted to submit written state-
6 ments regarding the matters on the agenda
7 of the hearings of the Commission.

8 **SEC. 5. FUNDING.**

9 (a) PROHIBITION.—No additional funds are author-
10 ized to be appropriated to carry out this Act.

11 (b) USE OF EXISTING FUNDS.—Any expenses re-
12 quired to carry out this Act shall be funded using amounts
13 otherwise available to the Department of Housing and
14 Urban Development or to the Federal Housing Finance
15 Agency.

16 **SEC. 6. TERMINATION.**

17 The Commission shall terminate upon the submission
18 of the report required under section 4(b).

19 **SEC. 7. STANDARD LEASE.**

20 (a) IN GENERAL.—The Director shall, in consulta-
21 tion with the enterprises, develop a standard site-lease
22 agreement that the enterprises will certify provides suffi-
23 cient certainty to ensure that homes in manufacture hous-
24 ing communities utilizing the standard lease will be eligible

1 for purchase under the single-family mortgage programs
2 of the enterprises.

3 (b) SUBMISSION TO CONGRESS.—Not later than 1
4 year after the date of enactment of this Act, the Director
5 shall submit to the Committee on Banking, Housing, and
6 Urban Affairs and the Committee on Financial Services
7 of the House of Representatives a copy of the standard
8 site-lease agreement developed under subsection (a).

○