

Chapter 830: LICENSURE OF MANUFACTURED HOUSING COMMUNITIES

Summary: This chapter sets forth initial and renewal licensure requirements of manufactured housing communities.

1. Initial Licensure**1. Overview**

An applicant for an initial license to conduct, control, manage or operate a manufactured housing community shall submit an application to the Board on forms prescribed by the Board along with the required fee. An initial license to conduct, control, manage or operate a manufactured housing community expires on the last day of March following issuance.

2. General Information

The application shall contain the following general information:

- A. The name, address, email address, and telephone number of an applicant;
- B. If the applicant is a partnership, the name, address, email address, and telephone number of all partners;
- C. If the applicant is a limited liability partnership, evidence that the partnership is in good standing with the Secretary of State, and the name, address, email address, and telephone number of all partners;
- D. If the applicant is a corporation, evidence that the corporation is in good standing with the Secretary of State, and the name, address, email address, and telephone number of all officers and directors;
- E. If the applicant is a limited liability company, evidence that the company is in good standing with the Secretary of State, and the name, address, email address, and telephone number of all members and managers;
- F. The number of sites in the community;
- G. Address or physical location of the community (not the mailing address);
- H. The identity and contact information for the community manager;
- I. A description of the community's water system and sewage disposal system;

- J. If the community has a private water system, the identification number and results of the most recent analysis.
- K. Any additional information required by the Board.

3. **Planning and Design Documents**

The application shall include the following planning and design documents:

- A. A copy of the vesting deed, option or other document showing the applicant's right, title or interest in the tract of land proposed for construction and operation of a manufactured housing community;
- B. A copy of the vesting deed, option or other document showing the location and legal description of the tract of land proposed for construction and operation of a manufactured housing community; and
- C. A site plan prepared by a registered engineer and/or professional land surveyor licensed to practice in the State of Maine, with the required seal affixed to the plan. The scale of the plan shall be no less detailed than 1" = 100', provided that the Board may in its discretion accept a less detailed plan if the less detailed plan allows the Board to determine whether the community meets the requirements of this chapter. The plan shall have a dimension tolerance of no more than 1% (i.e., 1' in 100' or 1° in 100°). The plan shall clearly show the dimensions and area of each site and the total area of the community, road locations and dimensions, sites, well and pump house locations, waste disposal systems, water and sewer lines, streams, culverts, and any additional detail required by the Board. The Board may waive the filing of a site plan as described in this paragraph in whole or in part, depending on the complexity of the application, if other submissions of the applicant demonstrate that the community meets the requirements of this chapter.

4. **Drinking Water Approval**

The application shall include one of the following relating to drinking water:

- A. A letter from a public water utility that it will be supplying drinking water to the manufactured housing community. For the purpose of these rules, a manufactured housing community that sub-meters water to residents shall not be deemed a public water utility;
- B. Approval as a community water system by the Division of Environmental Health within the Center of Disease Control and Prevention, Department of Health and Human Services; or
- C. A statement from the Division of Environmental Health within the Center of Disease Control and Prevention, Department of Health and Human Services that the Private Water System meets the requirements of the Manufactured Housing Board contained in Chapter 840 of the Board 's rules.

5. **Wastewater Disposal**

The application shall include one of the following relating to wastewater disposal:

- A. An approval letter from a public sewage utility that will be handling the wastewater disposal for the manufactured housing community; or
- B. Approval of a subsurface wastewater disposal design for the manufactured housing community by the Division of Environmental Health within the Center of Disease Control and Prevention, Department of Health and Human Services.

2. **Renewal Licensure**

1. **Term**

All renewal licenses are issued for a period of one year expiring on the last day of March. The renewal application shall contain such information as is required by the Board.

2. **Late Renewal**

A license may be renewed up to 90 days after the date of its expiration upon payment of the required late fee in addition to the applicable renewal fee. If any Licensee fails to renew within 90 days of expiration, the Licensee is required to apply for an initial license.

3. **Application for Expansion**

No community may exceed the Board authorized number of sites without receiving express approval from the Board. An application for expansion shall contain the following information, and must be accompanied by the required fee for the additional sites:

- 1. The general information described in Section 1(2)(A), (B), (C), (D), (E), (F) and (G) of this chapter;
- 2. The number of additional sites requested;
- 3. The information described in Section 1(2)(H), (I), (J), and (K) and Sections 1(3), (4) and (5) of this chapter with respect to the proposed additional sites.

4. **Application Denial; Right to Hearing**

1. **Request for Hearing**

A hearing will be held at the written request of any applicant who has been denied a license or whose application for expansion has been denied, provided that a written request is received by the Board within 30 days of the applicant's receipt of written notice of the denial.

2. **Denial of License or Application for Expansion**

The written denial shall include the reason for the denial and notice of the applicant's right to request a hearing. The notice shall be sent by certified mail, return receipt requested, or other method of delivery of equal or greater reliability.

5. **Fees**

1. **Base License Fees**

An application for initial or renewal licensure of a manufactured housing community shall be submitted with the required license fee.

2. **Additional Inspection Fees**

The fee described in Section 5(1) of this chapter is for the license, an initial licensure inspection and one follow-up inspection. When additional inspections are required to determine an applicant's eligibility for licensure, the Board shall charge an additional fee for each additional inspection required. Failure to pay such charges within 90 days of the billing date shall constitute grounds for disciplinary action against said license, unless an extension for a period not to exceed 90 days is granted by the Board.

3. **Expansion Fees**

An application for expansion of a manufactured housing community shall be submitted with the required license fee for the proposed additional sites.

4. **Change in Ownership, Control, Management and/or Operation**

Notwithstanding the provisions of this section, an applicant for a license to conduct, control, manage or operate a manufactured housing community that is licensed to another person or entity must pay the license fee when making application for change in ownership.

6. **Licenses Nontransferable**

No license issued pursuant to this chapter may be assigned or transferred. On the effective date of any change of conduct, control, management or operation of a manufactured housing community, the new operator or other responsible person shall apply for licensure of a manufactured housing community as set forth in Section 1 of this chapter, except that an application that does not propose to expand the community need only contain the information described in Section 1(2) of this chapter.

A community conducted, controlled, managed or operated in violation of this section shall be deemed to be unlicensed.

7. Existing Communities

Generally

1. Except as set forth in Chapter 850, Section 9 of the Board's rules, any community licensed prior to September 23, 1983 which is not in compliance with the provisions of this chapter shall be deemed acceptable for licensing if, in the judgment of the Board, the community is operated in a safe and sanitary manner. A repair, replacement or installation may perpetuate a non-conformity, but may not exacerbate it.
 2. Change in contact information for the Licensee, community manager, or registered agent, shall be furnished to the Board within thirty (30) days of that change.
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STATUTORY AUTHORITY: 10 MRSA §9085

EFFECTIVE DATE:

April 1, 1984

AMENDED:

September 1, 1984

March 2, 1985

May 1, 1986

March 1, 1987

August 19, 1988

March 14, 1990

May 18, 1990

June 3, 1992

EFFECTIVE DATE (ELECTRONIC CONVERSION):

January 11, 1997

AMENDED:

March 5, 1997 - Sec. 4

NON-SUBSTANTIVE CORRECTIONS: August 6, 1997 - "drinking" changed to potable in I(8), and "May 1st" changed to "the last day of March" in V(D), both in accordance with March 5, 1997 amendment; spelling and punctuation.

REPEALED AND REPLACED:

November 8, 2003 - filing 2003-401

AMENDED:

August 30, 2015 – filing 2015-159