

Introduced \_\_\_\_\_  
Public Hearing \_\_\_\_\_  
Council Action \_\_\_\_\_  
Executive Action \_\_\_\_\_  
Effective Date \_\_\_\_\_

## County Council of Howard County, Maryland

2025 Legislative Session

Legislative Day No. 2

### Bill No. 10 -2025

Introduced by: Liz Walsh

SHORT TITLE: To require Mobile Home Parks and Motels to offer a right of first refusal to Howard County.

AN ACT amending the Howard County Code to establish a Notice and a Requirement to provide an offer to the County and Housing Commission to purchase Mobile Home Parks or Motels offered for sale in the County; and generally relating to the sale of Mobile Home Parks, or Motels.

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Introduced and read first time \_\_\_\_\_, 2025. Ordered posted and hearing scheduled.

By order \_\_\_\_\_  
Michelle Harrod, Administrator

Having been posted and notice of time & place of hearing & title of Bill having been published according to Charter, the Bill was read for a second time at a public hearing on \_\_\_\_\_, 2025.

By order \_\_\_\_\_  
Michelle Harrod, Administrator

This Bill was read the third time on \_\_\_\_\_, 2025 and Passed \_\_\_\_, Passed with amendments \_\_\_\_\_, Failed \_\_\_\_\_.

By order \_\_\_\_\_  
Michelle Harrod, Administrator

Sealed with the County Seal and presented to the County Executive for approval this \_\_\_\_\_ day of \_\_\_\_\_, 2025 at \_\_\_ a.m./p.m.

By order \_\_\_\_\_  
Michelle Harrod, Administrator

Approved by the County Executive \_\_\_\_\_, 2025

\_\_\_\_\_  
Calvin Ball, County Executive

NOTE: [[text in brackets]] indicates deletions from existing law; TEXT IN SMALL CAPITALS indicates additions to existing law; ~~Strike-out~~ indicates material deleted by amendment; Underlining indicates material added by amendment

1 **Section 1. Be It Enacted** by the County Council of Howard County, Maryland, that the Howard  
2 County Code is amended as follows:

3 *By amending:*

4 *Title 13. Housing and Community Development*

5 *Subtitle 14. Notice and Right to Purchase – Sale of Rental Housing*

6  
7  
8 **HOWARD COUNTY CODE**

9 **Title 13. Housing and Community Development.**

10  
11 **Subtitle 14. – Notice and Right to Purchase - Sale of Rental Housing, MOBILE HOME PARKS,**  
12 **AND MOTELS**

13  
14 **Sec. 13.1400. - Definitions.**

15 (a) *Commission* means the Howard County Housing Commission.

16 (b) *Department* means the Department of Housing and Community Development.

17 (c) *MOBILE HOME PARK* MEANS A MOBILE HOME DEVELOPMENT ORGANIZED AS A CONDOMINIUM  
18 REGIME THAT ONLY RENTS UNITS OR CONSISTING OF ONE LOT WHICH IS DIVIDED INTO  
19 INDIVIDUAL SITES AND OPERATED EXCLUSIVELY AS A RENTAL.

20 (d) *MOTEL* MEANS ANY BUILDING OR PORTION THEREOF OR GROUP OF BUILDINGS CONTAINING  
21 GUEST ROOMS IN WHICH, FOR COMPENSATION, LODGING IS PROVIDED TO GUESTS ON A DAILY,  
22 WEEKLY, OR MONTHLY BASIS.

23 (([c]))E) *Owner* means an individual or entity holding title to rental housing, A MOBILE HOME  
24 PARK, OR MOTEL.

25 (([d]))F) *Rental Housing* means a multiple-family dwelling, or a group of multiple-family  
26 dwellings operated as one entity, with a total of five or more rental units.

27 (([e]))G) *Sale, sell* or *selling* means:

28 (1) Transfer of title to rental housing, MOBILE HOME PARK, OR MOTEL;

- 1 (2) Transfer in a 12-month period of a majority interest in ownership of the rental housing,  
2 MOBILE HOME PARK, OR MOTEL; or
- 3 (3) Transfer in a 12-month period a majority interest in ownership of an entity holding title  
4 to the rental housing, MOBILE HOME PARK, OR MOTEL; or
- 5 (4) Lease of rental housing, MOBILE HOME PARK, OR MOTEL for more than seven years.

6 (((f))H) *Tenant* means an individual who lives in a rental housing unit, OR MOBILE HOME PARK  
7 with the owner's consent and is responsible for paying rent to the owner.

8 (((g))I) *Tenant organization* means an association of tenants of rental housing, OR MOBILE  
9 HOME PARK that represents tenants of at least 30 percent of the occupied units in the rental  
10 housing OR MOBILE HOME PARK.

11 (((h))J) *Title* means:

- 12 (1) A legal or equitable ownership interest in rental housing, MOBILE HOME PARK, OR MOTEL;  
13 or
- 14 (2) A legal, equitable, or beneficial interest in a partnership, limited partnership,  
15 corporation, trust, or other person who is not an individual, that has a legal or equitable  
16 interest in rental housing, MOBILE HOME PARK, OR MOTEL.

17

18 **Sec. 13.1401. - Purpose.**

19 The purpose of this subtitle is to address a shortage of affordable rental housing in the  
20 county and to increase opportunities for the Department and the Commission to expand the  
21 number of affordable dwelling units available in the County by requiring an owner of rental  
22 housing, A MOBILE HOME PARK, OR MOTEL to first provide notice and a written offer to purchase  
23 to the Department, the Commission, and a tenant organization when the owner offers the rental  
24 housing, MOBILE HOME PARK, OR MOTEL for sale either in whole or in part to another party.

1 **Sec. 13.1402. - Notice required.**

2 (a) *Notice of Intent to Sell.* Unless otherwise provided by law, no later than three days after  
3 offering the rental housing, MOBILE HOME PARK, OR MOTEL for sale, the owner shall provide  
4 by first class mail to the department, the commission, and tenants of the rental housing,  
5 MOBILE HOME PARK, OR GUESTS OF THE MOTEL written notice of the owner's intent to sell the  
6 property. Any contract of sale shall comply with the requirements of this subtitle prior to  
7 entering into a non-contingent contract of sale of rental housing, A MOBILE HOME PARK, OR A  
8 MOTEL. The owner may enter into a contract of sale for rental housing, A MOBILE HOME PARK,  
9 OR A MOTEL that is contingent upon the county's or the commission's waiver of rights pursuant  
10 to this subtitle.

11 (b) *Notice upon the execution of a bona fide contract of sale.* Unless otherwise provided by law,  
12 no later than ten days after the execution of a bona fide contract of sale of rental housing, A  
13 MOBILE HOME PARK, OR A MOTEL, the owner shall provide written notice of the sale:

14 (1) To each tenant in the rental housing OR MOBILE HOME PARK, AND TO EACH GUEST IN THE  
15 MOTEL by first-class and to any tenant organization, if any, by certified mail, return receipt  
16 requested;

17 (2) By conspicuously posting the notice in public areas of the rental housing, MOBILE HOME  
18 PARK, OR MOTEL; and

19 (3) To the Department of Inspections, Licenses and Permits by certified mail, return receipt  
20 requested; and

21 (4) To the Department and the Commission by certified mail, return receipt requested with  
22 a list identifying each tenant and the tenant's address.

23 (C) *Notice compliance.* The owner shall issue a certificate of notice compliance for the sale of  
24 rental housing, MOBILE HOME PARK, OR MOTEL to the County in a form appropriate for  
25 recordation in the land records.

26 (D) *Enforcement.*

27 (1) The County may enforce this provision by:

- 1 (a) Investigating any alleged violation;
- 2 (b) Issuing a summons or subpoena to compel the attendance of a person or the production  
3 of documents or other evidence;
- 4 (c) Reporting a violation to any other appropriate government agency;
- 5 (d) Informal conciliation between a complainant and an alleged violator;
- 6 (e) Dismissing a complaint when the County determines that there is insufficient evidence  
7 of a violation;
- 8 (f) Obtaining injunctive or other appropriate judicial relief, such as an order to:
  - 9 (1) Require compliance with a summons or a subpoena;
  - 10 (2) Require an alleged violator or witness to attend a proceeding concerning the  
11 alleged violation;
  - 12 (3) Require production of documents or other evidence;
  - 13 (4) Require transfer of documents or other evidence to the Court; or
  - 14 (5) Prohibit the destruction of documents or other evidence;
- 15 (g) Ordering any appropriate financial, legal, or equitable relief to a tenant injured by a  
16 violation of this Chapter;
- 17 (h) Any other applicable enforcement action that the County could take to enforce a  
18 violation;
- 19 (i) Developing, conducting, or assisting in educational and information programs  
20 concerning the requirements of this Chapter; and
- 21 (j) Adopting regulations to implement this Chapter.

22 (2) The rental housing license issued under Subtitle 9 of Title 14 of this Code is subject to  
23 revocation by the Director of the Howard County Department of Inspections, Licenses and  
24 Permits if the owner of the Rental Housing OR THE MOBILE HOME PARK violates the provisions  
25 of 13.1403, then revocation may occur after service of notice describing the violation under

1 the subtitle and the revocation can be enforced for up to 24 months. Notice shall be served in  
2 accordance with the provisions of section 14.903(c).

3 (e) This Chapter does not limit any other legal right available to a person.

4 (f) Nothing herein creates a third-party right in any individual tenant.

5  
6 **SECTION 13.1403. – RIGHT TO PURCHASE**

7 (a) *Right To Purchase.* An owner shall offer the County and Commission the right to buy  
8 rental housing, A MOBILE HOME PARK, OR A MOTEL in accordance with the requirements of this  
9 subtitle, except if the property meets the requirements under Section 13.1403(f).

10 (b) *Requirements for offer.* An offer required by subsection (a) shall:

11 (1) Be in writing;

12 (2) Be on commercially reasonable terms and include substantially the same terms and  
13 conditions upon which the owner will offer the property for sale on the commercial  
14 market or which are contained in a contingent bona fide contract of sale executed by the  
15 owner and a third party; and

16 (3) Remain open for 45 days after it is received, for the County and Commission.

17 (c) *Information and inspection.* The owner shall give the County and Commission:

18 (1) Any information about the rental housing, MOBILE HOME PARK, OR MOTEL relevant to  
19 exercising the right of purchase, such as architectural and engineering plans and  
20 specifications, and operating data; and

21 (2) Access to the rental housing, MOBILE HOME PARK, OR MOTEL to inspect the property  
22 and conduct reasonable tests at reasonable times after reasonable notice.

23 The County or Commission shall pay the owner a reasonable deposit not to exceed the  
24 actual cost of reproducing any architectural and engineering plans that the owner is

1 requested to provide. The owner shall refund the deposit when the plans are returned to  
2 the owner.

3 (d) *Exercise of right to purchase.*

4 (1) The County or Commission may exercise the right to purchase by accepting the offer  
5 within the applicable period under subsection (b)(3).

6 (2) The owner shall sell the rental housing, MOBILE HOME PARK, OR MOTEL under the  
7 right to purchase if the acceptance includes substantially the same terms and conditions  
8 contained in the owner's bona fide offer or contingent contract of sale with a third party,  
9 including any contract term that provides for a real estate commission payable to an  
10 independent broker, not to exceed three percent of the sales price. Notwithstanding this  
11 general requirement or any term of the contract, the County or Commission may  
12 condition its acceptance on obtaining financing at any time before the deadline in  
13 paragraph (3) for completing the sale.

14 (3) The owner and the County or Commission shall complete a sale under this  
15 subsection within 180 days after the County or Commission receives the owner's offer  
16 unless the parties agree in writing to extend the 180-day period.

17 (4) The right to purchase applies in the following order of priority:

18 (a) the County; and

19 (b) Commission.

20 (e) *Expiration of right to purchase.* If the County and Commission do not exercise their rights  
21 to purchase within the applicable period under subsection (b)(3), the owner may sell the rental  
22 housing, MOBILE HOME PARK, OR MOTEL to the third-party buyer under substantially the same  
23 terms and conditions offered to the County and Commission.

24 (f) *Sales not requiring Right to Purchase.* An owner does not have to provide a right to  
25 purchase for the sale of the following transfers of a rental facility:

1 (1) Any transfer made pursuant to the terms of a bona fide mortgage or deed of trust  
2 agreement, excluding an indemnity deed of trust;

3 (2) Any transfer to a mortgagee in lieu of foreclosure or any transfer pursuant to any  
4 other proceedings, arrangement or deed in lieu of foreclosure;

5 (3) Any transfer made pursuant to a judicial sale or other judicial proceeding brought to  
6 secure payment of a debt or for the purpose of securing the performance of an obligation;

7 (4) Any transfer of the interest of one co-tenant to another co-tenant by operation of law  
8 or otherwise;

9 (5) Any transfer made by will or descent or by intestate distribution;

10 (6) Any transfer made to any municipal, county or state government or to any agencies,  
11 instrumentalities or political subdivisions thereof;

12 (7) Any transfer to an owner's spouse or child; or

13 (8) Any transfer into a partnership or corporation wholly owned by the person(s) so  
14 transferring.

15 (g) *Forgoing the right to purchase for affordable units.* If a rental housing, MOBILE HOME PARK,  
16 OR MOTEL owner enters a binding agreement with the County or Commission to designate and  
17 maintain the greater of either the existing percentage or at least 20 percent of the units in the  
18 rental housing, MOBILE HOME PARK, OR MOTEL offered for sale classified as affordable to persons  
19 of eligible income (as defined in Section 12.1303(i) of the County Code) for at least 40 years,  
20 then the owner does not have to offer a right to purchase as provided in this Section.

21 (h) *Forgoing the Right to Purchase in a Timely Manner.* The County or Commission shall,  
22 within seven days of the notice of sale under section 13.1402(a) or (b), notify the owner of a  
23 rental housing, MOBILE HOME PARK, OR MOTEL development:

24 (1) That neither will purchase the property offered for sale if the purchase would:



1 a. Increase the poverty level in a census tract block group if the poverty level in the  
2 census tract block group is ten percent or greater; or

3 b. Increase the poverty rate of a census tract block group to ten percent or greater;

4 [[Or if there is no intent to pursue the purchase of the property.]]

5 (2) OR IF THERE IS NO INTENT TO PURSUE THE PURCHASE OF THE PROPERTY.

6 (i) *Certification to Department of Finance.* The Department of Finance shall develop a method to  
7 certify that the transaction meets the requirements of this section.

8  
9 **Sec. 13. 1404. - Purchase.**

10 (a) *Purchase.* In addition to the right to purchase set forth in section 13.1403, the Commission,  
11 or the tenant organization, if any, may negotiate with the owner to purchase the rental housing,  
12 MOBILE HOME PARK, OR MOTEL.

13 (b) *Information and Inspection.* Upon entering into negotiations and on request the owner shall  
14 give the Department, the Commission, and any tenant organization:

15 (1) Any information about the rental housing relevant to purchasing the rental housing,  
16 MOBILE HOME PARK, OR MOTEL such as architectural and engineering plans and  
17 specifications, and operating data; or

18 (2) Access to the rental housing, MOBILE HOME PARK, OR MOTEL to inspect the property and  
19 conduct reasonable tests at reasonable times after reasonable notice.

20 (c) *The County or Commission.* The County or Commission may make an offer to purchase the  
21 rental housing, MOBILE HOME PARK, OR MOTEL in accordance with section 13.407.

1 **SECTION 13.1405. AFFORDABLE UNITS.**

2 At least 20 percent of the units of any rental housing, MOBILE HOME PARK, OR MOTEL purchased  
3 by the Department or the Commission shall be maintained as affordable, in perpetuity, to  
4 households with income at levels at or below the moderate-income level as defined in Section  
5 13.1303(i) of this Code.

6

7 **Sec. 13.1406. - Regulations.**

8 The Department may adopt regulations to implement this section.

9

10 **Sec. 13.1407. - Annual reports to the Council.**

11 Subject to section 22.1000 of the County Code, by February 1 of each year, the Department  
12 and the Commission shall report and present to the Council on activities under this subtitle for  
13 the prior calendar year, including:

- 14 (a) Any notice of offer to sell received by the Department or Commission; and  
15 (b) The number of rental units the Department or Commission acquired, specifically:  
16 (1) The location of affordable units;  
17 (2) The unit mix of the rental housing, MOBILE HOME PARK, OR MOTEL broken down  
18 by market rate and affordable units;  
19 (3) A breakdown of affordable units by number and size of bedrooms;  
20 (4) A breakdown of affordability levels for the affordable units;  
21 (5) A comparison of unit finishes for market rate and affordable units;  
22 (6) A comparison of additional fees beyond rent for market rate and affordable units;  
23 (7) Capital investments and amenities made or planned for the property;  
24 (8) The general condition and planned maintenance for the property;  
25 (9) How the overall number of existing affordable units in the county relates to the  
26 affordable housing needs, including unmet housing demand, identified in the

1                   most current Housing Opportunities Master Plan or similar plan approved by the  
2                   County Council; and

3                   (10) A map showing the locations and totals by location of (i) the existing affordable  
4                   units in the county, (ii) the market rate units, (iii) the approved but not built  
5                   affordable units and market rate units; and (iv) housing unit allocations granted for  
6                   both affordable units and market rate units.

7

8                   ***Section 2. And Be It Further Enacted by the County Council of Howard County,***  
9                   ***Maryland, that this Act shall become effective 61 days after its enactment.***

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