

# HOUSE RESEARCH

## Bill Summary

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**Subject:** Administrative remedy; manufactured home park lot rentals

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### Overview

This bill establishes an administrative remedy to address violations of the laws governing manufactured home park lot rentals.

#### Section

**1-3 Definitions.** Specifies the definition of certain terms used later in the bill.

**4 Administrative remedy.** Establishes an administrative remedy to address violations of the laws governing manufactured home park lot rentals.

**Subd. 1. Filing.** The Office of Administrative Hearings would hear complaints filed under this section. A complaint must be filed within one year after the occurrence of the act or failure to act that constitutes a violation of the law, or within one year after the act or failure to act is discovered. Standard requirements for filing a complaint are provided.

**Subd. 2. Filing fee.** Requires a filing fee of \$50, which may be refunded if the complainant is successful. The fee may be waived if the individual is financially unable to pay the fee.

**Subd. 3. Notice.** Specifies notice requirements once a hearing is scheduled on a complaint.

**Subd. 4. Mediation.** Permits the parties to agree to mediate some or all of a complaint, following mediation procedures currently established in rule.

**Subd. 5. Conduct of hearings.** Provides standards for the conduct of a hearing on a complaint. The hearing must be conducted as a formal contested case hearing, following procedures established in the Administrative Procedures Act. Certain rights of the parties are provided, including the right to be represented by counsel.

The complainant would be required to prove his or her allegations by a preponderance of the evidence. The “preponderance of the evidence” standard means that the complainant must prove that it is more likely true than not true that a violation of the law occurred. This is the standard of proof that applies in most civil actions.

The presiding administrative law judge would be permitted to dismiss the complaint, issue an cease and desist order to prevent further violations (enforceable in district court), or issue an order to resolve the dispute in some other way.

**Subd. 6. Final decision.** Specifies the requirements for the final order of an administrative law judge. The final order of an administrative law judge under this section may be appealed to the Court of Appeals, consistent with procedures established in the Administrative Procedures Act.

**Subd. 7. Allocation of costs.** Requires the parties to a proceeding to pay the costs of alternative dispute resolution or a hearing under this section, either in a manner agreed to by the parties, or equitably as ordered by the administrative law judge.

The chief administrative law judge may assess costs of a hearing as permitted in current law.

**Subd. 8. Nonexclusive remedy.** Provides that the administrative remedy contained in this section is optional, and does not restrict the right of a complainant to take formal legal action in court related to the matter. An eviction action may not be pursued using this administrative remedy.