

MINUTES

MOBILE MANUFACTURED HOME ADVISORY COUNCIL

SEPTEMBER 19, 2007

The Mobile Manufactured Home Advisory Council convened September 19, 2007 at 10:10 a.m. in Room 117 of the State Office Building, 165 Capitol Avenue, Hartford, CT 06106.

Members Present:	Bennett Pudlin	Attorney at Law, Acting Chairperson
	Ben Castonguay	CT Real Estate Commission Member
	George Cote	Banking Industry Representative
	Myriam Clarkson	Mobile Manufactured Home Industry Rep.
	Keith Jensen	Park Owner
	Marcia L. Stemm	Park Owner
	Michelina G. Lauzier	Park Tenant
	Al Hricz	Park Tenant
	Carol DeRosa	(Representing Timothy Coppage, CT Housing Finance Authority Rep.)
	Neil Gervais	Park Tenant
Member Absent:	Debbie Russo	DECD Representative
	Timothy Coppage	CT Housing Finance Authority Rep.
	Leonard S. Campbell	Town Planner
	Jeffrey Ossen	Park Owner
Board Vacancies:	One Senior Citizen	
	One Representative of the Housing Advisory Committee	
DCP Staff Present:	Nelson Leon, Advisory Council Secretary	
	Vicky Bullock, Administrative Hearings Attorney	
Public Present:	Raphael Podolsky, Esquire	
	Joe Mike	
	Chris Herb	

Note: The administrative functions of this Board are carried out by the Department of Consumer Protection, Occupational and Professional Licensing Division.
For information call Richard M. Hurlburt, Director, at (860) 713-6135.

Agency Web site: www.ct.gov/dcp

MINUTES OF PREVIOUS MEETINGS

The Advisory Council voted unanimously to approve minutes of the June 20, 2007 Mobile Manufactured Home Advisory Council meeting.

REPORT FROM SUB-COMMITTEES

- **EDUCATION COMMITTEE – No Report**

- **LEGISLATIVE / FINANCE COMMITTEE – No Report**

OLD BUSINESS

Attorney Podolsky reports that the plan is to have the Mobile Manufactured Home Advisory Council Finance Committee get together with Carol DeRosa, CHFA Representative, to talk about the two million dollar individual home purchase program, and that he believes Ms. DeRosa understands that the program goals are set up in a manner that makes it undesirable for those who would like to access the program monies. In regard to Ryder Park, Attorney Podolsky asked how Ryder Park in Milford, CT is going to finance the purchase of the park by the residents because CHFA does not offer a package that is more attraction than what is available in the private lender market. This becomes a second finance issue because as a potentially subsidized program, it ought to be a better deal than anything the private lender has to offer. The intent is to see if CHFA is starting to make any provisions to their program because the program is very undesirable, in that it requires a 30% down payment, making it more restrictive than programs that are available with private lenders. Attorney Podolsky would like to identify what is unacceptable within their rules and modify the program rules to make it work and accomplish its purpose. If need be, the Finance Committee would then have to deal with the legislature in order to make the necessary changes in the statutes to make the program work.

NEW BUSINESS

Chris Herb, Associate Director Independent Connecticut Petroleum Association reports that six months ago, his association was contacted by a heating oil dealer whose customers were receiving correspondence from a park owner or managing company, informing them that upon the sale of their home they would have to convert to propane, which is a violation of CT state law and that DCP issued a letter to the particular property owner or managing company to discontinue the practice. Six months later, the same park residents received a letter from the managing company, requiring residents to replace their oil tank with a double-wall containment system or to have a reservoir containment before they move, and if they did not want to, that they can convert to propane, which is a back-handed attempt to say “switch to propane”, which is not legal, and DCP intervened again. Mr. Herb stated that the heating oil industry is stating that there is no state or federal requirement for any residential property to switch to another source of fuel or have double-wall tanks, which is an expensive and an illegal tactic, and that it will be discouraged and met with opposition from the heating oil industry. Mr. Herb said that containment is only required in commercial tanks that are over thirty-six thousand gallons.

Ms. Clarkson reports on homes that are 20, 30 and 40 years old, having 275 gallon oil fuel tanks that are sitting on dirt outside, without any type of containment, and when there is a leak, the clean-up cost is usually between ten to twenty thousand dollars. The tank being owned by the tenant becomes a liability to them, and being on a fixed or moderate income and not having the ability to pay the clean-up cost, the landlord ends up paying the clean-up cost, which is then passed on to the residents. This particular matter and the aging of mobile home communities are the concern and legitimacy for converting from oil to propane.

Mr. Jensen reports that a mobile home community is one piece of land and that most towns do not regulate tanks over five thousand gallons, that it is up to DEP. Mr. Jensen said that the community owners have a right to make different rules and regulations for the good of the community, and that for the good of the community it was the right thing to do to change from oil to another source of heat, especially since most oil tanks are buried underground. Mr. Jensen reports on an oil leak that was due to a fuel feed line and leaked for twenty years, and that every time the pump went on, the oil squirted out, leaking oil into the ground. Another incident involved an oil delivery in which six hundred gallons were pumped into a 275 gallon tank.

Ms. Stemm reports on an outdoor oil tank which appeared to look good from the outside. However, upon opening the tank, inside was a massive amount of rust and the tank was ready to go. Another oil tank leaked underneath the home and the clean-up cost was approximately fifty thousand dollars and required the home to be removed from the lot and massive excavation. A double-wall or reservoir containment system will not solve the problem when it involves a fuel line leak.

Attorney Podolsky suggested collecting letters relating to this matter and would like to hear from the residents themselves concerning their input on this matter, as to how they feel about converting from oil to propane or any other heating source, what their feeling is about whether it is desirable or undesirable for a park owner to be able to say you must convert or that at the time they sell that they must convert.

Mr. Hricz asked if Mr. Herb communicated with municipalities concerning this matter because the municipality in which he lives opposed the park being relocated unless they used electricity or gas as a heating source, and strongly opposed the use of oil tanks and heating by oil. Mr. Herb said he is not familiar with municipal law and that municipalities can make any ordinances and requirements they want.

Ms. Lauzier reports on an oil fuel line leak in her mobile home park community and that the residents were provided with an option to convert.

Attorney Pudlin said that a non-discrimination provision exist within CT Statutes which state that a park owner cannot restrict park residents choice of utilities unless there is a risk of harm, creating a potential risk of danger and significantly risk of harm to the residents. Attorney Pudlin suggested getting a survey together for feedback from mobile home park owners and residents and an inventory of existing oil tanks as well as ownership of these tanks, and whether they are above or underground to get a better idea as to what is out there.

Ms. Bullock suggested get feedback on this matter for continued discussion and input by the Advisory Council.

REPORT OF DECEASED BOARD MEMBER

Mr. Jensen reports that Advisory Council member Jeffrey Ossen, Park Owner, has passed away last Sunday. The Advisory Council expressed their condolences to Mr. Ossen's family.

There being no further business, the meeting adjourned at 11:23 a.m.

Respectfully submitted,

Nelson Leon
Advisory Council Secretary

The next meeting of this Advisory Council is scheduled for Wednesday, March 19, 2008.