A bill for an act

relating to manufactured home park lot rentals; establishing a new administrative remedy for violations of Minnesota Statutes, sections 327C.01 to 327C.14; amending Minnesota Statutes 2010, section 327C.01, by adding subdivisions; proposing coding for new law in Minnesota Statutes, chapter 327C.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MINNESOTA:

Section 1. Minnesota Statutes 2010, section 327C.01, is amended by adding a subdivision to read:

Subd. 1d. **Complainant.** "Complainant" means any park owner or resident who files a complaint with the office alleging a violation of sections 327C.01 to 327C.14.

Sec. 2. Minnesota Statutes 2010, section 327C.01, is amended by adding a subdivision to read:

Subd. 5a. **Office.** As used in section 327C.16, "office" means the Office of Administrative Hearings.

Sec. 3. Minnesota Statutes 2010, section 327C.01, is amended by adding a subdivision to read:

Subd. 9b. **Respondent.** "Respondent" means any park owner or resident who is alleged to have committed a violation of sections 327C.01 to 327C.14 in a complaint filed with the office.

Sec. 4. **[327C.16] ADMINISTRATIVE REMEDY.**

Subdivision 1. **Filing of a complaint.** A complaint filed by a complainant alleging a violation of sections 327C.01 to 327C.14 must be filed with the office within one year

after the occurrence or discovery of the act or failure to act, whichever is later, that is the subject of the complaint. The complaint must be in writing, submitted under oath, and detail the factual basis for the claim that a violation of law has occurred. The office may prescribe the form of a complaint.

Subd. 2. **Filing fee; waiver; refund.** The complaint must be accompanied by a filing fee of $50. The office may waive the payment of the filing fee, if the individual seeking a waiver of the fee files with the office an affidavit stating that the individual is financially unable to pay the fee. The office may refund the filing fee of a complainant who prevails on the merits.

Subd. 3. **Notice of hearing.** Upon receipt of the complaint pursuant to subdivision 1, the chief administrative law judge shall issue a notice of hearing and serve both the notice and a copy of the complaint on the respondent.

Subd. 4. **Mediation.** If the complainant and respondent both agree to mediation of some or all of the claims in the complaint, the office shall proceed to schedule mediation in accordance with Minnesota Rules, chapter 1400.

Subd. 5. **Conduct of hearings.** (a) A complaint under this section shall be heard as a contested case in accordance with sections 14.57 to 14.62 and Minnesota Rules, parts 1400.8505 to 1400.8612, and shall be conducted at a place designated by the chief administrative law judge. A hearing under this section may be conducted by conference telephone call or by interactive television. All hearings must be open to the public. The administrative law judge may require the presence of witnesses and evidence by subpoena on behalf of any party. The parties may be represented by counsel and shall have the right to call, examine, and cross-examine witnesses. The burden of proving the allegations in the complaint is on the complainant, and the standard of proof is a preponderance of the evidence.

(b) The administrative law judge must determine whether the violation alleged in the complaint occurred and must either:

(1) dismiss the complaint;

(2) issue an order directing the respondent to cease and desist from the violations found to exist; or

(3) issue an order resolving the dispute in some other manner.

(c) An order directing the respondent to cease and desist from the violations found to exist shall be enforceable through the district court in the district in which the respondent resides.

Subd. 6. **Final decision.** Following the determination of whether the violation alleged in the complaint occurred, the administrative law judge shall make findings of fact,

conclusions of law, and an order. A copy of the decision and order shall be served upon each party or the party's representative by first class mail. The order is a final decision and is subject to appeal in accordance with sections 14.63 to 14.68.

Subd. 7. **Allocation of costs.** (a) The parties to any proceeding under this section must pay the costs of alternative dispute resolution or hearing in the proportions that they agree to.

(b) If the parties do not agree to a division of the costs before the commencement of mediation or hearing, the costs must be allocated on an equitable basis by the chief administrative law judge.

(c) The chief administrative law judge may contract with the parties to a matter for the purpose of providing administrative law judges and reporters for an administrative proceeding or alternative dispute resolution.

(d) The chief administrative law judge shall assess the cost of services rendered by the office as provided by section 14.53. Notwithstanding section 14.53 or other law, the office is not liable for the costs.

Subd. 8. **Nonexclusive remedy.** (a) The administrative remedy in this section is not exclusive and does not limit the right of park owners or residents to take legal action against another party as provided in chapter 327C or otherwise. Exhaustion of the administrative remedy provided in this chapter is not required before a park owner or resident may bring a legal action.

(b) This section does not apply to eviction actions initiated under section 327C.09; provided, however, a park owner is not precluded from seeking relief under this section prior to the filing and service of an eviction action if the eviction action is based on a violation of section 327C.09.

(c) Nothing in this section shall limit a plaintiff or defendant in a legal action from presenting evidence used in a hearing conducted, or presenting as evidence an order issued, under this section.