

THE MANUFACTURED HOUSING ACT - M.G.L.

**CHAPTER 140: SECTION 32L
REQUIREMENTS AND RESTRICTIONS APPLICABLE
TO MANUFACTURED HOUSING COMMUNITIES**

The following requirements and restrictions shall apply to all manufactured housing communities:

- (1) A manufactured housing community licensee may promulgate rules governing the rental or occupancy of a manufactured homesite but no such rule shall be unreasonable, unfair or unconscionable.
- (2) Any rule or change in rent which does not apply uniformly to all manufactured home residents of a similar class shall create a rebuttable presumption that such rule or change in rent is unfair.
- (3) A manufactured housing community owner, directly or indirectly engaged in the business of selling manufactured homes, shall not impose any conditions of rental or occupancy which restrict a resident or prospective resident in his or her choice of a manufactured home dealer unless the lot on which the home is to be placed is being leased or rented for the first time. A manufactured housing community owner shall not impose any conditions of rental or occupancy which restrict the resident in his or her choice of a seller of fuel, furnishings, goods, services or accessories connected with the rental or occupancy of a manufactured home lot, provided, however, that such seller is in compliance with applicable law and rules and regulations of the community approved by the Attorney General and the Director of Housing and Community Development or otherwise then in effect pursuant to Paragraph 5 of Section 32L of Chapter 140, including rules imposing reasonable insurance requirements. A manufactured housing community licensee may impose reasonable conditions relating to central fuel and gas meter systems in the community, provided, however, that the charges for such fuel shall not exceed the average prevailing price in the locality.
- (3A) No manufactured housing community owner shall refuse to allow the transfer of a manufactured home located in said community on the ground that such manufactured housing community owner has not sold as many manufactured homes as there are sites.
- (4) A manufactured housing community licensee shall not impose by any rule or condition of occupancy, any fee, charge or commission for the sale of a manufactured home located in a manufactured housing community. The licensee may, however, upon the proposed sale of such a home, contract with the manufactured home owner to sell the home for a fee not to exceed 10% of the sale price of such home.
- (5) If any manufactured housing community owner promulgates, adds, deletes or amends any rule governing the rental or occupancy of a manufactured homesite in a manufactured housing community, a new copy of all such rules shall be sent by certified mail, return receipt requested, for approval to the Attorney General and the Director of Housing and Community Development at least 60 days prior to the effective date of such promulgation, addition, deletion or amendment. A copy of such rules shall be furnished to each manufactured housing community resident in such community along with a copy of the certified mail receipts signed by a representative of the Attorney General and a representative of the

Director of Housing and Community Development. Such copies shall be furnished by the manufactured housing community licensee to said residents at least 30 days prior to the effective date of such promulgations, addition, deletion or amendment. Nothing in this section shall be deemed to be an approval of such rules by the Attorney General or said director. If neither the Attorney General nor said director takes any action prior to the proposed effective date of such rules or amendment or addition thereto, such rules may be enforced by the manufactured housing community licensee until such time as the Attorney General or said director subsequently disapproves such rules or portions thereof which disapproval shall apply only prospectively, provided that nothing in this sentence shall preclude a private party from challenging such rules or portions thereof in a court of competent jurisdiction prior to or after such disapproval.

(6) Any rule or condition of occupancy which is unfair or deceptive or which does not conform to the requirements of this section shall be unenforceable.

(7) Failure to comply with the provisions of Sections 32A to 32S, inclusive, shall constitute an unfair or deceptive practice under the provisions of Paragraph (a) of Section 2 of Chapter 93A. Enforcement of compliance and actions for damages shall be in accordance with the applicable provisions of Sections 4 to 10, inclusive, of said Chapter 93A.

(7A) Any manufactured housing community licensee having given notice, pursuant to this section, of a pending change of use or discontinuance shall survey within the period of notice given to tenants, all of the manufactured housing communities within a 100-mile radius which are known to the licensee or which reasonably can be ascertained by him or her, to determine if any manufactured homesites are available or will become available during the notice period. The licensee shall prominently post at the community all of the information received regarding such available sites. Such survey shall be done at least once each year during the two-year notice period. The second survey shall be completed and posted not less than 120 days prior to the end of the notice period. The manufactured housing community owner shall pay to any tenant who is entitled to receive notice pursuant to Paragraph 8 at the tenant's election, either (a) his or her actual relocation costs or (b) the appraised value of the tenant's manufactured home. Relocation costs shall include the costs of disconnecting and moving the home to the new community selected by the resident within the 100-mile radius, reconnecting the home with all hook-ups so that it is substantially in the same condition as before the move, with any required and comparable appurtenances, and the reasonable costs of suitable lodging until the move and installation are completed. The appraised value of the manufactured home shall be the fair market value of the home and any existing appurtenances but excluding the value of the underlying land, determined by an independent appraiser agreed to by the community owner and the tenant. If the parties are unable to agree on an independent appraiser within thirty days, either may have recourse to the Director of Housing and Community Development or the director's designee, who shall appoint such appraiser within 30 days. The parties shall share the cost of the appraisal equally. In making such determination, the appraiser shall assess fair market value based on the price which a willing and able buyer intending to reside in the home would pay for the home and any existing appurtenances, but excluding the value of the underlying land and shall assume that the home is

and will continue to be located on a lot which is leased in a duly licensed manufactured housing community, with all hook-ups and existing appurtenances in place for use and occupancy by the resident. In addition, if the home is then actually located on a lot rented to the homeowner by the same person or a predecessor or affiliate of such person or predecessor who sold the home in question within the past 10 years to the homeowner or a predecessor of such owner, then the appraisal also shall take into account the value to the tenant, if any, which is attributable to a below-market contract rental for the balance of the 10 years from the date of sale at the rate at which the lot is leased before delivery of the relocation notice, as increased in accordance with the lease and after its expiration by an annual factor not to exceed the increase in the consumer price index set forth in this paragraph for the 12-month period immediately preceding delivery of the relocation notice. Otherwise no value shall be attributed to actual existing below-market or above-market rental rates. This paragraph shall not be construed to authorize an early termination of an otherwise enforceable lease with a fixed term or to restrict a tenant's rights at law or in equity with respect thereto. Payment of the appraised value or of the estimated relocation costs, as the case may be, shall be made to the tenant no later than the tenant's departure from the manufactured housing community with adjustments made for the total actual relocation costs upon completion of relocation. Any manufactured housing community owner shall provide a rental agreement to each tenant who is entitled to receive notice pursuant to this section. Such agreement shall begin on the date of the issuance of the notice of discontinuance. The provisions of such rental agreement shall not alter in any manner the tenancy arrangement existing between the community owner and tenant prior to issuance of the notice of discontinuance, except with respect to the amount of annual rent, which may be increased by an amount not to exceed the increase in the Consumer Price Index for Urban Consumers, published by the United States Department of Labor, Bureau of Labor Statistics, for the calendar year immediately preceding the date upon which such rental agreement is commenced plus the proportionate amount of any documented increase in real estate taxes or other municipal fee or charge; provided, however, that the total amount of such increase shall not exceed ten percent of the annual rent charged in the immediately preceding year; provided, however, that if there is a rent control ordinance in existence such increase shall be subject to the provisions of said ordinance and in no event shall any owner whose notice of discontinuance or change of use is not given in good faith be entitled to any increase in rent otherwise permitted hereunder; and, provided further, that once a tenant has received a notice of discontinuance, his or her rent shall not be increased unless a year has passed from the date of the last increase imposed upon such tenant.

(8) A manufactured housing community owner shall give at least 15 days written notice, delivered by certified or registered mail, to each manufactured housing community tenant, that the owner will be appearing before a governmental board, commission or body to request a permit for a good faith change of use or discontinuance of the manufactured housing community. No change of use or discontinuance shall be approved or otherwise be effective unless the owner has demonstrated that such change of use or discontinuance is in good faith and the burden of proving such good faith shall be on the owner. Upon a change of use or discontinuance approved by a governmental board, commission, or body, or with respect to a change or discontinuance that requires no local governmental permit or permits, the manufactured

housing community owner shall give to each manufactured housing community tenant at least two years written notice, delivered by certified or registered mail, prior to the manufactured housing community owner's determination that a change of use or discontinuance will occur. The owner shall disclose and describe in the notice the nature of the change of use or discontinuance and the reasons therefor.

(9) The manufactured housing community owner shall give each prospective tenant written notice prior to the inception of tenancy that the owner is requesting a change of use or discontinuance before local governmental bodies, or that a change of use or discontinuance has been granted, or that a change of use or discontinuance which requires no governmental approval will occur, noting the effective date of change of use or discontinuance.