



HOMETOWN AMERICA

C O M M U N I T I E S®

May 28, 2021

Dear Oak Point Residents,

We are writing to provide you with Hometown's perspective in response to a communication sent to you by the Oak Point Homeowners Association on April 26 (entitled "Important Call to Action"), concerning the recently-filed Bartok lawsuit about rent rates at Oak Point. For purposes of transparency, we are copying the Homeowners Association, counsel for the Bartok plaintiffs, counsel for the Town of Middleborough, and the Middleborough Rent Control Board, as well as our own attorney, on this letter.

The Bartok lawsuit challenges the rent structure that has been in place for decades at Oak Point. We are disappointed this lawsuit has been filed, because we do not believe it serves the best interests of the community, and we think it is not consistent with the perspective or desires of the majority of residents at Oak Point. The claims against Oak Point have been asserted by one Oak Point resident and an outside organization, The Manufactured Home Federation of Massachusetts, Inc., that does not have any direct stake in Oak Point. We believe our rent practices are fair and lawful, and we expect to defend them vigorously in this litigation.

The Bartok case was filed in light of a 2020 Massachusetts Supreme Judicial Court ruling in a case known as Blake, concerning rent rates at another manufactured housing community. Blake involved a community that offered five-year leases and also provided tenancies-at-will for established tenants, where a previously-existing uniform rent structure had been changed to create nonuniform rents. In that context, the SJC affirmed a lower court ruling that invalidated the nonuniform rent structure, based on the evidence presented. To date, in the wake of the Blake decision, neither the Court nor the Attorney General's Office has offered any practical guidance on whether and how rent uniformity must or may be achieved on a going-forward basis at communities where the facts are significantly different. There is considerable uncertainty and disagreement about whether and how rent uniformity must or may be achieved in communities where rent uniformity was not in place to begin with, where the residents have long-term or lifetime leases, and/or where other tenant protections, such as municipal rent control, are in place. As a result, the decision is presenting a host of complex questions at other manufactured housing communities, like Oak Point.

Hometown will be responding to the Bartok lawsuit in court, through the litigation process. Hometown believes that this new lawsuit is a regrettable and ill-founded challenge, which seeks a major economic disruption of settled expectations that would not serve the best interests of most Oak Point residents.

People should view critically what anyone but Hometown tells them about what Hometown “may do” or “intends to do” in response to Blake. At Oak Point, we understand and appreciate that we have to honor and respect the lifetime lease agreements that are in place, and we intend to do so as required and permitted by law. We also understand and appreciate that Middleborough’s rent control laws expressly approve of nonuniform rents, and for very good reasons.

As always, we are interested in hearing our residents’ views on matters of importance to our community. We know from experience that the actions and opinions of vocal individuals who claim to be speaking for the residents may not always reflect the views of the majority of residents. If you would like to share your opinions and views directly with Hometown, we encourage you to contact Oak Point General Manager Eric Hurt at eric.hurt@hometownamerica.com or (508) 947-3535. We will thoughtfully consider everyone’s perspective, and we will continue to respond to all legal challenges and public inquiries in a manner that we believe to be fair, sensible, and compliant with applicable law.

Sincerely,

A handwritten signature in black ink, appearing to read "Kyle Howieson". The signature is fluid and cursive, written over a light gray horizontal line.

Kyle Howieson, Regional Manager

cc: Oak Point Homeowners Association
Ethan Horowitz, Esq.
Gregg J. Corbo, Esq.
Middleborough Board of Selectmen/Rent Control Board
Lisa C. Goodheart, Esq.