

ACTS, 1983. - Chap. 94.

SECTION 9. This act shall take effect upon its passage.

Approved May 17, 1983.

Chap. 94. AN ACT PROVIDING FOR THE ESTABLISHMENT AND ADMINISTRATION OF RENT REGULATIONS AND THE CONTROL OF EVICTIONS IN MOBILE HOME PARK ACCOMMODATIONS IN THE TOWN OF DALTON.

Be it enacted, etc., as follows:

SECTION 1. The general court finds and declares: that a serious public emergency exists in the town of Dalton with respect to the housing of a substantial number of citizens of said town, which emergency has been created by excessive, abnormally high and unwarranted rental increases imposed by some owners of mobile parks located therein; and by substantial and increasing shortage of mobile home park rental accommodations which most seriously effect families of low and moderate income and elderly on fixed income; that unless mobile home park rents and eviction of tenants are regulated and controlled, such emergency and the further inflationary pressures resulting therefrom will produce serious threats to the public health, safety and general welfare of the citizens of Dalton, particularly the elderly; that such emergency should be met by the commonwealth immediately and with due regard for the rights and responsibilities of the town of Dalton.

SECTION 2. The town of Dalton may, by its by-laws, regulate rents for the use and occupancy of mobile home park accommodations including the establishment of a maximum rent at the rental charged on August first, nineteen hundred and eighty-two. Such maximum rent may be subsequently adjusted under the provisions of section three. The town of Dalton may, by its by-laws establish a rent board for the purpose of regulating rents, minimum standards for use or occupancy of mobile home park accommodations in the town and evictions of tenants therefrom and may, by its by-laws, require registration by owners of mobile home park accommodations. Such rents, standards and evictions may be regulated by the rent board so as to remove hardships or correct inequities for both the owner and the tenants of said mobile home park accommodations. The rent board shall have all powers necessary or convenient to perform its functions. It may make rules and regulations, require registration as aforesaid, and under the penalties of perjury, require

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owners to submit information relating to said mobile home park accommodations. Said board may sue and be sued, compel the attendance of persons and the production of papers and information, and issue appropriate orders which shall be binding on both the owner and tenants of such mobile home park accommodations. Violations of any by-law adopted pursuant to this act or any order of the rent board shall be punishable by a fine of not more than one thousand dollars for any one offense.

SECTION 3. (a) In regulating such rents, the rent board established under section two may make such individual or general adjustments, either upward or downward, as may be necessary to assure that rents for said mobile home park accommodations in the town are established at levels which yield to the owners a fair net operating income which will yield a return, after all reasonable operating expenses, on the fair market value of the property equal to the debt service rate generally available from institutional first mortgage lenders or such other rates of return as the board, on the basis of evidence presented before it, deems more appropriate to the circumstances of the case. The fair market value of the property shall be the assessed valuation of the property or such other valuation as the board, on the basis of evidence presented before it, deems more appropriate to the circumstances of the case.

(b) The town in its by-laws or the rent board by regulation may establish further standards and rules consistent with the foregoing.

SECTION 4. The provisions of chapter thirty A of the General Laws shall be applicable to the rent board, established under section two, as if said rent board were an agency of the commonwealth, including those provisions giving agencies the power to issue, vacate, modify and enforce subpoenas, as well as those provisions relating to judicial review of an agency order.

SECTION 5. (a) The district court of Berkshire county shall have original jurisdiction, concurrently with the superior court, of all petitions for review brought pursuant to section fourteen of chapter thirty A of the General Laws.

(b) The superior court shall have jurisdiction to enforce the provisions of this act, and any by-law adopted thereunder and may restrain violations thereof.

SECTION 6. The town of Dalton may, by its by-laws, regulate the eviction of tenants, and the rent board, established under section two, may issue orders which shall be a defense to an action of summary process for possession and such orders shall

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be reviewable pursuant to sections three and four of this act.

SECTION 7. The personnel of the rent board established under section two shall not be subject to the provisions of section nine A of chapter thirty or chapter thirty-one of the General Laws.

SECTION 8. If any provision of this act or the application of such provision to any person or circumstance shall be held invalid, the validity of the remainder of this act and the application of such provision to other persons or circumstances shall be not affected thereby.

SECTION 9. This act shall take effect upon its passage.

Approved May 17, 1983.

Chap. 95. AN ACT AUTHORIZING THE TOWN OF LEXINGTON TO CONTRACT FOR A COMMUNITY BUS SYSTEM.

Be it enacted, etc., as follows:

SECTION 1. The town of Lexington, acting by and through its board of selectmen, is hereby authorized to make contracts for the use of busses and for their operation to provide a community transportation system. Such contracts may be entered into for periods not exceeding three years.

SECTION 2. This act shall take effect upon its passage.

Approved May 17, 1983.

Chap. 96. AN ACT FURTHER REGULATING THE LAW RELATIVE TO USED BEVERAGE CONTAINERS AND TO ENCOURAGE RECYCLING THEREOF.

Be it enacted, etc., as follows:

SECTION 1. Section 322 of chapter 94 of the General Laws, as appearing in section 2 of chapter 571 of the acts of 1981, is hereby amended by striking out the first sentence and inserting in place thereof the following sentence:- Every beverage container sold or offered for sale in the commonwealth shall have a refund value of not less than five cents.