

By Mr. Decas of Wareham, petition of Charles N. Decas and Robert Kraus relative to the issuance of certificates of ownership for mobile homes. Commerce and Labor.

The Commonwealth of Massachusetts

In the Year One Thousand Nine Hundred and Ninety-Two.

AN ACT REGARDING THE ISSUANCE OF CERTIFICATES OF OWNERSHIP FOR MOBILE HOMES.

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

1 SECTION 1. Chapter 140 of the General Laws is hereby
2 amended by inserting after 32R the following section: —

3 Section 32S. Whenever a mobile home, as defined in section
4 32Q, is delivered in the Commonwealth, the purchaser of said
5 mobile home shall obtain a certificate of ownership from the
6 original manufacturer or seller and file the certificate in the Clerk's
7 Office of the City or Town in which the mobile home shall be
8 located. The Clerk shall collect from the purchaser a fee of twenty-
9 five dollars for each certificate of ownership so recorded.

10 Whenever a mobile home is moved within the Commonwealth
11 from one location to another, the owner of said mobile home shall
12 file a certificate of ownership in the Clerk's Office in the city or
13 town in which the mobile home shall be located. Upon filing of
14 this certificate, the Clerk shall collect from the owner a fee of
15 twenty-five dollars for each certificate of ownership so filed.

16 No mobile home shall be sold in the Commonwealth to the first
17 retail customer by a licensed Mobile Home dealer unless the seller
18 transfers therewith to the purchaser the certificate of ownership.
19 The transfer of said certificate of ownership shall be recorded in
20 the Clerk's Office of the city or town in which the mobile home
21 shall be located. Upon recording of this transfer, the Clerk shall
22 collect from the purchaser a fee of twenty-five dollars for each
23 transfer recorded.

24 The issuance, transfer, recording, or filing of said certificates
25 of ownership shall not be construed to classify mobile homes as
26 real property, unless a mobile home is permanently affixed to real
27 property, in which case the mobile home shall be considered an
28 improvement to real property, and in which case the certificate
29 of ownership shall be recorded with all other deeds and documents
30 relating to the land upon which the mobile home has been
31 permanently affixed.

32 Upon the request of any municipal official, the owner of any
33 mobile home who is subject to the provisions of this section shall
34 surrender a true copy of the certificate of ownership when
35 applying for an occupancy permit or any other municipal permit
36 required for siting of or habitation in said mobile home. Municipal
37 officials may grant no such permits to any mobile home owner
38 who is subject to the provisions of this section until said official
39 has obtained a true copy of the certificate of ownership.

1 SECTION 2. The provisions of this section shall apply to all
2 mobile homes newly delivered in the Commonwealth after the
3 effective date of this act. In the event a certificate of ownership
4 is not available for mobile homes existing in the Commonwealth
5 prior to the effective date of this act, then the following three
6 documents may be substituted for the certificate of ownership:
7 letter of verification of residency from park owner; verification
8 from the City or Town Clerk that no liens exist on the property;
9 and verification from the Board of Health or Tax Collector which-
10 ever the case may be that said owner has been making monthly
11 payment of fees associated with said mobile homes.

1 SECTION 3. The Executive Office of Communities and
2 Development shall prepare, and may from time to time amend,
3 regulations governing the preparation of a certificate of ownership
4 for mobile homes in such form as to be appropriate for filing. Such
5 regulations shall establish a process for determining chains of title
6 which shall assure future purchasers and lenders that the
7 ownership of mobile homes can be established and protected. The
8 regulations shall set forth a process for filing with the Clerk's
9 Office any security instrument or other evidence that the mobile
10 home is collateral for any instrument of indebtedness.

1 SECTION 4. Section 5 of chapter 40 of the General Laws, as
2 appearing in the 1986 Official Edition, is hereby amended by
3 inserting after clause (74) the following clause: —

4 (75) For the purpose of defraying the cost of administering the
5 certificate of ownership program under the provisions of section
6 32S of chapter 140. A city or town may appropriate money in
7 any year to a separate fund established for the aforesaid purposes,
8 and at least fifty percent of the fee collected by the clerk may be
9 retained by him for his own use and fifty per cent shall be paid
10 to the General Fund. The treasurer shall be the custodian of said
11 fund.

