

By Mr. Howarth of Springfield, petition of Robert L. Howarth (by vote of the town) for legislation to provide for the establishment and administration of rent regulations and the control of evictions in mobile home park accommodations in the town of Wales. Local Affairs. [Local Approval Received.]

The Commonwealth of Massachusetts

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

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 WALES.

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. Declaration of Emergency. The general court
2 finds and declares that a serious public emergency exists with
3 respect to the housing of a substantial number of citizens in the
4 town of Wales, which emergency has been created by excessive,
5 abnormally high and unwarranted rental increases imposed by
6 some owners of mobile parks located therein; that unless mobile
7 home park rents and eviction of tenants is regulated and
8 controlled, such emergency will produce serious threats to the
9 public health, safety and general welfare of the citizens of such
10 town, particularly the elderly; that such emergency should be met
11 by the commonwealth immediately and with due regard for the
12 rights and responsibilities of the town of Wales.

1 SECTION 2. General Powers. The town of Wales may, by its
2 by-laws, regulate rents for the use or occupancy of mobile home
3 park accommodations in said town, establish a rent board for the
4 purpose of regulation rents, minimum standards for use or
5 occupancy of mobile home park accommodations and evictions
6 of tenants therefrom and may by its by-laws, require registration
7 by owners of mobile home park accommodations, under penalty

8 of perjury, of information relating to the mobile home park
9 accommodations. Such rents, standards and evictions may be
10 regulated by the rent board so as to remove hardships or correct
11 inequities for both the owner and the tenants of such mobile home
12 park accommodations. Such rent board shall have all powers
13 necessary or convenient to perform its functions, may make rules
14 and regulations, require registration by owners of mobile home
15 park accommodations, under penalty of perjury, of information
16 relating to the mobile home park accommodations, sue and be
17 sued, compel the attendance of persons and the production of
18 papers and information, and issue appropriate orders which shall
19 be binding on both the owner and tenants of such mobile home
20 park accommodations. Violations of any by-laws adopted
21 pursuant to this act or any order of said rent board shall be
22 punishable by a fine of not more than one thousand dollars.

1 SECTION 3. Standard For Adjusting Rents. (a) In regulating
2 rents, for such mobile home park accommodations, the rent board
3 established under section two may make such individual or
4 general adjustments, either upward or downward, as may be
5 necessary to assure that rents for mobile home park accommo-
6 dations in said town are established at levels which yield to owners
7 a fair net operating income for such units. Fair net operating
8 income shall be that income which will yield a return, after all
9 reasonable operating expenses, on the fair market value of the
10 property equal to the debt service rate generally available from
11 institutional first mortgage lenders or such other rates of return
12 as the board, on the basis of evidence presented before it, deems
13 more appropriate to the circumstances of the case. The fair market
14 value of the property shall be the assessed valuation of the
15 property or such other valuation as the board, on the basis of
16 evidence presented before it, deems more appropriate to the
17 circumstances of the case.

18 (b) Said town in its by-laws or said rent board by regulation
19 may establish further standards and rules consistent with this act.

1 SECTION 4. Incorporation of Administrative Procedure Act.
2 The provisions of chapter thirty A of the General Laws shall be
3 applicable to the rent board, established under Section two as if

4 said rent board were an agency of the commonwealth, including
5 these provisions giving agencies the power to issue, vacate, modify
6 and enforce subpoenas, and those provisions relating to judicial
7 review of an agency order.

1 SECTION 5. Conference of Jurisdiction. (a) The eastern
2 Hampden division of the district court department shall have
3 original jurisdiction, concurrently with the superior court, of all
4 petitions for review brought pursuant to section fourteen of
5 chapter thirty A of the General Laws.

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

1 SECTION 6. Defense to Summary Process for Possession.
2 The town of Wales may by its by-laws regulate the eviction of
3 tenants and the rent board, established under Section two, may
4 issue orders which shall be a defense to an action of summary
5 process for possession and such orders shall be reviewable
6 pursuant to sections two and three.

1 SECTION 7. Exemption from Civil Service. The personal of
2 the rent board established under Section two shall not be subject
3 to the provisions of section nine A of chapter thirty of the General
4 Laws or chapter thirty-one of the General Laws.

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

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

