

By Mr. Lemanski of Chicopee, petition of Kenneth M. Lemanski and other members of the General Court that provision be made for the right of first refusal to purchase to residents of mobile homes. Commerce and Labor.

The Commonwealth of Massachusetts

In the Year One Thousand Nine Hundred and Eighty-Four.

AN ACT PROVIDING RIGHT OF FIRST REFUSAL TO PURCHASE TO MOBILE HOME RESIDENTS.

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

1 Chapter 140, Section 32 is hereby amended by adding as Section
2 32R the following new section: —

3 (32R) When a mobile home park owner offers for sale, or is
4 tendered an offer to purchase, or makes a counter offer to an offer
5 to purchase, he shall notify the residents of the mobile home park
6 of the offer, stating the price and terms and conditions of sale. The
7 residents, by and through the home owners association hereby
8 provided for, shall have the right to purchase the park provided
9 they, acting through the home owners association, meet the price,
10 terms and conditions of the bona fide offer by executing a contract
11 of purchase and sale with the owner within 180 days, unless agreed
12 to otherwise. This right of first refusal does not apply to a govern-
13 ment taking by eminent domain or negotiated purchase, or in the
14 event of sale to any person included within the table of descent and
15 distribution were the park owner to die interstate, and shall not
16 apply to transfer by gift, devise or operation of law.

17 The right of first refusal inheres to a homeowner association,
18 formed by bona fide mobile home owners or the park for the
19 purpose of purchase of the park, said organization to have a
20 minimum of two-thirds of the mobile home owners as members, so
21 indicated in writing. The home owners association shall have arti-
22 cles of incorporation, specifying all rights and powers, which shall

23 include the power to negotiate for, acquire and operate the mobile
24 home park on behalf of the member residents.

25 The right of first refusal is absolute to the home owners associa-
26 tion for a period of 180 days, beginning from the date of notice to
27 the residents, said notice to be made by US Mail (Certified, Return
28 Receipt Requested) to each mobile home owner. The effective
29 period of the right of first refusal obtains separately for each offer
30 to sale, offer to purchase and/or counter offer.

31 If the residents of the mobile home park are not the successful
32 purchasers, the park owner shall prove compliance with this sec-
33 tion by filing an affidavit of compliance in the official records of the
34 county where the property is located at the time the property is sold
35 to a third party.