

HOUSE No. 6059

The Commonwealth of Massachusetts

HOUSE OF REPRESENTATIVES, June 21, 1984.

The committee on Commerce and Labor, to whom was referred the petition (accompanied by bill, House, No. 3086) of Kenneth M. Lemanski, Charles N. Decas, Peter Forman, Martin T. Reilly, Kevin Poirier and William E. Moriarty that rules and regulations of mobile home parks be approved by the Attorney General, reports recommending that the accompanying bill (House, No. 6059) ought to pass.

For the committee,

KENNETH M. LEMANSKI.

The Commonwealth of Massachusetts

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

AN ACT RELATIVE TO THE REVIEW OF MOBILE HOME PARK RULES.

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. Section 32L of Chapter 140 of the General Laws
2 is hereby amended by striking out subsection 5 and inserting in
3 place thereof the following subsection: —

4 If any mobile home park licensee creates, adds, deletes or
5 amends any rule governing the rental or occupancy of a mobile
6 home lot in a mobile home park, a new copy of all such rules shall
7 be sent by certified mail, receipt requested, for review to the de-
8 partment of the attorney general and the secretary of communities
9 and development at least forty-five days prior to the effective date
10 of such creation, addition, deletion or amendment. The new copy
11 shall be furnished to each mobile home park resident along with a
12 copy of the certified mail receipts signed by a representative of the
13 department of the attorney general and a representative of the
14 secretary of communities and development. Such signatures shall
15 not imply that it is the opinion of either said department or said
16 secretary that such proposed rules are enforceable. Such copies
17 shall be furnished by the mobile home park licensee to said resi-
18 dents at least thirty days prior to the effective date of such creation,
19 addition, deletion or amendment.

1 SECTION 2. Said chapter 140 is hereby amended by striking
2 out section 32P and inserting in place thereof the following
3 section: —

4 32P. All terms and conditions of occupancy must be fully dis-
5 closed in writing by the mobile home park owner to any prospec-
6 tive mobile home park resident at a reasonable time prior to the
7 rental or occupancy of a mobile home lot. Said disclosure shall
8 include, but shall not be limited to, the amount of rent, an itemized
9 list of any charges or fees, the names and addresses of all the owners
10 of the mobile home park, and the rules and regulations governing

11 the use of the mobile home lot and park. Said writing shall be
12 signed by the mobile home park owner and contain the following
13 notice printed verbatim in a clear and conspicuous manner:

14 **IMPORT NOTICE REQUIRED BY LAW**

15 The rules set forth below govern the terms of your lease of
16 occupancy arrangement with this mobile home park. If these rules
17 are changed in any way, the addition, deletion or amendment must
18 be delivered to you, along with a copy of the certified mail receipts
19 indicating that such change has been submitted to and received by
20 the Department of the Attorney General and the Secretary of
21 Communities and Development. This notification must be fur-
22 nished to you at least 30 days before the change goes into effect.
23 The law requires all of these rules and regulations to be fair and
24 reasonable, else said rules and regulations cannot be enforced
25 against you.

26 You may continue to stay in the park as long as you pay your
27 rent and abide by the rules and regulations of the park. You may
28 only be evicted for nonpayment of rent, violation of laws, or for
29 substantial violation of the rules and regulations of the park. If the
30 park will undergo a change of use, you must receive notification of
31 the change at least two years prior to its occurrence. In addition, no
32 eviction proceedings may be commenced against you until you
33 have received notice by certified mail of the reason for the eviction
34 proceeding and have been given fifteen days from the date of the
35 notice in which to pay the overdue rent or to cease and desist from
36 any substantial violation of the rules and regulations of the park.
37 However, only one notice of a substantial violation of the rules and
38 regulations of the park is required to be sent to you during any six
39 month period. If a second or additional violation occurs, except for
40 nonpayment of rent, within six months from the date of the first
41 notice then eviction proceedings may be commenced against you
42 immediately.

43 If this park requires you to deal exclusively with a certain fuel
44 dealer or other merchant for goods or services in connection with
45 the use or occupancy of your mobile home lot, the price you pay for
46 such goods or services may not be more than the prevailing price in
47 this locality for similar goods and services.

48 You may not be evicted for reporting any violations of law or
49 health and buildings codes to boards of health, the department of
50 the attorney general, or any other appropriate government agency.
51 Receipt of notice of termination of tenancy by you, except for
52 nonpayment of rent, within six months after your making such a
53 report shall create a rebuttable presumption that such notice is a
54 reprisal and may be pleaded by you in defense to any eviction
55 proceeding brought within one year.

56 This law is enforceable by the consumer protection division of
57 the department of the attorney general.