

By Mr. Cruz of West Bridgewater, petition of John F. Cruz (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 and the discontinuance of said park accommodations in the town of West Bridgewater. Local Affairs. [Local Approval Received.]

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**The Commonwealth of Massachusetts**

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

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AN ACT PROVIDING FOR THE ESTABLISHMENT AND ADMINISTRATION OF RENT CONTROL OF EVICTIONS AND REGULATION. THE DISCONTINUANCE OF MOBILE HOME PARKS IN THE TOWN OF WEST BRIDGEWATER.

*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 three hundred and ninety-three of the  
2 acts of nineteen hundred and eighty-six is hereby repealed.

1 SECTION 2. The general court finds and declares that a  
2 serious public emergency exists with respect to the housing of a  
3 substantial number of citizens in the town of West Bridgewater,  
4 which emergency has been created by excessive, abnormally high  
5 and unwarranted rental increaess imposed by some owners of  
6 mobile home parks located therein and by the threatened  
7 discontinuance of the use of certain mobile home parks by the  
8 owners thereof; that unless mobile home park rents and evictions  
9 of tenants and the discontinuance of mobile home parks are  
10 regulated and controlled, such emergency will produce serious  
11 threats to the public safety, health and general welfare of the  
12 citizens of West Bridgewater and will produce a drastic loss of  
13 housing units, will increase homelessness and will cause the loss  
14 of many residents' life savings, especially the elderly.

1 SECTION 3. The town of West Bridgewater may, by the  
2 adoption of by-laws, regulate rents for the use or occupancy of  
3 mobile home park accommodations in said town, regulate the  
4 discontinuance of mobile home parks, establish a rent control  
5 board for the purpose of regulating rents, minimum standards for  
6 the use or occupancy of mobile home park accommodations and  
7 the evictions of tenants therefrom and may, by its by-laws, require  
8 registration of owners of the mobile home park accommodations.  
9 Such rents, standards and evictions may be regulated by the rent  
10 control board so as to remove hardships, or correct inequities for  
11 both the owner and the tenants of such mobile home park  
12 accommodations. The rent control 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, obtain information, under penalty of  
16 perjury, relating to the mobile home park accommodations, sue  
17 and be sued, compel the attendance of persons and the production  
18 of papers and information, 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 control board shall  
22 be punishable by a fine of not more than one thousand dollars  
23 for any one offense.

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

17 The town in its by-laws, or the mobile home rent control board  
18 by regulation, may establish further standards and rules consistent  
19 with this act.

1 SECTION 5. The town may by its by-laws regulate the  
2 evictions of tenants and the rent control board, established under  
3 the provisions of section three, shall issue orders which may be  
4 a defense to an action of summary process for possession, and  
5 such orders shall be reviewable pursuant to sections three and  
6 four.

1 SECTION 6. (a) The town may by its by-laws regulate the  
2 discontinuance of the use of part or all of the land owned and  
3 licensed as a mobile home park. As used in this act, the term  
4 "discontinuance" shall mean any change of use or discontinuance  
5 of the use of part or all of the land owned and licensed as a mobile  
6 home park requiring a two (2) year notice pursuant to subsection 8  
7 of setion 32L of chapter 140 of the General Laws. The term  
8 "discontinuance" shall include, but not be limited to, the licensee's  
9 conversion of the mobile home park or part thereof to a  
10 condominium or cooperative corporation.

11 (b) It shall be unlawful for any person to discontinue the use  
12 of part or all of the land owned and licensed as a mobile home  
13 park without having first obtained a discontinuance permit from  
14 the board of selectmen subject to the provisions contained in this  
15 act.

16 (c) The board of selectmen shall consider an application for a  
17 discontinuance permit upon receipt of such application from the  
18 licensee or other authorized person. The board of selectmen shall  
19 forward such application within fourteen days to the rent control  
20 board.

21 (d) The rent control board shall schedule a public hearing  
22 within sixty-five days of its receipt of the application. Notice of  
23 the time and place of such public hearing and of the subject matter  
24 thereof, sufficient for identification, shall be published in a  
25 newspaper of general circulation in the town of West Bridgewater  
26 once in each of two successive weeks, the first publication to be  
27 not less than fourteen days before the date of the public hearing,  
28 and shall be posted in a conspicuous place in the town hall for

29 a period of not less than fourteen days before the day of such  
30 hearing. The rent control board shall also notify all tenants living  
31 in the affected mobile home park accommodations of the time,  
32 place and subject matter of the public hearing. No defect in the  
33 form of any notice under this section shall invalidate any grant  
34 or denial of a discontinuance permit unless such defect is found  
35 to be misleading.

36 (e) No vote shall be taken by the board of selectmen to grant  
37 or deny a discontinuance permit until a report with recommen-  
38 dations by the rent control board has been submitted to the board  
39 of selectmen or twenty-one days shall have elapsed after such  
40 hearing without the submission of such report. After receipt of  
41 such report or after twenty-one days shall have elapsed after such  
42 hearing without the submission of such report, the board of  
43 selectmen may vote to grant or deny the discontinuance permit.  
44 If the board of selectmen fails to vote on the discontinuance permit  
45 within ninety days after such hearing, no action shall be taken  
46 thereon until after a subsequent public hearing is held with notice  
47 and report as provided for above.

48 (f) No discontinuance permit may be granted except by a  
49 majority vote of the board of selectmen.

50 (g) Notwithstanding any other provision of this section, the  
51 rent control board may, without holding a hearing, recommend  
52 the denial of a discontinuance permit if a decision has been made  
53 with regard to the discontinuance of a mobile home park within  
54 the preceding twelve months, and if the park licensee fails in the  
55 new application to allege a substantial change of circumstances  
56 since the previous hearing which would merit the hearing of new  
57 evidence by the rent control board. In addition, the rent control  
58 board may recommend denial of the discontinuance permit  
59 without holding a hearing if the application is not in conformance  
60 with the requirements of this section or other applicable  
61 regulations.

62 (h) In determining whether to recommend that the board of  
63 selectmen grant or deny a discontinuance permit, the rent control  
64 board shall consider the aggravation of the shortage of safe, decent  
65 and affordable mobile home park accommodations in the town  
66 of West Bridgewater which may result from the discontinuance,  
67 especially for tenants of low and moderate income and

68 handicapped or elderly persons on fixed incomes. In making such  
69 determination, the rent control board shall make findings of the  
70 following factors:

71 (1) The benefits and detriments to the persons whom this act  
72 and this section seek to protect;

73 (2) The hardships imposed on the tenants residing in the mobile  
74 home park accommodations proposed to be discontinued;

75 (3) Circumstances demonstrating hardship and inequity to the  
76 licensee seeking a discontinuance permit;

77 (4) The rate of vacancy of mobile home park accommodations  
78 in the town of West Bridgewater at the time the licensee applies  
79 for a discontinuance permit and the average rental rates for the  
80 available accommodations;

81 (5) The availability of land zoned and otherwise suitable for  
82 the development or expansion of mobile home parks.

83 The rent control board in its discretion may also review other  
84 relevant factors in making its report and recommendations.

85 For purposes of this act the "vacancy rate" shall be defined as  
86 that percentage of the mobile home park accommodations which  
87 are empty of mobile homes and are offered for rental to mobile  
88 home tenants. Further, to be considered a "vacancy" the rental  
89 offer of the mobile home park accommodation must be without  
90 entrance fee; without restrictions as to the age, size or character  
91 of the mobile home; and without a requirement that the  
92 prospective tenant purchase a mobile home from the park owner.

93 In its report, the rent control board shall determine the current  
94 vacancy rate for comparable mobile home park accommodations  
95 in the town of West Bridgewater. Any parties involved may submit  
96 evidence to the rent control board at the public hearing.

97 (i) The licensee or applicant seeking a discontinuance permit  
98 must make application to the board of selectmen for such permit  
99 within thirty days of serving the tenants with the notices required  
100 under the provisions of subsection 8 of section 32L of chapter 140  
101 of the General Laws.

102 (j) No eviction certificate shall be issued by the rent control  
103 board because of the discontinuance of the use of all or a part  
104 of a mobile home park unless a discontinuance permit has been  
105 issued by the board of selectmen.

1 SECTION 7. (a) The provisions of chapter 30A of the General  
2 Laws shall be applicable to the rent control board established  
3 under the provisions of section three, as if said rent control board  
4 were an agency of the commonwealth, including those provisions  
5 giving agencies the powers to issue, vacate, modify and enforce  
6 subpoenas and those provisions relating to judicial review of an  
7 agency order.

8 (b) The provisions of chapter 30A of the General Laws relating  
9 to judicial review of an agency order shall be applicable to a  
10 decision and order of the board of selectmen granting or denying  
11 a discontinuance permit under the provisions of section six herein.

1 SECTION 8. The Brockton division of the district court  
2 department shall have original jurisdiction, concurrently with the  
3 superior court, of all petitions for review brought pursuant to  
4 section fourteen of chapter 30A of the General Laws.

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



