

# SENATE, NO. 2320

## **AN ACT** FOR THE ESTABLISHMENT AND ADMINISTRATION OF RENT REGULATIONS AND THE CONTROL OF EVICTIONS IN MOBILE HOME PARK ACCOMMODATIONS IN THE TOWN OF NORWELL

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

10 SECTION 2. General Powers. The Town of Norwell, may, by its ordinances, regulate  
11 rents for the use or occupancy of mobile home park accommodations in said town,  
12 establish a rent board for the purpose of regulating rents, minimum standards for the use

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

26 SECTION 3. Standards for Adjusting Rent. (a) In regulating such rents, for such mobile  
27 home park accommodations, the rent board established under section two may make such  
28 individual or general adjustments, either upward or downward, as may be necessary to  
29 assure that rents for the mobile home park accommodations in said city are established at  
30 levels which yield to owners a fair net operating income for such units. Said town in its  
31 by laws or said rent board by regulation may establish further standards and rules  
32 consistent with this act. The maximum rent of a mobile home park accommodation shall  
33 be the rent charged the tenant for the month of December, two thousand and six. If the  
34 mobile home park accommodations was unoccupied at that time but was occupied at any  
35 time prior to the effective date of this ordinance, the maximum rent shall be the rent

36 charged therefore for or during the month closest to December, two thousand and six. If  
37 the maximum rent is not otherwise established, it shall be established by the board. Any  
38 Maximum rent may be subsequently adjusted under this section.

39 SECTION 4. Incorporation of the Administrative Procedure Act. The provisions of  
40 chapter thirty A of the General Laws shall be applicable to the rent board, established  
41 under section two, as if said rent board were an agency of the Commonwealth, including  
42 those provisions giving agencies the powers to issue, vacate, modify, and enforce  
43 subpoenas and those provisions relating to judicial review of the agency order.

44 SECTION 5. Conference Jurisdiction. The district court department shall have original  
45 jurisdiction, concurrently with the superior court, or all petitions for review brought  
46 pursuant to section fourteen of chapter thirty A of the General Laws.

47 The superior court shall have the jurisdiction to enforce the provisions of the act  
48 and any by-laws adopted thereunder and may restrain violations thereof.

49 SECTION 6. Defense of Summary Process for Possession. The Town of Norwell may, by  
50 its by-laws, regulate the eviction of tenants and the rent board, established under section  
51 two, may issue orders which shall be a defense of the action of summary process for  
52 possession and such orders shall be reviewable pursuant to sections two and three.

53 SECTION 7. Severability. If any provisions of this act or the application of such  
54 provision to any person or circumstance shall be held invalid, the validity of the  
55 remainder of this act and the application of such provision to other persons or  
56 circumstances shall not be affected thereby.

57 SECTION 8. This act shall take effect upon its passage.