

MANUFACTURED HOME COMMUNITY RULES, THE ATTORNEY GENERAL'S MODEL RULES, AND INSTRUCTIONS ON SUBMITTING RULES FOR REVIEW

Manufactured Home Community rules are important. Under the Manufactured Housing Act, community owner/operators may have rules governing residents' use of the community. M.G.L. c. 140, § 32L(1). Additionally, owner/operators who are applying for new licenses or renewing licenses with their communities' local Boards of Health must include in their license applications a copies of the rules currently in effect in their communities. 940 C.M.R. 10.11(2). Community owner/operators are required to give prospective residents a set of these rules, before they agree to rent lot in their communities. Indeed, a "substantial" violation of a rule may create a basis for termination of tenancy and eviction. M.G.L. c. 140, § 32J.

With the helpful contributions of representatives of the Massachusetts Manufactured Housing Association (the "MMHA"), the Manufactured Home Federation of Massachusetts (the "MFM"), and a representative of the Executive Office and Housing and Livable Communities and the Manufactured Home Commission, the Attorney General's Office developed the following Model Community Rules governing residents' occupancy and use of the homesite and common areas in a manufactured housing community. These Model Rules comprehensively address a wide range of issues faced by the majority of manufactured housing communities in the Commonwealth. Adopting these Model Rules word for word will provide fair, clear, and balanced rules for your community, simplify your process for creating community rules, and assure that your community's rules satisfy the requirements of the law applicable to manufactured housing communities, and receive favorable review by the Attorney General's Office.

Although most of the Model Rules may be uniformly adopted by communities statewide, certain rules allow for flexibility to address each community's needs. In particular, rather than adopt a blanket rule on use of water, the Model Rules allow communities to adopt watering schedules that reflect local ordinances and water bans that may change from time to time. (See Rule 13, Water Use.) Similarly, the Model Rules allow communities to develop their own reasonable rules for use of common recreational facilities -- such as clubhouses or pools -- as long as such rules are posted and/or made available to all residents and their guests in conspicuous related areas. (See Rule 30, Clubhouse and Recreational Facilities.) The Model Rules also allow community owner/operators to add information unique to their community. This fact is indicated either by a blank space () or by bracketed language [] indicating what sort of information may be inserted to tailor the rule to the community's unique needs. Rule 1 (Community Owner(s), Manager, and Emergency Phone Number) provides space for the name, address, and phone numbers of the community owners and manager, and the emergency phone number for the community. Rule 5 (Rent) allows each community owner to determine the day of the month that the rent is due. Rule 14 (Garbage and Rubbish Collection and Disposal) allows the owner/operator to describe the method for trash collection. Rule 15(e) (Exterior Aesthetic Standards for Community) allows for a description of the community's aesthetic standards. Rule 18 (Digging) provides space for the state "Dig Safe" number, which is currently (888) 344-7233, but is subject to change.

Please understand that owner/operators who use the Model Rules are still required to follow the statutory review process for community rules. In order to expedite that review, owner/operators should indicate in the cover letter accompanying their submission whether they have adopted the Attorney General's Model Rules verbatim. Although we encourage using the Model Rules in their entirety, we recognize that certain communities may want to tailor the Model Rules to their unique needs. To the extent that any owner/operator wants to use the Model Rules in part -- i.e, he or she intends to either modify or omit certain rules -- he or she should indicate that fact in writing when submitting the rules for review to the Attorney General's Office. In particular, any changes in language or any rules added should be in bold font. In addition, if you omit any of the rules included, you should list the rules omitted in your cover letter.

**INSTRUCTIONS TO OWNER/OPERATORS FOR SUBMITTING RULES TO THE
ATTORNEY GENERAL'S OFFICE AND THE EXECUTIVE OFFICE OF HOUSING AND LIVABLE COMMUNITIES**

1. Write, Revise, Amend, or Update Your Rules – If you are issuing rules for the first time, download the Model Rules Template from the AGO's Website at mass.gov/ago/mhu. Owner/operators should indicate in the cover letter accompanying their submission whether they have adopted the Model Rules verbatim. If you propose any changes to the Model Rules, you must "redline" or otherwise highlight the proposed changes. This will facilitate and expedite the AGO's and EOHLC's review of your rules. Similarly, if you are submitting revised rules that were not approved or are seeking to amend community rules that were previously approved, you must redline those proposed changes as well.

2. Propose a Date You Wish to Make Your Rules Effective.

3. Notify Your Residents - At least 75 days before the proposed effective date, you must both send a copy to any residents' or tenants' association and conspicuously post a copy in a common area of the community. These copies must be accompanied by a notice informing residents of their right to submit comments to both their community owner/operator and the AGO. 940 C.M.R. 10.04(3)(a). The following is a model notice satisfying the regulatory requirements:

IMPORTANT NOTICE REGARDING COMMUNITY RULES

Please take notice that [the owner/operator] wants to [choose 1: issue/add/delete or amend] the community rules. In particular, we intend to [choose 1: issue/add/delete or amend] [rule(s) number _____]. The proposed new rules are attached. These new rules would apply to all community residents, and may have a material effect on living conditions in the community. The Attorney General and the Director of the Executive Office of Housing and Livable Communities have the authority to approve these new rules. Any resident who wishes to provide comment on the proposed rules should write to the Consumer Protection Division, Office of the Attorney General, One Ashburton Place, 18th Floor., Boston, MA 02108. Residents may also submit their comments to [the owner/operator's name and address].

[Please note that this notice complies with the requirements of 940 C.M.R. 10.04(3).]

4. Submit Your Rules to the AGO and EOHLC - At least 60 days before the proposed effective date, you must send your proposed rules by **certified mail** to both the AGO and EOHLC for approval to the following addresses:

Office of the Attorney General
Consumer Protection Division
One Ashburton Place
Boston, MA 02108-1518

Executive Housing and Livable Communities
Attention: Manufactured Housing 100
Cambridge Street, 3rd Floor
Boston, MA 02114.

You must include "hard copies" of the redlined version and a "clean" version of your proposed rules as well a digital version of the redline and clean copies either on a disk or jump drive. Digital versions of the redlined and clean version of the proposed rules may also be emailed to mhu@mass.gov on the same day you mail the hard copies. Please also include a completed Certificate of Compliance. A Word version of the certificate is available on the AGO's Manufactured Housing Website and a blank copy is also attached to these instructions.

5. Re-Notify Your Residents - At least 30 days before the proposed effective date, you must send or deliver to each resident a copy of the rules, any amendments or deletions made since the submission to the AGO and EOHLC, and copies of the certified mail receipts showing that the rules were properly submitted to both the AGO and EOHLC.

6. AGO and EOHLC Review and Notification - Following submission of the rules, the AGO and EOHLC will review the rules, consider any written comments received from residents, and ultimately respond to you with written objections, where necessary. AGO and EOHLC will attempt to complete their review within 60 days.

7. AGO and/or EOHLC Objections – If the AGO and/or EOHLC has objections to your proposed rules, they will send you written objections with a date to submit revised rules.

8. AGO and/or EOHLC Has No Objections – You may implement your rules.

9. AGO and/or EOHLC do not Respond within 60 Days – If the AGO and/or EOHLC do not respond concerning the acceptability of your proposed rules by your proposed effective date, you may temporarily put your proposed rules into effect. However, if the AGO or EOHLC subsequently notify you that any rule is not satisfactory, each such rule, from that point onward, is no longer enforceable, and must be modified as necessary for allowance and then redistributed to residents.

CERTIFICATE OF COMPLIANCE

I, _____ the owner/operator of _____

Manufactured Housing Community, certify:

1. That on _____, at least 75 days before the proposed effective date of these proposed rules, I sent a copy of the attached proposed rules to any residents' or tenants' association, conspicuously posted a copy of them in a common area of the community, and that the proposed rules included a notice informing residents of their right to submit comments to both their community owner/operator, the Attorney General's Office, and the Executive Office of Housing and Livable Communities, pursuant to 940 C.M.R. 10.04(3)(a).

2. That any redlining in the attached proposed rules reflects all the proposed changes made to the Model Rules or the Manufactured Housing Community's existing rules and that there are no proposed changes in any text that is not redlined.

3. [DELETE OR CROSS OUT IF NOT APPLICABLE] The Manufactured Housing Community is a qualified retirement community as defined in 940 C.M.R. 10.01 and qualifies for exemption from the age discrimination prohibitions contained in M.G.L. c. 151B and the familial status discrimination prohibitions contained in the Federal Fair Housing Act because it meets either the definition of "55-or-over-housing" or "62-or-over-housing" as provided for in the Federal Fair Housing Act.

Owner/Operators

Dated: _____