**Answers To Frequently Asked Questions About**

**Manufactured Housing Communities (MHCs)[[1]](#footnote-2)**

1. **My owner is raising my rent, and I cannot afford it. What can I do?**

Your owner is allowed to charge you fair market rent. If you have a lease, your owner can only increase your rent in accordance with the terms of the lease or when your lease ends. If you do not have a lease and you are a “tenant at will,” your owner can increase your rent at any time with proper notice. However, if you live in a city or town with rent control, your owner can only increase your rent if the local rent control board approves the increase (the AGO’s website has a list of municipalities with rent control). If you cannot afford the increase, you can try to move or sell your home. Guide at pp. 31-34.

1. **Can my owner charge my neighbor less rent than me?**

In general, rent increases must be applied uniformly to all residents of a similar “class” (for example, a group of residents who have similar lot sizes, receive similar services, and/or have similar circumstances in the MHC). A rent increase that is not applied uniformly to all such residents may be unfair under the law. Guide at pp. 31-32.

1. **What can I do if I want to buy another person’s manufactured home but they have no documentation to show they own it?**

Ownership of a manufactured home is usually proven by a bill of sale or certificate of origin. If the homeowner does not have this documentation, you may want to consult with a private attorney regarding proof of ownership. Guide at p. 10.

1. **Can my owner increase my rent because they repaved the roads?**

A major or extraordinary cost your owner incurs may be a “capital improvement” and they may pass it on to residents ***if*** that is included in your lease. They may do so by spreading the total cost of the improvement through equal rent increases over the life of the improvement. The owner must disclose the (a) cost of the improvement, (b) expected life of the improvement, (c) number of households sharing the cost, and (d) amount of the rent increase and how long it will have to be paid. Guide at pp. 34-36.

1. **Can my owner fine me for putting out too much garbage?**

Your owner can only charge you a fee or fine if it is disclosed in your lease. Guide at pp. 15-16.

1. **Can my owner fine me if my rent is just a few days late?**

You may never be fined if your rent is late until it is 30 days overdue. Guide at p. 23.

1. **Can my owner charge me for water or other utilities?**

You can be required to pay for utilities in one of two ways. First, your owner can include a charge for utilities (including water) as part of your monthly rent so long as it is the same amount charged to every other resident. Alternatively, you may pay the utility company directly if the company has installed a meter for your home, the company bills you directly, and your lease states that you are responsible for paying your utility bills. Guide at pp. 20 & 28.

1. **What can I do if my owner is violating the State Sanitary Code?**

Municipal health departments are responsible for responding to Sanitary Code complaints about MHCs. Under 105 CMR 410.850 of the Sanitary Code, if you disagree with a health inspector’s response, you can request a hearing before your local board of health. You can also report your concern to the Massachusetts Department of Public Health at (617) 624-5757 or [mass.gov/forms/contact-dph-by-web-form](https://www.mass.gov/forms/contact-dph-by-web-form). Guide at pp. 54-55.

1. **Who is responsible for paying for a broken water pipe between the outside shut off valve and my home?**

Owners are responsible for all utility systems up to the “point of connection” to your home. That means your owner is responsible for repairing any part of a utility system (including oil tanks) outside your home. If the utility system broke because of your negligence, you could be responsible for paying for the repairs. Guide at pp. 21 & 28.

1. **Can I be evicted for not following a community rule?**

It depends on the circumstances. Your owner may evict you for a ***substantial violation*** of an enforceable community rule which is one that endangers the health or safety of others in the community; ***unreasonably*** interferes with other residents’ use and quiet enjoyment of the community; or poses a ***substantial risk*** of damage to the community owner’s property. Guide at p. 44.

1. **If I do not clean up my yard, can my owner hire someone to do it and make me pay for it?**

Your owner may do this if it is in your lease. They must provide you with written notice of the specific work required and the amount you will be charged, and they must give you ten days to fix the problem yourself. Guide at pp. 22-23.

1. **What should I do if the cement slab under my house is cracking?**

Your owner is responsible for maintaining the slab. Guide at p. 21. You should contact your community owner and/or the company that installed your home. If they do not resolve the problem, you should contact your city or town’s building department and/or HUD at [hud.gov/program\_offices/housing/mhs/mhshome](https://www.hud.gov/program_offices/housing/mhs/mhshome) or [mhs@hud.gov](mailto:mhs@hud.gov).

1. **Can my owner make me take down my shed or other items?**

Owners can have community rules regarding sheds and other fixtures you may add to your lot or home, ***but*** those requirements must be in the community rules ***and*** owners cannot impose them if they issued those rules ***after*** you installed these items. If you are replacing your nonconforming fixture ***and*** your owner has rules regarding these items, you must comply with those rules. Guide at pp. 17 & 22.

1. **Can my owner come onto my lot without my permission?**

There are several situations in which your owner does not need your permission to enter your lot, the most common of which is to inspect or repair items they are responsible for, like fixtures and utilities systems. While they do not need your permission, they should give you at least 24 hours’ notice before coming on to your lot. Your owner can only enter your *home* (not just your lot) with written permission. Guide at p. 26.

1. **Can my owner deny my request to put a porch on my home?**

First, you only need your owner’s approval if their rules require it. Otherwise, if your proposal complies with local building codes, complies with your community rules, and creates no significant problem for neighboring lots, your community owner’s approval should not be unreasonably withheld or delayed. Guide at p. 27.

1. **How do the Manufactured Housing Act (the “Act”) and the Attorney General's Regulations (the “Regulations”) apply to cooperative (“coop”) communities?**

***All*** MHCs, regardless of who owns them or how they are owned, must follow the Act and the Regulations. Guide at p. 40. For example, a coop is responsible for maintaining the community’s oil tanks and other utility systems up to the “point of connection,” just like a private MHC owner. Guide at pp. 21 & 28. However, the Regulations do not apply to internal disputes between residents (who are shareholders in the coop) and the coop’s board of directors. 940 CMR 10.12. These disputes may include issues about corporate meetings, officer elections, or the board’s decision making. The AGO generally cannot provide assistance in these circumstances, and residents may need to consult a private attorney. Guide at p. 40.

1. **Can my owner enforce new community rules that we have never seen before?**

Before your owner’s new rules go into effect, they must send a copy of them to your residents’ association (if you have one) and post a copy in a common area of the community. These copies must state that residents have a right to submit comments to the Attorney General’s Office. Guide at pp. 17-19.

1. **What happens if my owner decides to sell my community?**

First, your owner ***must*** send you written notice by certified mail within 14 days after they have advertised that the community is for sale. If your owner receives an offer to buy your community, you and the other residents may have a “right of first refusal” to purchase the community yourselves by matching the amount the buyer offered. Guide at pp. 40-43. Additionally, you may want to contact the Manufactured Home Federation of Massachusetts to learn more about the process of exercising the right of first refusal. Guide at p. 111.

1. **What happens if my owner decides to close my community?**

Your owner must give you written notice at least two years before they discontinue the community, and, among other things, they must reimburse you for the value of your home or the cost of moving it. You should also check with your city or town to see if the owner must seek a permit or other municipal approval to discontinue. This could prevent the owner from closing the community. You should also notify the Attorney General’s Office (by calling (617) 963-2460 or writing to mhu@mass.gov). Guide at pp. 50-53.

1. A copy of these FAQs and The Attorney General’s Guide to Manufactured Housing Community Law (“Guide”) referenced in these FAQs are also available on the Attorney General’s website at mass.gov/ago/mhu. [↑](#footnote-ref-2)