

THE MANUFACTURED HOUSING ACT - M.G.L. c. 140, §§ 32A-32S

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M.G.L. C. 140, § 32A.
NECESSITY OF LICENSE; MOTEL DEFINED

No person shall conduct, control, manage or operate, directly or indirectly, any recreational camp, overnight camp or cabin, motel or manufactured housing community unless he or she is the holder of a license granted under the following section. The term "motel", as used in Section 27, in this Section, and in Sections 32B to 32E, inclusive, shall be construed to mean any building or group of buildings which provide sleeping accommodations for transient motorists and which is not licensed as an inn.

CHAPTER 140: SECTION 32B.
GRANT, SUSPENSION OR REVOCATION OF LICENSE; EXPIRATION;
RENEWAL; APPLICATION FEES; INSPECTION; REINSTATEMENT

The board of health of any city or town, in each instance after a hearing, reasonable notice of which shall have been published once in a newspaper published in such city or town, may grant, and may suspend or revoke, licenses for recreational camps, overnight camps or cabins, motels or manufactured housing communities located within such city or town, which license, unless previously suspended or revoked, shall expire on December 31 in the year of issue, but may be renewed annually upon application without such notice and hearing. Such application shall include a true and complete copy of the rules and regulations then in effect for an existing manufactured housing community or, if the application is for an original license, the rules and regulations for the proposed manufactured housing community, together with a certificate from the owner or operator of the community certifying, under the penalties of perjury, that the owner or operator has complied with Paragraph 5 of Section 32L, that the Attorney General and the Director of Housing and Community Development have been in receipt of such rules and regulations and any amendments or additions thereto for at least 60 days, and that neither the Attorney General nor the Director of Housing and Community Development has disapproved any portion of such rules and regulations. Unless otherwise established in a town-by-town meeting action and in a city-by-city council action, and in a town with no town meeting by town council action, by adoption of appropriate by-laws and ordinances to set such fees, the fee for each original or renewal license shall be \$10, but in no event shall any such fee be greater than \$50. Such board of health shall at once notify the Department of Environmental Protection of the granting or renewal of such a license, and said department shall have jurisdiction to inspect the premises so licensed to determine that the sources of water supply and the works for the disposition of the sewage of such premises are sanitary. If upon inspection of such premises said department finds the sources of water supply to be polluted or the works for the disposition of the sewage to be insanitary, or both of such conditions, said department shall forthwith notify such board of health and such licensee to that effect by registered mail and said board shall forthwith prohibit the use of any water supply found by said department to be polluted. Unless such licensee shall, within 30 days following the giving of such notice, correct the conditions at such premises to the satisfaction of both said department and such board the license so granted shall be suspended or revoked by such board. Any license so suspended may be reinstated by such board when the conditions at such premises, as to sources of water supply and works for the disposition of sewage, are satisfactory to said department and

such board. The board of health of a city or town may adopt, and from time to time alter or amend, rules and regulations to enforce this Section in such city or town.

M.G.L. C. 140, § 32C

EXAMINATION OF LICENSED CAMPS AND CABINS; UNSANITARY CONDITIONS

Every board of health shall, from time to time, examine all camps, motels, manufactured housing communities and cabins licensed by it under authority of Section 32B, and if, upon such examination, such camp, motel, manufactured housing community or cabin is found to be in an unsanitary condition, said board of health may, after notice and a hearing, suspend or revoke such license.

M.G.L. C. 140, § 32D.

RULES AND REGULATIONS; POSTING

Whoever conducts, controls, manages or operates any camp, motel, manufactured housing community or cabin licensed under Section 32B shall post, in a conspicuous place near the entrance to every such camp, motel, manufactured housing community or cabin or in a conspicuous place at the office of the manager on the site, a copy of the rules and regulations adopted thereunder, as most recently altered or amended.

M.G.L. c. 140, § 32E

OPERATING BUSINESS WITHOUT LICENSE

Whoever conducts, controls, manages or operates any camp, motel or cabin subject to Sections 32A to 32C, inclusive, which is not licensed under Section 32B, shall be punished by a fine of not less than \$10 nor more than \$100.

Whoever conducts, controls, manages or operates any manufactured housing community subject to Sections 32A to 32C, inclusive, which is not licensed under Section 32A to 32B or which is not managed or operated in compliance with Sections 32A to 32S, inclusive, shall be punished by a fine of \$100 for each day in which such violation occurs or continues.

M.G.L. c. 140, § 32F

**DEFINITION; LICENSE REQUIREMENT;
COPY SENT TO CITY OR TOWN CLERK; EXCEPTIONS**

Any lot or tract of land upon which three or more manufactured homes occupied for dwelling purposes are located, including any buildings, structures, fixtures and equipment used in connection with manufactured homes shall be defined as a manufactured housing community. No lot or tract of land may be used for a manufactured housing community unless the owner or occupant thereof is the holder of a license granted under Section 32B. The board of health of a city or town shall, forthwith upon granting an original or renewal license under said Section 32B for a manufactured housing community, send a copy of such license to the city or town clerk.

A lot or tract of land provided by a state or county fair, agricultural and horticultural society, grange or 4-H club for the use of manufactured homes to accommodate personnel who are to participate in any fair or exhibition conducted by such organization, which fair or exhibition does not continue for a period of exceeding 10 consecutive days, or a lot or tract of land provided by a college or university for the use of manufactured homes to accommodate students lacking dormitory facilities shall not be deemed a manufactured housing community.

M.G.L. c. 140, § 32G
MONTHLY FEES; COLLECTION; DEPOSIT; LISTS; PAYMENT TO TREASURERS;
EXEMPTION FROM TAXES; PENALTIES; REVOCATION OF LICENSE

In addition to the license fee provided for under Section 32B, each manufactured housing community owner or operator licensed under said section shall, except as hereinafter provided, pay an additional license fee of \$6 per month or a major fraction thereof, on account of each manufactured home, occupying space within such manufactured housing community; provided, however, that in a city by vote of the city council and in a town by vote of the board of selectmen, the amount of such additional license fee may be increased to an amount not exceeding \$12 per month. Such additional license fee shall, except as hereinafter provided, be collected by such manufactured housing community operator from the owner or occupant of each manufactured home occupying space in such manufactured housing community at the end of each month or any major fraction thereof, and shall be deposited with the collector of taxes in the city or town in which such manufactured housing community is located not later than the tenth day of the month next following. The manufactured housing community operator shall, not later than the fifth day of each month, file with the licensing authority a list containing the amounts collected together with the name and address of each owner of a manufactured home occupying space during the preceding month or the tenant or subtenant of such space and designating the manufactured homes and the home owners or tenants of the space or such subtenants thereof on account of which no additional license fee is to be collected or deposited under the provisions of the last paragraph of this section. The licensing authority shall forthwith commit the list to the collector of taxes in the city or town in which the manufactured housing community is located for collection. Such collector, shall in the collection of such accounts, have all the remedies provided by Sections 35, 36 and 93 of Chapter 60, for the collection of taxes on personal property. The collector of taxes shall, once in each week or more often, pay over to the city or town treasurer all money received by him during the preceding week or lesser period on account of such license fees. Each manufactured home subject to the license fee provided for in this section shall be exempt from any property tax as provided in Clause 36 of Section 5 of Chapter 59.

The collector of taxes shall report to the licensing authority any failure to deposit with him any license fee so collected, and any failure by a manufactured housing community operator to collect any license fee provided for under this section or to deposit with the collector of taxes any license fee so collected shall be deemed cause for the revocation of any license granted under Section 32B. In addition, any willful failure to deposit with the collector of taxes a licensee fee which has been so collected shall be punished by a fine of not less than \$10 nor more than \$100 for each fee so collected and not deposited.

No additional license fee imposed by this section shall be collected by the operator of a manufactured housing community, nor shall any such fee be required to be deposited with the collector of taxes in the city or town in which such community is located, on account of a manufactured home which is deemed, by Section 514 of the Soldiers' and Sailors' Civil Relief Act of 1940, as amended, not to be located or present in or to have a situs in such city or town for the purposes of taxation in respect to personal property.

M.G.L. C. 140, § 32H
UNEQUIPPED COMMUNITIES; PLANS; COST ESTIMATES;
CONDITIONAL LICENSES; SUSPENSION OR REVOCATION

An applicant for a license under Section 32B for a manufactured housing community which has not been equipped with the buildings, structures, fixtures and facilities necessary to conduct a manufactured housing community shall file with the board a plan showing the buildings, structures, fixtures and facilities and the proposed set-up which he or she plans to have upon said premises if and when the license may issue, together with an itemized estimate of the cost of the same and, thereupon, the board, with the approval of the state department of environmental quality engineering, shall grant a manufactured housing community license upon the condition that such license shall issue upon the completion of the premises according to the plans and estimate submitted, providing that the proposed manufactured housing community will be in compliance with all applicable laws, ordinances, rules and regulations. Such conditional license may be suspended or revoked in accordance with the provisions of said Section 32B.

M.G.L. C. 140, § 32I
REGISTER; RETENTION; INSPECTION; PENALTY

Every holder of a license for a manufactured housing community shall keep or cause to be kept, in permanent form, a register in which shall be recorded the true name or name in ordinary use, address and registration of each owner of a manufactured home or motor vehicle renting space in such community and each tenant of such space or subtenant of which the tenant may have notified the operator, the date of entering and the date of leaving such manufactured home or motor vehicle. Such register shall be retained by the holder of the license for a period of at least one year after the date of the last entry, and shall be open to the inspection of the licensing authorities, their agents and the police. Whoever willfully and knowingly violates any provision of this section shall be punished by a fine of not less than \$5 nor more than \$100.

M.G.L. C. 140, § 32J
SUMMARY PROCESS TO RECOVER POSSESSION;
TERMINATION OF TENANCY OR LEASE

If the manufactured home owner or person holding under him or her holds possession of a manufactured homesite in a manufactured housing community without right, after the determination of a tenancy or other estate at will or lease as provided in this section, the licensee entitled to the manufactured homesite may recover possession thereof by summary process.

Any tenancy or other estate at will or lease in a manufactured housing community, however created, and including any existing contract for occupancy of a manufactured homesite in a manufactured housing

community, may be terminated by the licensee entitled to the manufactured homesite or his or her agent only for one or more of the following reasons:

- (1) nonpayment of rent;
- (2) substantial violation of any enforceable rule of the manufactured housing community;
- (3) violation of any laws or ordinances which protect the health or safety of other manufactured housing community residents;
- (4) a discontinuance in good faith by the licensee, of the use of part or all of the land owned by the licensee as a manufactured housing community subject to any existing contractual rights or agreements between the licensee and the tenants located in the manufactured housing community. No such discontinuance shall be valid for any manufactured home sold the licensee and for which a manufactured homesite was made available at the time of said sale, by the licensee, for a period of five years from the date of said sale;
- (5) in the case of an existing tenancy at will, to create a new tenancy at will at an increased rent in accordance with the provisions of Section 12 of Chapter 186.

No action shall be maintained under this section unless:

- (1) the manufactured housing community licensee has given at least 30 days' written notice, delivered by certified or registered mail, stating the reasons for termination and notifying the manufactured housing community resident that he or she has 15 days from the date of the mailing of the notice in which to pay the overdue rent, or cure the substantial violation of the community rules or of the law or ordinance, in order to avoid eviction;
- (2) the manufactured home resident has not paid the overdue rent or cured said violations within 20 days from the day on which such written notice was received; and
- (3) such action, other than for nonpayment of rent, is brought within 30 days from the date of the last alleged violation; provided, however, that an action may be maintained under this section without further notice or opportunity to cure, if the same substantial violation of rules, other than nonpayment of rent, occurs within six months from the date on which such notice was delivered.

For the purposes of this section, upon the death of a manufactured housing community tenant, such tenancy shall continue in the estate of such tenant for a period of one year from the date of death or one year from the appointment of an executor or administrator, whichever first occurs.

A resident who has been evicted from a manufactured housing community shall have 120 days after such eviction in which to sell the resident's manufactured home, subject to the terms of this paragraph. Such resident shall be responsible for the rental amount accruing during the period prior to such sale and shall maintain the manufactured home and lot during such period, on the terms and conditions of the lease or other rental agreement in effect prior to the occurrences of the default or termination of the term of occupancy which resulted in the eviction. If such manufactured home remains on the lot during such period,

the owner of the manufactured housing community shall have a lien on the home to the extent such rental amount is not paid or such maintenance is not performed and to the extent of any additional past sums owed to the owner as set forth on any final eviction order issued by a court of competent jurisdiction. Such lien may be perfected by filing in the offices of the town clerk and secretary of state a uniform commercial code statement, prepared by the owner and signed by the former resident at the request of the owner following the issuance of such eviction order. If the former resident fails to sign such statement within 10 days after receipt of such statement from the owner, such resident shall not be entitled to the benefits of this paragraph for so long as such failure continues, provided that nothing in the foregoing is intended to prevent the former resident from preparing and filing such a statement. During such 120-day period, no person shall reside in such home and the former resident shall use good faith efforts to sell the home.

M.G.L. C. 140, § 32K
APPEALS; REINSTATEMENT; REISSUANCE

Any person aggrieved by any act, rule, order or decision of the licensing board may appeal to the superior court. After suspension or revocation, the license may be reinstated or reissued if the conditions leading to such suspension or revocation have been remedied and the community is being maintained and operated in full compliance with the law.

CHAPTER 140: SECTION 32L
REQUIREMENTS AND RESTRICTIONS APPLICABLE
TO MANUFACTURED HOUSING COMMUNITIES

The following requirements and restrictions shall apply to all manufactured housing communities:

- (1) A manufactured housing community licensee may promulgate rules governing the rental or occupancy of a manufactured homesite but no such rule shall be unreasonable, unfair or unconscionable.
- (2) Any rule or change in rent which does not apply uniformly to all manufactured home residents of a similar class shall create a rebuttable presumption that such rule or change in rent is unfair.
- (3) A manufactured housing community owner, directly or indirectly engaged in the business of selling manufactured homes, shall not impose any conditions of rental or occupancy which restrict a resident or prospective resident in his or her choice of a manufactured home dealer unless the lot on which the home is to be placed is being leased or rented for the first time. A manufactured housing community owner shall not impose any conditions of rental or occupancy which restrict the resident in his or her choice of a seller of fuel, furnishings, goods, services or accessories connected with the rental or occupancy of a manufactured home lot, provided, however, that such seller is in compliance with applicable law and rules and regulations of the community approved by the Attorney General and the Director of Housing and Community Development or otherwise then in effect pursuant to Paragraph 5 of Section 32L of Chapter 140, including rules imposing reasonable insurance requirements. A manufactured housing community licensee may impose reasonable conditions relating to central fuel and gas meter systems in the

community, provided, however, that the charges for such fuel shall not exceed the average prevailing price in the locality.

(3A) No manufactured housing community owner shall refuse to allow the transfer of a manufactured home located in said community on the ground that such manufactured housing community owner has not sold as many manufactured homes as there are sites.

(4) A manufactured housing community licensee shall not impose by any rule or condition of occupancy, any fee, charge or commission for the sale of a manufactured home located in a manufactured housing community. The licensee may, however, upon the proposed sale of such a home, contract with the manufactured home owner to sell the home for a fee not to exceed 10% of the sale price of such home.

(5) If any manufactured housing community owner promulgates, adds, deletes or amends any rule governing the rental or occupancy of a manufactured homesite in a manufactured housing community, a new copy of all such rules shall be sent by certified mail, return receipt requested, for approval to the Attorney General and the Director of Housing and Community Development at least 60 days prior to the effective date of such promulgation, addition, deletion or amendment. A copy of such rules shall be furnished to each manufactured housing community resident in such community along with a copy of the certified mail receipts signed by a representative of the Attorney General and a representative of the Director of Housing and Community Development. Such copies shall be furnished by the manufactured housing community licensee to said residents at least 30 days prior to the effective date of such promulgations, addition, deletion or amendment. Nothing in this section shall be deemed to be an approval of such rules by the Attorney General or said director. If neither the Attorney General nor said director takes any action prior to the proposed effective date of such rules or amendment or addition thereto, such rules may be enforced by the manufactured housing community licensee until such time as the Attorney General or said director subsequently disapproves such rules or portions thereof which disapproval shall apply only prospectively, provided that nothing in this sentence shall preclude a private party from challenging such rules or portions thereof in a court of competent jurisdiction prior to or after such disapproval.

(6) Any rule or condition of occupancy which is unfair or deceptive or which does not conform to the requirements of this section shall be unenforceable.

(7) Failure to comply with the provisions of Sections 32A to 32S, inclusive, shall constitute an unfair or deceptive practice under the provisions of Paragraph (a) of Section 2 of Chapter 93A. Enforcement of compliance and actions for damages shall be in accordance with the applicable provisions of Sections 4 to 10, inclusive, of said Chapter 93A.

(7A) Any manufactured housing community licensee having given notice, pursuant to this section, of a pending change of use or discontinuance shall survey within the period of notice given to tenants, all of the manufactured housing communities within a 100-mile radius which are known to the licensee or which reasonably can be ascertained by him or her, to determine if any manufactured homesites are available or will become available during the notice period. The licensee shall prominently post at the community all

of the information received regarding such available sites. Such survey shall be done at least once each year during the two-year notice period. The second survey shall be completed and posted not less than 120 days prior to the end of the notice period. The manufactured housing community owner shall pay to any tenant who is entitled to receive notice pursuant to Paragraph 8 at the tenant's election, either (a) his or her actual relocation costs or (b) the appraised value of the tenant's manufactured home. Relocation costs shall include the costs of disconnecting and moving the home to the new community selected by the resident within the 100-mile radius, reconnecting the home with all hook-ups so that it is substantially in the same condition as before the move, with any required and comparable appurtenances, and the reasonable costs of suitable lodging until the move and installation are completed. The appraised value of the manufactured home shall be the fair market value of the home and any existing appurtenances but excluding the value of the underlying land, determined by an independent appraiser agreed to by the community owner and the tenant. If the parties are unable to agree on an independent appraiser within thirty days, either may have recourse to the Director of Housing and Community Development or the director's designee, who shall appoint such appraiser within 30 days. The parties shall share the cost of the appraisal equally. In making such determination, the appraiser shall assess fair market value based on the price which a willing and able buyer intending to reside in the home would pay for the home and any existing appurtenances, but excluding the value of the underlying land and shall assume that the home is and will continue to be located on a lot which is leased in a duly licensed manufactured housing community, with all hook-ups and existing appurtenances in place for use and occupancy by the resident. In addition, if the home is then actually located on a lot rented to the homeowner by the same person or a predecessor or affiliate of such person or predecessor who sold the home in question within the past 10 years to the homeowner or a predecessor of such owner, then the appraisal also shall take into account the value to the tenant, if any, which is attributable to a below-market contract rental for the balance of the 10 years from the date of sale at the rate at which the lot is leased before delivery of the relocation notice, as increased in accordance with the lease and after its expiration by an annual factor not to exceed the increase in the consumer price index set forth in this paragraph for the 12-month period immediately preceding delivery of the relocation notice. Otherwise no value shall be attributed to actual existing below-market or above-market rental rates. This paragraph shall not be construed to authorize an early termination of an otherwise enforceable lease with a fixed term or to restrict a tenant's rights at law or in equity with respect thereto. Payment of the appraised value or of the estimated relocation costs, as the case may be, shall be made to the tenant no later than the tenant's departure from the manufactured housing community with adjustments made for the total actual relocation costs upon completion of relocation. Any manufactured housing community owner shall provide a rental agreement to each tenant who is entitled to receive notice pursuant to this section. Such agreement shall begin on the date of the issuance of the notice of discontinuance. The provisions of such rental agreement shall not alter in any manner the tenancy arrangement existing between the community owner and tenant prior to issuance of the notice of discontinuance, except with respect to the amount of annual rent, which may be increased by an amount not to exceed the increase in the Consumer Price Index for Urban Consumers, published by the United States Department of Labor, Bureau of Labor Statistics, for the calendar year immediately

preceding the date upon which such rental agreement is commenced plus the proportionate amount of any documented increase in real estate taxes or other municipal fee or charge; provided, however, that the total amount of such increase shall not exceed ten percent of the annual rent charged in the immediately preceding year; provided, however, that if there is a rent control ordinance in existence such increase shall be subject to the provisions of said ordinance and in no event shall any owner whose notice of discontinuance or change of use is not given in good faith be entitled to any increase in rent otherwise permitted hereunder; and, provided further, that once a tenant has received a notice of discontinuance, his or her rent shall not be increased unless a year has passed from the date of the last increase imposed upon such tenant.

(8) A manufactured housing community owner shall give at least 15 days written notice, delivered by certified or registered mail, to each manufactured housing community tenant, that the owner will be appearing before a governmental board, commission or body to request a permit for a good faith change of use or discontinuance of the manufactured housing community. No change of use or discontinuance shall be approved or otherwise be effective unless the owner has demonstrated that such change of use or discontinuance is in good faith and the burden of proving such good faith shall be on the owner. Upon a change of use or discontinuance approved by a governmental board, commission, or body, or with respect to a change or discontinuance that requires no local governmental permit or permits, the manufactured housing community owner shall give to each manufactured housing community tenant at least two years written notice, delivered by certified or registered mail, prior to the manufactured housing community owner's determination that a change of use or discontinuance will occur. The owner shall disclose and describe in the notice the nature of the change of use or discontinuance and the reasons therefor.

(9) The manufactured housing community owner shall give each prospective tenant written notice prior to the inception of tenancy that the owner is requesting a change of use or discontinuance before local governmental bodies, or that a change of use or discontinuance has been granted, or that a change of use or discontinuance which requires no governmental approval will occur, noting the effective date of change of use or discontinuance.

CHAPTER 140: SECTION 32M
SALE OR PROPOSED SALE OF MANUFACTURED HOME
LOCATED IN LICENSED COMMUNITY

Upon the sale or proposed sale of a manufactured home located on a lot in a manufactured housing community and which is not owned by the manufactured housing community licensee, the prospective purchaser and members of his household may not be refused entrance if they meet the current rules of the community. Failure to comply with the provisions of this section shall constitute an unfair or deceptive trade practice under the provisions of Section 2a of Chapter 93A.

CHAPTER 140: SECTION 32N
REPRISALS FOR REPORT OF VIOLATIONS

Any manufactured housing community licensee or his or her agent who threatens to or takes reprisals against any manufactured housing community resident or group of residents for reporting a violation or suspected violation of Section 32L or Section 32M or any applicable building or health code to the board of health of a city or town in which the manufactured housing community is located, the Department of Public Health, the Department of the Attorney General or any other appropriate government agency, shall be liable for damages which shall not be less than one month's rent or more than five months' rent, or the actual damages sustained by the manufactured housing community resident or group of residents, whichever is greater, and the costs of the court action brought for said damages including reasonable attorney's fees. The receipt of any notice of termination of tenancy by such manufactured housing community resident or group of residents, except for nonpayment of rent, within six months after making such a report of a violation or a suspected violation, shall create a rebuttable presumption that such notice is a reprisal against the manufactured housing community resident or group of residents for making such report and said presumption may be pleaded in defense to any eviction proceeding against such manufactured housing community resident or group of residents brought within a year after such report.

CHAPTER 140: SECTION 32O
ACTIONS TO ENFORCE SEC. 32L OR 32M; MAILING COPIES OF ORDERS

In any action to enforce the provisions of Section 32L or Section 32M, the clerk of the court shall mail copies of any judgment, decree, permanent injunction or order of the court upon the entry thereof to the Attorney General and to the board of health of the city or town in which the manufactured housing community of the licensee is located.

CHAPTER 140: SECTION 32P
TERMS AND CONDITIONS OF OCCUPANCY;
DISCLOSURE IN WRITING; REQUIRED NOTICE

All terms and conditions of occupancy must be fully disclosed in writing by the manufactured housing community owner to any prospective manufactured housing community resident at a reasonable time prior to the rental or occupancy of a manufactured home lot. Said disclosure shall include, but shall not be limited to, the amount of rent, an itemized list of any charges or fees, the names and addresses of all the owners of the manufactured housing community, and the rules and regulations governing the use of the manufactured home lot and community. Said writing shall contain a bona fide, good faith offer to each new tenant and to each person renewing or extending any existing arrangement or agreement for occupancy of premises in a manufactured housing community for a rental agreement with a term of five years or, where a valid notice of discontinuance is in effect at the time of such offer the balance of the period remaining before the effective date of the discontinuance, at fair market rental rates subject to any applicable rent control restrictions, as an alternative to any other proposed term lengths. Such writing shall be signed by the manufactured housing community owner and contain the following notice printed verbatim in a clear and conspicuous manner.

IMPORTANT NOTICE REQUIRED BY LAW

The rules set forth below govern the terms of your lease or occupancy with this manufactured housing community. If these rules are changed in any way, the addition, deletion or amendment must be delivered to you, along with a copy of the certified mail receipts indicating that such change has been submitted to the Attorney General and the Director of Housing and Community Development and either a copy of the approvals thereof by the Attorney General and said director or a certificate signed by the owner stating that neither the Attorney General nor said director has taken any action with respect thereto within the period set forth in Paragraph (5) of Section 32L of Chapter 140. This notification must be furnished to you at least 30 days before the change goes into effect. The law requires all of these rules and regulations to be fair and reasonable or said rules and regulations cannot be enforced.

You may continue to stay in the community as long as you pay rent and abide by the rules and regulations. You may only be evicted for nonpayment of rent, violation of law or for substantial violation of the rules and regulations of the community. In addition, no eviction proceedings may be commenced against you until you have received notice by certified mail of the reason for the eviction proceeding and you have been given 15 days from the date of the notice in which to pay the overdue rent or to cease and desist from any substantial violation of the rules and regulations of the community; provided, however, that only one notice of substantial violation of the rules and regulations of the community is required to be sent to you during any six month period. If a second or additional violation occurs, except for nonpayment of rent, within six months from the date of the first notice, then eviction proceedings may be commenced against you immediately.

You may not be evicted for reporting any violations of law or health and building codes to boards of health, the Attorney General, or any other appropriate government agency. Receipt of notice of termination of tenancy by you, except for nonpayment of rent, within six months after your making such a report shall create a rebuttable presumption that such notice is a reprisal and may be pleaded by you in defense to any eviction proceeding brought within one year.

Any group of more than 50% of the tenants residing in the manufactured housing community has certain rights under Section 32R of Chapter 140, to purchase the community in the event the owner intends to accept an offer to sell or lease the community in the future. If you wish to receive further information about the financial terms of such a possible purchase, you may so notify the owner at any time by signing the attached Request for Information and returning it to the owner in person or by certified mail. Such request for information shall not obligate you to participate in any purchase of the community. For a proposed sale or lease by the owner which will result in a change of use or a discontinuance of the community you will receive information at least two years before the change becomes effective. Otherwise, Requests for Information or similar notices from more than 50% of the tenants residing in the community must be on file with the owner before the owner is required to give you information concerning the financial terms of a sale or lease.

This law is enforceable by the Consumer Protection Division of the Attorney General's Office.

REQUEST FOR INFORMATION

The undersigned, a tenant in the manufactured housing community known as _____ and located at _____, Massachusetts desires to receive information concerning any proposed sale or lease of the community as required under Section 32R of Chapter 140 of the General Laws. I understand that this request shall not obligate me to participate in any purchase or lease of the community, but is only a request for information. This notice is being delivered to the owner or owner's manager either in person or by certified mail on _____ (date).

(Tenant - Name)

CHAPTER 140: SECTION 32Q
MANUFACTURED HOME DEFINED

As used in Sections 32A to 32P, inclusive, the words "manufactured home" shall mean a structure, built in conformance to the National Manufactured Home Construction and Safety Standards which is transportable in one or more sections, which in the traveling mode, is 8 body feet or more in width or 40 body feet or more in length, or, when erected on site, is 320 or more square feet, and which is built on a permanent chassis and designed to be used as a dwelling unit with or without a permanent foundation when connected to the required utilities, and includes the plumbing, heating, air conditioning, and electrical systems contained therein.

CHAPTER 140: SECTION 32R
SALE OR LEASE OF MANUFACTURED HOUSING COMMUNITY;
HOME OWNERS' ASSOCIATION; NOTICE; RIGHT OF FIRST REFUSAL

(a) A manufactured housing community owner shall give notice to each resident of the manufactured housing community of any intention to sell or lease all or part of the land on which the community is located for any purpose. Such notice shall be mailed by certified mail, with a simultaneous copy to the Attorney General, the Director of Housing and Community Development, and the local board of health, within 14 days after the date on which any advertisement, listing, or public notice is first made that the community is for sale or lease and, in any event, at least 45 days before the sale or lease occurs; provided, that such notice shall also include notice of tenants' rights under this section.

(b) Before a manufactured housing community may be sold or leased for any purpose that would result in a change of use or discontinuance, the owner shall notify each resident of the community, with a simultaneous copy to the Attorney General, the Director of Housing and Community Development, and the local board of health, by certified mail of any bona fide offer for such a sale or lease that the owner intends to accept. Before any other sale or lease other than leases of single lots to individual residents, the owner shall give each resident such a notice of the offer only if more than 50% of the tenants residing in such community or an incorporated home owners' association or group of tenants representing more than 50% of the tenants residing in such community notifies the manufactured housing community owner or operator, in writing, that such persons desire to receive information relating to the proposed sale or lease. Any notice of the offer required to be given under this subsection shall include the price, calculated as a single lump sum amount which reflects the present value of any installment payments offered and of

any promissory notes offered in lieu of cash payment or, in the case of an offer to rent, the capitalized value of the annual rent and the terms and conditions of the offer.

(c) A group or association of residents representing at least 51% of the manufactured home owners residing in the community which are entitled to notice under Paragraph (b) shall have the right to purchase, in the case of a third-party bona fide offer to purchase that the owner intends to accept, or to lease in the case of a third-party bona fide offer to lease that the owner intends to accept, the said community for purposes of continuing such use thereof, provided it (1) submits to the owner reasonable evidence that the residents of at least 51% of the occupied homes in the community have approved the purchase of the community by such group or association, (2) submits to the owner a proposed purchase and sale agreement or lease agreement on substantially equivalent terms and conditions within 45 days of receipt of notice of the offer made under subsection (b) of this Section, (3) obtains a binding commitment for any necessary financing or guarantees within an additional 90 days after execution of the purchase and sale agreement or lease, and (4) closes on such purchase or lease within an additional 90 days after the end of the 90-day period under Clause (3).

No owner shall unreasonably refuse to enter into, or unreasonably delay the execution or closing on a purchase and sale or lease agreement with residents who have made a bona fide offer to meet the price and substantially equivalent terms and conditions of an offer for which notice is required to be given pursuant to Paragraph (b). Failure of the residents to submit such a purchase and sale agreement or lease within the first 45-day period, to obtain a binding commitment for financing within the additional 90-day period or to close on the purchase or lease within the second 90-day period, shall serve to terminate the rights of such residents to purchase or lease the manufactured housing community. The time periods herein provided may be extended by agreement. Nothing herein shall be construed to require an owner to provide financing to such residents except to the extent such financing would be provided to the third party offeror in the case of a sale or lease for a use which would result in a change of use or discontinuance or to prohibit an owner from requiring such residents who are offering to lease a community to provide a security deposit, not to exceed the lesser of one-year's rent or the amount which would have been required to be provided by the third-party offeror, to be kept in escrow for such purposes during the term of the lease. A group or association of residents which has the right to purchase hereunder, at its election, may assign its purchase right hereunder to the city, town, housing authority, or agency of the Commonwealth for the purpose of continuing the use of the manufactured housing community.

(d) The right of first refusal created herein shall inure to the residents for the time periods hereinbefore provided, beginning on the date of notice to the residents under Paragraph (b). The effective period for such right of first refusal shall obtain separately for each substantially different bona fide offer to purchase or lease the community, and for each offer substantially equivalent to an offer made more than three months prior to the later offer; provided however, that in the case of a substantially equivalent offer made by a prospective buyer who has previously made an offer for which notice to residents was required by said Paragraph (b), the right of first refusal shall obtain only if such subsequent offer is made more than six

months after the earlier offer. The right of first refusal shall not apply with respect to any offer received by the owner for which a notice is not required pursuant to said Paragraph (b). No right of first refusal shall apply to a government taking by eminent domain or negotiated purchase, a forced sale pursuant to a foreclosure by an unrelated third-party, transfer by gift, devise or operation of law, or a sale to a person who would be an heir at law if there were to be a death intestate of a manufactured housing community owner.

(e) In any instance where the residents of the manufactured housing community are not the successful purchaser or lessee of such manufactured housing community, the seller or lessor of such community shall provide evidence of compliance with this section by filing an affidavit of compliance with the Attorney General, the Director of Housing and Community Development, the local board of health, and the official records of the county where the property is located within seven days of the sale or lease of the community. Any lease of five years or less shall specifically require that such lessee shall not discontinue or change the use of the manufactured housing community during the term of such lease.

(f) In any instance of a sale or lease for which a notice from the owner of the manufactured housing community is not required to be, and is not, given under Paragraph (b) and within one year of such sale or lease the new owner or lessee delivers a notice of change of use or discontinuance under Paragraph (8) of Section 32L, such notice shall provide each tenant in the manufactured housing community with at least four years prior notice of the effective date of the proposed change of use or discontinuance.

CHAPTER 140: SECTION 32S
RULES AND REGULATIONS

The Attorney General from time to time shall promulgate such rules and regulations as he deems necessary for the interpretation, implementation, administration and enforcement of Sections 32A to 32S, inclusive. Such authority shall be in addition to, and not in derogation of, the Attorney General's authority to promulgate rules and regulations under Section 2 of Chapter 93A with respect to manufactured housing communities.
