

Manufactured Homes Commission  
Minutes of Meeting Held On  
April 18, 2023 at 10:30 am<sup>1</sup>

**CALL TO ORDER:** 10:34 am

**In Attendance:** Sandra Overlock, Tracey Sharkey, Ethan Mascoop, and Assistant Attorney General Dan Less from the Attorney General's Office.

Jeffrey Hallahan and Tyler Newhall from the Department of Housing and Community Development were not in attendance.

It was generally agreed there was a quorum.

Discussion: The members were reminded that Kathy Zorotheos's term had expired, was no longer a member of the commission, and that her position was now vacant. Ms. Sharkey inquired whether the vacancy counts towards the quorum. Mr. Less looked at the bylaws and said it did not appear that it counted and that the existing members formed the basis for determining a quorum.

**APPROVAL OF MINUTES**

Ms. Sharkey made a motion to approve the minutes from February 2023.

Ms. Overlock seconded the motion.

Discussion: None

Vote: Unanimously in favor.

Ms. Sharkey asked whether the website can be changed to reflect the new chair. Mr. Mascoop stated that Chris Jee from Department of Housing and Community Development updates the Website, and that he will reach out to Mr. Jee about this.

Mr. Mascoop asked if the recordings of the commission meetings are posted on the Website. Mr. Less stated that DHCD maintains the Website and has the recordings, but he doesn't believe that they post them online. Mr. Less added that if a member of the public wanted access to the recordings, they would need to file a public records request to the commission.

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<sup>1</sup> The meeting was held remotely pursuant to G.L. c. 30A, § 20(d). The public and commission members could participate remotely through video or telephone.

**CORRESPONDENCE/COMMUNICATION**

On April 12, 2023 Mr. Mascoop received a letter from Massachusetts Assistant Attorney General Amy Spector, the Attorney General Office's Deputy Chief of the Constitutional & Administrative Law Division in response to the commission's February 21, 2023 request for a legal opinion interpreting G.L. c. 140, § 32L(8). AAG Spector responded that the AGO was "unable to provide you with a legal opinion" but did provide guidance regarding the question quoting from page 43 of the Attorney General's Guide to Manufactured Housing Community Law. A copy the April 12, 2023 letter is attached to these minutes.

When asked about the nature of the letter, Mr. Less stated that this response was solely decided by the AGO's Constitutional and Administrative Law Division, he was not involved in their decision, and cannot speak to why they came to this decision.

Mr. Mascoop responded that under his reading of G.L. c. 12, § 3, it was plain on its face that the AGO is required to provide legal opinions to any state commission that requests one and, therefore, the AGO should have provided the commission with an opinion.

Ms. Sharkey stated that the reply from the AGO just restated points from the AGO's guidebook and was unsure why the AGO couldn't give an opinion.

In responding to Mr. Mascoop's question whether he knew about G.L. c. 12, § 3, Mr. Less stated that he was generally aware of G.L. c. 12, § 3 but as an AAG in the AGO's Consumer Protection Division, he could only address statutes and regulations relating to MHC's. He explained that his office's Constitutional & Administrative Law Division was responsible for opinion requests. Mr. Less stated that even though he is the Attorney General's representative on the commission as statutorily required, that doesn't require or mean that the Attorney General or he are the legal representatives for the commission or its members. He further explained that while he can provide the commission with guidance regarding manufactured housing law, he cannot provide the commission with any kind of opinion or recommendations regarding its interpretation.

Mr. Mascoop also introduced documents from the City of Peabody (copies of which are attached to these minutes) regarding the owner of Mac's Trailer Park request for a license to discontinue its operation as a manufactured housing community (MHC). In considering whether to grant this owner a license, a hearing officer for the Peabody Rent Control Board advised the Peabody City Council that the AGO's MHC regulation relating to discontinuances (940 CMR 10.10(1)) should not be considered in determining whether the city grant Mac's a license to discontinue. Mr. Mascoop stated he found the recommendation concerning because it raises the question about whether local entities have to abide by the AGO's MHC regulations.

Mr. Mascoop stated that since the Peabody report noted that the AGO's MHC regulations did not apply to the city's decision whether to permit the community to discontinue, and based on his reading of G.L. c. 12, § 3, the AGO was required to provide an opinion in response to the commission's February 2023 request.

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Mr. Less responded that the hearing officer's report was only a recommendation to the city council and that the city council had yet to act on that recommendation. He also stated that the report was not a binding legal precedent. Mr. Less pointed out that regardless of the hearing officer's decision not to apply the AGO's regulation, they ultimately recommended to deny the community owner a license to discontinue based Peabody's by-laws regulating MHC discontinuances.

Mr. Mascoop replied that even though the recommendation was not legal precedent, he was concerned that without an opinion from the AGO, this recommendation could be used and relied upon by other municipalities as a reason not to apply the AGO's MHC regulations. Mr. Mascoop believed this is what happened in Revere in the Parkway discontinuance.

Mr. Less stated that there was a difference between Parkway's discontinuance in Revere and the Peabody hearing officer's recommendation to deny Mac's request for a license to discontinue. He noted that G.L. c. 140, § 32L(8), as further explained in the AGO's guide on page 43, gave municipalities the option of requiring an MHC owner to obtain a license to discontinue. He explained that § 32L(8) did not require all cities and towns to determine whether an MHC should be allowed to discontinue. Mr. Less noted that Peabody had a by-law requiring Mac's to obtain a license. He stated that Revere had no such by-law. Mr. Less explained that as a result, the owner of Parkway could just close the community down without even having to request approval from Revere while Mac's had to ask Peabody for approval and the Peabody hearing officer recommended denying the request.

Mr. Mascoop proposed sending another question to the AGO:

In response to the letter from the Attorney General dated April 12, 2023, in which the Attorney General did not provide a legal opinion, the Commission is requesting clarification for the original request for a legal opinion under G.L. c. 12, § 3.

Ms. Sharkey so moved, and Ms. Overlock seconded the motion. Ms. Sharkey, Ms. Overlock, and Mr. Mascoop voted in favor of the motion. Mr. Less abstained. The motion passed.

## **OLD BUSINESS**

### **Update on & Unintended Consequences of Transit Oriented Development and its impact on MHCs**

Mr. Mascoop's students from the Boston University School of Public Health, Naomi Gross & Erika Teetsel, presented their research. The following is a summary of their presentation. The deck they used in their presentation is attached to these minutes.

Transit Oriented Development (TOD) provides some benefits. Currently, there is a housing crisis in MA and there's a need for more housing stock. Prioritizing multi-family units near transit decreases reliance on cars and is a good tactic against exclusionary zoning practices.

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Despite these benefits, there are also some unintended consequences for MHCs. Ms. Gross and Ms. Teetsel assessed the risk TOD zones pose to MHCs being through their proximity to transit stations. They identified 30 MHCs within a mile and 12 within a half mile of major transit stations. Consequently, they noted that these 30 MHCs are at risk of potentially being discontinued and demolished in favor traditional multi-family units within their TOD zones. They explained under TOD zoning, it may be more profitable for MHC owner to discontinue their MHCs and replace with this type of housing.

Ms. Gross and Ms. Teetsel pointed out clusters of at-risk MHCs in Fitchburg in the north and Wareham in the south. They also showed that Attleboro and Wareham have the most at-risk MHCs. They also noted that it is more likely TOD zones will be in commercial areas (strip malls, abandoned lots, etc.). In this vein they stated that if MHCs aren't currently zoned as residential, it is more likely they'll be targeted.

Mr. Mascoop's students showed 6 MHCs currently at high risk, 5 of which are in Wareham. They explained that Wareham has no zoning district where MHCs can exist or be in current development. They noted these MHC's have been grand-parented in, which they assert increases the risk of their discontinuance. Ms. Gross and Ms. Teetsel did note that of these MHCs are resident owned, which decreases the risk of discontinuance. Rent control boards in Middleboro and Wareham also act as a protective measure reducing the risk of discontinuance. Nonetheless, they stated that addressing ideas around re-zoning and zoning out MCHs should be a priority.

Ms. Gross and Ms. Teetsel stated that while there are no clear demographics reported for MHC residents, it appeared that about 90% are non-Hispanic/white, about 19% receive SNAP, the overall disability status is significantly higher, and overall, residents have lower income and higher disability and SNAP rates. They asserted that many residents who would be displaced from discontinued MHCs reported facing homelessness, which increases bad health outcomes and factors into the risk/benefit analysis of TOD.

Ms. Gross and Ms. Teetsel made the following recommendations

1. Conduct a physical census of all MHCs. They asserted that is hard to assess risk without better demographic data, and the US census is not precise enough to identify demographics of MHC residents. The commission could use this as a tool to develop relationships with parks, contribute to residents understanding of the commission, and encourage them to come to meetings with complaints.
2. Update and add new language for zoning proposals with DHCD. Include existing MHCs as well.
3. Have commission request certified zoning maps and action plans from the AGO and DHCD for every town.

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Tom Barry from DHCD stated that DHCD was one of the main parties drafting guidance for TOD. He doesn't know the extent to which maps are being made public. He doesn't know if DHCD will centralize that information; specific questions might be more helpful.

The students recommended prioritizing cities and towns most at risk and reaching out to individual zoning boards.

Mr. Less stated he can schedule a phone call with the students, himself, and someone from DHCD to narrow down what information they need and figure out the best way to get it.

Mr. Barry stated that himself and Chris Jee have a limited role at DHCD. He suggested someone from the TOD team might be helpful.

Mr. Mascoop wanted to make sure MHCs are thought about and represented as DHCD is developing guidelines. Mr. Barry said he could help facilitate that conversation.

Ms. Sharkey has started to gather voter lists from town clerks and extract residents of MHCs by address. She has sent this to Mr. Mascoop and can send to other commission members if helpful.

## **NEW BUSINESS**

### **MHC Complaints Presentation (Dan Less)**

Mr. Less presented on the MHC complaints that the AGO receives. A copy of the deck he presented is attached to these minutes. He explained how the complaint system works. He also noted that the data contained in the deck categorizing complaints was not official data for the reasons listed in the deck.

Mr. Less highlighted that one the most critical issues was installation and repair of slabs. The AGO receives many complaints about these but there is nothing MHC law that controls installation of units. He explained that installation is overseen and enforced by municipal building departments and HUD regulations. Consequently, AGO typically refers these complaints to those agencies. Mr. Less also noted receiving complaints about communities not making capital improvements such as driveway maintenance, light posts, and road repair.

## **OPEN FORUM**

**Daniel from Revere MHC** - Mr. Mascoop stated that one home is still occupied in the discontinued Parkway MHC in Revere. A mother, father, adult child, and 16-year-old daughter live there. Yesterday, management turned off the water to the home, and the family was told they need to move out because there's no water. They are in touch with GBLS.

Daniel, the adult child, was present. He shared that he is currently living with his two parents and sister. They are the last people in the Revere trailer park. As of Monday morning, their water was cut off. He talked to the landlord on Friday, who informed his family the water would be shut off

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because of maintenance. As of today and yesterday, he has not seen anyone working on the water. He gave the city a call and they are aware of the situation. They haven't had water since yesterday morning.

Mr. Less stated he will give the City of Revere a call. Mr. Mascoop will email Mr. Less Daniel's contact information so they can coordinate. Mr. Less stated that the landlord can't curtail water under the sanitation code unless there's maintenance being done.

### **NEXT COMMISSION MEETING**

Mr. Mascoop proposed hybrid commission meetings going forward so the commission can accommodate different access needs.

Mr. Less raised that hybrid meetings are difficult. The commission would need to find a location that could facilitate it. He would love to do it if possible but has had frustrating experiences with it in the past.

Ms. Overlock and Ms. Sharkey both raised that in-person meetings may not be worth it; the commission has gotten more participation with remote meetings.

Mr. Less proposed that the commission hold 1-2 meetings a year in person. He stated there is value in commission members interacting with each other in person in talking with people face-to-face. He suggested the commission hold these meetings somewhere where there's a high concentration of MHCs.

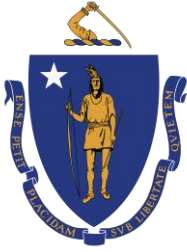
The commission agreed to do the next meeting in person, in Worcester, on **July 18th** with some hybrid element. Mr. Less will schedule a meeting in a Worcester venue.

**MOTION TO ADJOURN** at 12:38 pm by: Ms. Sharkey

Seconded by: Ms. Overlock

Discussion: None

All in favor: Unanimous



THE COMMONWEALTH OF MASSACHUSETTS  
OFFICE OF THE ATTORNEY GENERAL

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VIA EMAIL

April 12, 2023

Ethan Mascoop, Chair  
Massachusetts Manufactured Housing Commission  
[ethanmascoop@gmail.com](mailto:ethanmascoop@gmail.com)

Re: Request for Advice Regarding G.L. c. 140, § 32L(8)

Dear Chair Mascoop:

I am writing in response to your email dated February 21, 2023, in which you conveyed a request by the Massachusetts Manufactured Housing Commission ("Commission") that the Attorney General provide an opinion concerning the following question:

Does Chapter 140, Section 32L(8) apply to local municipal and/or regional boards or bodies including, but not limited to, Zoning Boards, Rent Control Boards, Planning Boards, City Councils and Selectboards when considering a change of use and/or discontinuance of a manufactured housing community as described in the statute?

Thank you for your inquiry. Although we are unable to provide you with a legal opinion regarding this matter, I wanted to bring to your attention the Attorney General's Guide to Manufactured Housing Community Law (2017) ("Guide"), which includes the following guidance regarding § 32L(8):

**Some cities and towns** with manufactured housing rent control **require a permit if community owner/operators want to discontinue or change the use of a manufactured housing community**. In these cities and towns, your community owner/operator cannot issue a notice that the community is discontinuing without first **following the local permitting process**. M.G.L. c. 140, § 32L(8). Once the community owner/operator **applies for a discontinuance permit** and is going to appear before the **local authorities**, he or she must give residents at least 15 days written notice of his or her appearance, delivered by certified or registered mail. *Id.* **The procedures and standards for the permitting process are set forth in the local rent**

Ethan Mascoop, Chair  
Massachusetts Manufactured Housing Commission  
April 12, 2023  
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**control laws.** Questions about this process should be directed to your **local rent control board, city council, or board of selectmen.**<sup>1</sup>

Guide at 43 (emphasis added). The Guide also references Raynham, North Reading, Salisbury, and Peabody as examples of municipalities that have adopted by-laws or ordinance requiring MHC owner/operators to obtain permits from “local authorities” to discontinue and/or change the use of their MHC. *Id.* at 43 n. 61.

I hope that the foregoing information is helpful to you.

Very Truly Yours,

/s/ Amy Spector

Amy Spector  
Deputy Chief, Constitutional &  
Administrative Law Division  
Opinions Coordinator

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<sup>1</sup> The Guide is available for viewing and downloading from the Attorney General’s website at [mass.gov/ago/mhu](https://mass.gov/ago/mhu).



8-H

**City of Peabody**  
**RENT CONTROL BOARD**

City Hall • 24 Lowell Street • Peabody, Massachusetts 01960 • 978-538-5918

CITY OF PEABODY  
CLERK  
2022 DEC 29 PM 2:31

**Recommendations of the Peabody Rent Control Board re**  
**Mac's Trailer Park Application for a Discontinuance Permit**

Pursuant to the Peabody Rent Control Enabling Act, Chapter 131 of the Acts of 1976, as amended by Chapter 302 of the Acts of 1987, and to M.G.L. Chapter 30A, the Peabody Rent Control Board (hereinafter "the Board") convened a public hearing and meeting on December 21, 2022, to review the application of the owner of Mac's Trailer Park in Peabody for a discontinuance permit ("the Application"). The purpose of the hearing was for the Board to review the report and recommendations of its Hearing Officer, Roger Mervis, pursuant to Section 18-58(d) and (e) of the City of Peabody Ordinances, and to make a recommendation to the Peabody City Council regarding the issuance of such permit. In turn, Mr. Mervis' report and recommendations were based upon testimony and evidence presented at an evidentiary hearing held by Mr. Mervis on November 7, 2022.

The November 7, 2022 hearing and all procedures related thereto were conducted in compliance with the State Administrative Procedures Act, M.G.L. Chapter 30A. Notice of this hearing was provided to the Park owner and the Park tenants and a copy of this notice was posted at the City Clerk's office and published in a local newspaper for two successive weeks. At the hearing, all interested parties were given the opportunity to testify, to make arguments, to ask questions and to submit written materials to the Board. A tape recording was made of the hearing, and such recording constitutes the official record of the hearing.

Based upon the findings and recommendations of Mr. Mervis, the Board voted unanimously at its December 21, 2022 hearing to recommend to the Peabody City Council that the application for a discontinuance permit submitted by the owner of Mac's Trailer Park be denied.

12/28/2022  
Date

  
Chairperson  
Peabody Rent Control Board

# RENT CONTROL BOARD

CITY OF PEABODY  
24 Lowell Street,  
Peabody, Massachusetts 01960

## Report and Recommendations

**To:** Peabody Rent Control Board Members

**From:** Roger Mervis, Hearing Officer  
Peabody Rent Control Board

**Re:** Request from Peabody City Council for Recommendation  
re: Application for Discontinuance Permit for the  
Mac's Trailer Park

**Date:** December 21, 2022

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### I. Introduction

The Peabody Rent Control Board ("the Board") has received a request from the Peabody City Council that the Board convene a public hearing and issue a recommendation to the Peabody City Council regarding the application of Pyramid Holdings, LLC (hereinafter "the Park owner"), the current owner of Mac's Trailer Park (hereafter "the Park"), for a "discontinuance permit" for the Park, pursuant to City of Peabody Code, Sec. 18-58.<sup>1</sup> As a result, at the request of the Board, I convened a public hearing on November 7, 2022 to elicit evidence and testimony from (a) the Park owner, (b) the Park tenants and (c) interested members of the general public regarding the City Council's request for a recommendation as to whether or not a discontinuance permit should be issued for the Park.

The November 7 hearing and all procedures related thereto were conducted in compliance with the State Administrative Procedures Act, M.G.L. Chapter 30A, and Sec. 18-58 of the City of Peabody Code. A copy of the notice of this hearing was (1) published in the Peabody/Lynnfield Weekly News on October 20, 2022 and October 27, 2022; (2) e-mailed to the Park owner's and the Park tenants' legal counsel; and (3) delivered to each of the Park's tenants. At the hearing, all interested parties were

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<sup>1</sup> The effect of issuance of such a permit would be to exempt the Park from the regulation and oversight of the Board.

given the opportunity to testify, to submit written materials, to make arguments, and to ask questions of the witnesses. A tape recording was made of the hearing, and such recording constitutes the official record of the hearing.

## **II. Procedural Background**

City of Peabody Code Sec. 18-58(e) sets out the following criteria for determining whether or not a discontinuance permit should be granted by the Peabody City Council:

"In determining whether to recommend that the City council grant or deny a discontinuance permit, the rent control Board shall consider the aggravation of the shortage of safe, decent and affordable mobile home park accommodations in Peabody, which may result from the discontinuance, especially for tenants of low and moderate income and handicapped or elderly person on fixed incomes. In making such determination, the rent control Board shall make findings of the following factors:

(1)the benefits and detriments to the persons whom this section seeks to protect;

(2)the hardships imposed on the tenant(s) residing in the mobile home accommodations proposed to be discontinued;

(3)circumstances demonstrating hardship and inequity to the licensee seeking a discontinuance permit;

(4)the rate of vacancy of mobile home accommodations in the City of Peabody at the time the licensee applies for a discontinuance permit and the average rental rates for said available accommodations.

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

The rent control Board, in its discretion, may also review other relevant factors in making its report and recommendations."

As a result, the Board, in making its recommendation to the City Council, must ground such recommendation by applying these statutory criteria.

In addition to this City of Peabody ordinance, the grant of discontinuance permits to owners of mobile home parks in the Commonwealth are also subject to the provisions of Chapter 140, Section 32L, the so-called Massachusetts Manufactured Housing Act. This statute is regulated and enforced by the Attorney General of the Commonwealth. Counsel for several of the Park's tenants have requested that the Board accept evidence and address compliance issues arising from this statute regarding the issuance of a discontinuance permit. As I indicated to the parties at the November 7 hearing, I have had conversations with representatives of the Attorney General's office, which is responsible for enforcement of the Act, as well as the Peabody City Solicitor regarding the applicability of this statute to the Board's proceedings. Prior to the hearing, I communicated my judgment that in the absence of any explicit written delegation and authorization from the Attorney General's office to the Peabody Rent Control Board, the Board has no legal or administrative authority to apply this state-wide law to this matter at hand and that to the extent that any party has a question as to whether issuance of a discontinuance permit in this instance complies with the state-wide law, it should pursue those questions with the Attorney General's Office. The parties were given the opportunity at the hearing and in post-hearing memoranda to address this issue.

### **III. Public Hearing**

#### **A. Hearing Procedures**

Notice was provided of the time, date and place of the hearing to all interested parties. Anyone who wished to testify and provide evidence to the Board at the hearing was provided such opportunity before the close of the evidentiary hearing. All witnesses were sworn and their testimony was provided under oath. Anyone wishing to cross-examine a witness was given such opportunity. Any witness or attorney wishing to submit an exhibit into the evidentiary record was permitted to do so. All such exhibits were accepted as part of the evidentiary record, over any objections, subject to the Board's ultimate determination as to their respective relevance and materiality. All individuals present at the hearing were advised that if they wished to present evidence to the Board, this hearing would represent their only opportunity to do so, and that at the subsequent hearing before the Board, the Board would accept arguments concerning the Hearing Officer's report and recommendations but would not accept new evidence.

The hearing was tape-recorded. Copies of the documents introduced into the record by respectively the Park owner and legal counsel to nine (9) of the Park's tenants (see later discussion) were exchanged prior to the hearing. All interested parties were provided with the opportunity to provide a post-hearing memorandum.

#### **B. Administrative Notice**

Taking administrative notice, the Hearing Officer on behalf of the Board introduced into the record the following documents:

1. Owner's Petition to Peabody City Council for a discontinuance permit for Mac's Trailer Park, dated June 29, 2022;
2. Records of the Peabody Rent Control Board regarding the management of Mac's Trailer Park; and
3. Past decisions and Orders of the Board reflecting its interpretation and implementation of City of Peabody Code Sec. 18-58, as applied to applications for a discontinuance permit.

#### **C. Park Owner**

Attorney Robert Kraus, of the firm of Kraus & Hummel, LLP of Plymouth, Massachusetts, appeared on behalf of the Park owner. Attorney Kraus presented the following witnesses:

1. Michael Patrick - Joint venture partner of Park owner
2. Jennifer Defeo - legal counsel to Park owner, testifying as a fact witness, not as counsel

As part of the Park owner's presentation, Attorney Kraus formally introduced the following exhibits into the record:

1. "Exhibit A" - Amendment to City of Peabody zoning Ordinance, establishing 6.16 Residential Overlay District 6.16; and
2. "Exhibit B" - Colored chart of status of each of the Park's lots and the homes thereon.

Attorney Kraus submitted to the Board prior to the hearing a "Memorandum" dated November 4, 2022, addressing (a) the applicable criteria in the Peabody ordinance for determining whether to grant a discontinuance permit and (b) certain questions posed by the Board's Hearing Officer prior to the hearing. In addition, Attorney Kraus submitted to the Board a "Post-Hearing Memorandum" dated November 21, 2022, summarizing the evidence presented at the hearing and its applicability to the criteria delineated in the Peabody ordinance to determine whether a discontinuance permit should be granted.

#### **D. Park Tenants**

The following tenants were represented at the hearing by Attorneys Ellen Peterson and Lindsay Kramer Custer of the Northeast Justice Center:

- Mark Bradbury
- Colleen Foley
- Christian Smith
- Joseph French
- Jeff DeMarco
- John McGillivray
- Deborah Valentine
- David Zwicker
- Debbie Goyette

Attorneys Peterson and Custer presented the following witnesses:

1. Diego Osorno - Principal of Park owner
2. Mark Bradbury - Park tenant
3. Deborah Goyette - Park tenant
4. David Zwicker - Park tenant
5. Christian Smith - Park tenant
6. Colleen Foley - Park tenant
7. Joseph French - Park tenant
8. Jeff DeMarco - Park tenant

As part of the Park owner's presentation, Attorneys Peterson and Custer formally introduced the following exhibits into the record:

1. Declaration of Sharon Cameron (Board of Health);
2. Declaration of Eric Rosen (Realtor)
3. Letter from Stacey Bernson (Community Development)
4. Declaration of Deborah Valentine
5. March 20, 2014 Planning Board vote to approve site plan
6. March 4, 2014 letter to Planning Board from N. Lee and J. Gebo
7. February 7, 2014 Existing and Planned Site Development Plan (N. Lee)
8. July 21, 2016 Deed for Mac Park
9. September 21, 2016 Deed for 14 Pine Street
10. August 17, 2022 Mayor letter to Planning Board re: 14 Pine Street
11. August 18, 2022 Planning Board meeting minutes
12. September 8, 2022 City Council meeting minutes
13. June 29, 2022 Kraus letter to City Council re: Discontinuance
14. September 1, 2022 letter from Planning Board to Council re: 14 Pine Street

In addition, Attorneys Peterson and Custer submitted to the Board a "Post-Hearing Memorandum" dated November 16, 2022, addressing (a) the applicability of the "good faith" criteria of the Manufacture Housing Act, M.G.L. Chapter 140, Section 32L(8) and (b) whether the Park owner has satisfied the Act's "good faith" requirement as a precondition to discontinuance.

#### **IV. Testimony and Findings**

1. Michael Patrick, being duly sworn testified as follows:

- a. He is a joint venture partner of Pyramid Holdings, LLC for purposes of development of the parcel upon which the Park is located.
- b. He would like to develop housing on this parcel.
- c. All the current mobile homes in the Park are "single wides" from the 60's and 70's.
- d. The development team has had informal discussions with the City of Peabody about developing 54 - 72 units of housing on this parcel.
- e. If housing is developed on this parcel by the development team, they will set aside twenty percent (20%) of the units as "affordable".
- f. The current situation at the Park has created a "hardship" for the Park owner, based upon (i) a negative cash flow and (ii) the requirements of the Peabody Board of Health's orders.
- g. The other mobile home parks in Peabody are currently 100% occupied.
- h. The purpose of the residential overlay district created by the City of Peabody, which includes the parcel upon which the Park is located, is to foster the creation of more housing units, including affordable units.
- i. He recently joined the development team.
- j. His most recent experience is in the development of new projects and the renovation of existing structures. Including his prior work in accounting, he has about 35 years of experience.
- k. He endorses all of Attorney Kraus' prior statements, including
  - i. there are 22 lots in the Park,
  - ii. all the mobile homes in the Park pre-date the advent of rent control in Peabody in 1976,
  - iii. the Park is 70 years old and beyond its useful life,
  - iv. the City's creation of a residential overlay district, which includes the Park, demonstrates what the City of Peabody wants built on this parcel,
  - v. per the City of Peabody's zoning ordinance, 54 units could be built upon this parcel, as of right,
  - vi. the state Manufactured Housing Act requires the Park owner to relocate each of the Park tenants or to pay the tenants who own their own home the appraised value of the homes,



- vii. there are no available vacant mobile home lots in the Peabody area,
  - viii. the homes currently in the Park are not in condition to be moved and would not be accepted by a new park community,
  - ix. the residential overlay district created by the City of Peabody requires that 20% of any residential units to be developed in the district be "affordable", and
  - x. the cost of hooking up the remaining six (6) lots in the Park that are currently serviced by septic would cost between \$350,000 - \$600,000.
2. I find Michael Patrick 's testimony to be credible and accept it as such.
3. Jennifer DeFeo, being duly sworn, testified as follows:
- a. She has been involved with the ownership and potential development of the Park since 2015.
  - b. The original intention of the Park owner was to expand the Park by adding lots for new mobile homes, but it ran into obstacles, which made such expansion "cost prohibitive".
  - c. The Peabody Board of Health initially ordered completion of the sewer system in 2014, when the Park was owned by a previous owner.
  - d. The residential overlay district, of which the Park is a part, was created at the instigation of the City of Peabody and the Peabody Board of Health, without any input from the current Park owner.
  - e. The Park owner estimates that installation of a sewer system to link with the six (6) lots in the Park on septic would cost from \$300,000 - \$600,000.
  - f. The Park owner is experiencing a financial hardship. It is not making any money.
  - g. The unoccupied homes in the Park cannot be rerented per the order of the Peabody Board of Health.
  - h. There are not unoccupied mobile home lots in Peabody.
  - i. There is no land available in Peabody for the development of new lots for mobile homes.
  - j. It appears that fifty-four (54) residential units could be developed as of right on the Park parcel per the current zoning.
  - k. A number of extensions of the Peabody Board of Health's original 2014 order have been granted.

- l. There are four (4) vacant units currently at the Park, which are owned by the Park owner but cannot be rented because they are not habitable.
  - m. There are five (5) vacant lots in the Park, of which three (3) had mobile homes that were torn down after being condemned.
  - n. The current Park owner has never required a capital improvement rent increase.
  - o. There is currently no approved redevelopment plan for the Park, which has been approved by the City of Peabody.
  - p. The Park owner also owns 14 Pine Street, which abuts the Park.
  - q. The Mayor of Peabody opposed the inclusion of 14 Pine Street in the residential overlay district.
  - r. No redevelopment plan for the Park is currently pending before any agency of the City of Peabody.
  - s. In 2016, the Park owner was still contemplating expanding the Park.
  - t. It was not till May, 2022, that the Park owner began to envision the development of new housing units on the Park parcel as an alternative development plan for the Park.
  - u. In 2016, the Peabody Board of Health ruled that any new homes at the Park must be hooked up to sewer.
4. I find Jennifer Defeo's testimony to be credible and accept it as such, with the exception of her representation that the Park owner had not contemplated the development of new residential units on the Park parcel as an alternative to expansion of the Park until May, 2022. Rather, the Board's records indicate that the Park owner's prior legal counsel approached the Board in May, 2018 about the possibility of developing a so-called 40B housing development on the Park parcel, which, he claimed, would not be subject to the jurisdiction of the Board. Ms. Defeo may want to explain this seeming contradiction.
5. Diego Osorno, being duly sworn, testified as follows:
- a. He has experience working on both financial and real estate matters.
  - b. He owns other businesses, in addition to Pyramid Holdings, LLC
6. I find Diego Osorno's testimony to be credible and accept it as such.
7. Mark Bradbury, being duly sworn, testified as follows:

- a. He has lived at the Park since 2000.
  - b. He states that 17 individuals live at the Park.
  - c. His rent for the lot is \$197.43.
  - d. He is disabled and lives on a fixed income.
  - e. He doesn't drive.
  - f. Closure of the Park would pose a hardship for him.
8. I find Mark Bradbury's testimony to be credible and accept it as such.
9. Deborah Goyette, being duly sworn, testified as follows:
  - a. She rents unit 15 at the Park.
  - b. She is 62 years of age.
  - c. She has lived in the Park for 13 years.
  - d. She shares her home with another tenant.
  - e. She suffers from a variety of disabilities and lives on a fixed income.
  - f. She pays 50% of the \$700.00 per month rent to the owner of her home.
  - g. She has no idea where she would go if the Park were to be closed.
10. I find Deborah Goyette's testimony to be credible and accept it as such.
11. David Zwicker, being duly sworn, testified as follows:
  - a. He is 55 years of age.
  - b. He has lived in the Park for 13 years.
  - c. He lives with Deborah Goyette.
  - d. He pays 50% of the \$700.00 rent plus utilities.
  - e. He suffers from a variety of disabilities and is on a fixed income.
  - f. He enjoys the Park community and his neighbors.
  - g. He wouldn't know where to go if the Park closed.
12. I find David Zwicker's testimony to be credible and accept it as such.
13. Christian Smith, being duly sworn, testified as follows:
  - a. He is 63 years of age.
  - b. He has lived in the Park for 7 years.
  - c. He gets along well with the Park's managers.

14. I find Christian Smith's testimony to be credible and accept it as such.
15. Colleen Foley, being duly sworn, testified as follows:
- She is 66 years of age.
  - She has lived at the Park for 25 years.
  - She pays \$197.43 per month to rent a lot at the Park.
  - Living at the Park gives her independence and peace and allows her to save money.
  - It would be "wrenching" for her to see her home torn down and to have to move.
  - She works as a social worker.
16. I find Colleen Foley's testimony to be credible and accept it as such.
17. Joseph French, being duly sworn, testified as follows:
- He is 62 years of age.
  - He suffers from a variety of disabilities.
  - He has lived in the Park for 22 years.
  - He pays \$197.43 per month to rent a lot at the Park.
  - He lives with his 21-year old son.
  - He is proud of how he has fixed up his home.
  - He hopes to pass on ownership of his home to his son.
  - He doesn't drive.
18. I find Joseph French's testimony to be credible and accept it as such.
19. Jeff Demarco, being duly sworn, testified as follows:
- He is 45 year old.
  - He has lived at the Park for 22 years.
  - His father, who is deceased, conveyed ownership of his mobile home to him in 2017.
  - He is disabled and has filed for disability benefits. He is currently getting financial assistance from the Commonwealth of Massachusetts Transitional Assistance Program.
  - He has no other financial options; paying off the mortgage on his mobile home has made all the difference.
  - He doesn't drive.
20. I find Jeff Demarco's testimony to be credible and accept it as such.
21. Garry Gagne, being duly sworn, testified as follows:

- a. He lives with his father, who has dementia.
  - b. Other tenants in the Park are like family to him and help him take care of his father.
  - c. He moved back to the Park 4 years ago to take care of his father.
  - d. The Pyramid managers have been very nice to him.
22. I find Garry Gagne's testimony to be credible and accept it as such.
23. Marcia O'Leary, being duly sworn, testified as follows:
- a. She lives at the Whispering Meadows cooperative mobile home park in Peabody.
  - b. Six of the 12 mobile home parks in Peabody are cooperatives.
  - c. Whispering Meadows has existed as a mobile home park since 1940.
  - d. She has lived in her home at Whispering Meadows since 1974.
  - e. She believes that it is now impossible to buy an existing mobile home in a Park in Peabody for less than \$185,000.
  - f. The tenants bought the Park in 2005, utilizing a 15-year mortgage, which has been paid off.
  - g. The rents at Whispering Meadows are \$200.00 per month, despite the fact that they use an outside management company.
  - h. She believes that there will be no place for the Mac's Park tenants to move in Peabody if the Park were to close.
24. I find Marcia O'Leary's testimony to be credible and accept it as such.

### **Subsidiary Findings:**

1. The Park is a mobile home park owned and operated by Pyramid Holdings, LLC since 2016.
2. The Park contains twenty-two (22) lots, of which eight (8) lots are currently occupied by tenants that own their own home.
3. 10-13 homes in the Park are occupied (not vacant).<sup>2</sup>
4. There are currently five (5) vacant lots in the Park, upon which three (3) homes were condemned and torn down.
5. All the homes in the Park are so-called "single wides", which were manufactured in the 1960's and 1970's.
6. Operation of the Park currently generates a negative cash flow.
7. The Park owner proposes to discontinue use of the Park for mobile homes, in favor of the development of multi-family housing on the site.
8. As a pre-condition to the Park owner's development plans, the Park owner has filed an application with the Peabody City Council for the issuance of a so-called "discontinuance permit" to permit the discontinuance of the Park as a site for mobile homes.
9. City of Peabody Code, Sec. 18-58 applies to the Park owner's application for a "discontinuance permit".
10. Each of the Park tenants who testified at the hearing wish the site to remain as a mobile home park and oppose the grant of a discontinuance permit to close the Park.
11. Since 2014, the Park has been subject to complaints and orders by the Peabody Board of Health due to the fact that six (6) of the lots are not hooked up to the City's sewer system and are on septic.
12. Since 2014, the Board of Health has repeatedly extended the time period by which the Park owner was required to comply with Title V requirements.
13. The Park owner has not reported any problems with maintenance of the septic system for the six (6) lots since taking ownership.
14. Since 2016, the Peabody Board of Health has prohibited the Park owner from rerenting any of the vacant homes in the Park until it comes into compliance with Title V requirements.

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<sup>2</sup>One homeowner recently passed away and another is in a coma.

15. The Park owner estimates that it would cost \$300,000 - \$600,000 to install a new sewer system for the six (6) lots at the Park currently on septic.
16. As a result of an amendment to the Peabody Zoning Ordinance in 2019, the Park is now in a "residential overlay district".
17. Pursuant to the Park's location in the residential overlay district, if the Park were closed, the Park owner could develop up to fifty-four (54) new units on the site as a "matter of right".
18. Currently, the Park owner has not presented the City of Peabody with any specific development proposal for its consideration.
19. The current legal maximum rent at the Park, as set by the Board, is \$197.43 per month.
20. As a matter of administrative notice, the current Park owner has not petitioned the Board for either an operating expense rent increase nor a capital improvement rent increase in the legal maximum rents at the Park since taking ownership of the Park in 2016.
21. As a matter of administrative notice, the Park owner explored the possibility in 2018 of closing the Park, in favor of development of an affordable housing development pursuant to Chapter 40B. Ultimately, the Park owner did not apply to the Peabody City Council for a discontinuance permit as a precondition to such development.
22. The mobile homes in the Park cannot be moved either because they could not withstand the rigors of such a move or because their poor condition would not be acceptable in another park.
23. There are currently no mobile home park lots available in any of the mobile home parks in Peabody.
24. There is no land available in Peabody for the development of new mobile home parks.
25. Most of the residents of the Park are elderly, low-income and/or disabled and live on fixed incomes.

### **Statutorily-Required Findings:**

Based on the above subsidiary findings, I recommend that the Board specifically make the following findings, required by Sect. 18-58(e), with regard to the proposed issuance of a discontinuance permit based on the sale of the Park to the Cooperative:

1. **The benefits and detriments to the persons whom Section 18-58 seeks to protect** - Clearly, by any measure, this section of the Peabody ordinances was designed to protect the residents of mobile home parks in Peabody from involuntarily being forced from their homes, with all the attendant disruptions to their lives. Moreover, given the financial, physical and other challenges that relocation poses to this vulnerable population, the detriments for the residents far outweighs any potential outcome despite the scope of any potential relocation benefits. While the Park owner may be experiencing a negative cash flow from the operation of the Park, that likelihood existed when the Park owner acquired the Park in 2016. Moreover, the Park owner has never sought to explore with the Board the potential for legally increasing the cash flow at the Park. In sum, the benefits of denying the requested discontinuance permit to the persons whom Section 18-58 seeks to protect far outweighs the detriments to the Park owner.
2. **The hardships imposed on the tenant(s) residing in the mobile home accommodations proposed to be discontinued** - It is clear that closure of the Park and relocation of its residents will pose a multi-faceted hardship for the tenants, particularly the loss of sense of community so important to these tenants. While the Park owner may have to deal with some level of financial hardship, the Park owner is better equipped with greater resources to address the future operation of the Park.
3. **Circumstances demonstrating hardship and inequity to the licensee seeking a discontinuance permit** - While the Park owner may legitimately plead financial hardship as a result of the denial of its request for a discontinuance permit, the Park owner has alternatives available to it, including working with the Board to explore operating and capital improvement rent increases. However, given that the Park owner and its team include several sophisticated and



experienced real estate and financial members, who undoubtedly had the opportunity to conduct due diligence before purchasing the Park in 2016, there is no inequity to the Park owner.

4. **The rate of vacancy of mobile home accommodations in the City of Peabody at the time the licensee applies for a discontinuance permit and the average rental rates for said available accommodations** - Currently, there are no vacant mobile home lots in any of the mobile home parks in Peabody. Further, it is not clear that any of the homes in the Park that are owned by tenants could be moved to another mobile home park. Should the Park be closed, at minimum, the Park's residents who own their home, would not be able to remain in their home while remaining in Peabody.
5. **The availability of land zoned and otherwise suitable for development or expansion of mobile home parks** - There is simply no land available in Peabody for development or expansion of an existing mobile home park of additional mobile home lots. Rather, the history of mobile home parks in Peabody has been that with the exception of tenant-owned parks, the supply of mobile home parks has been diminishing for many years.

I recognize that Sec. 18-58(e) also permits the Board, at its discretion, to "review other relevant factors in making its report and recommendations". This provision would seemingly permit the Board to take into consideration other important public policy factors, such as (a) the threat to public health posed by the Park's non-compliance with Title V, and (b) the City's inclusion of the Park land in the new residential overlay district, designed to encourage residential development in the zone. These are important and worthwhile concerns that should not be ignored. Nevertheless, I do not believe that the Peabody City Council in enacting Section 18-58(e) intended that the consideration of these "relevant factors" should override the central concerns of Section 18-58 for the protection of mobile home parks in Peabody.

## **V. Recommendation**

Based upon the statutorily-required findings, I recommend that the application for a discontinuance permit for Mac's Trailer Park be denied pursuant to Section 18-

58(e). I believe that denial in this instance accurately reflects the intention of the Peabody City Council, when it enacted Section 18-58, in dealing with the proposed future closures of mobile home parks in Peabody, as evidenced by the factors in Section 18-58(e).

Notwithstanding these findings and recommendation, I note that the other public policy considerations referenced above are of serious importance to the community. Because Section 18-58(e) was written and enacted with a focus on the preservation of mobile home parks in Peabody, it gives the Board little discretion to seriously consider these other public policy considerations. Therefore, it is possible that the Peabody City Council may want to revisit in the future the factors and process by which applications for discontinuance permits for mobile home parks in Peabody are reviewed. That is clearly a legislative and political, not an administrative, decision, outside the scope of the Board's authority.

Finally, I would note that the parties to this matter were offered the opportunity to use mediation to explore the possibility of trying to reach a resolution of this matter that reflects the interests of all parties. To the best of my knowledge, the parties did not avail themselves of this opportunity and, therefore, the Board, in this instance, is faced with a binary choice of recommending the grant or the denial of the discontinuance permit, neither of which may ultimately serve the long-term interests of all parties. I am particularly concerned about the testimony of the long-time residents of the Park, who are facing enormous physical, emotional and financial challenges in their lives but whose challenges will not necessarily be adequately addressed by a mere denial of the permit.

## **VI. Manufactured Housing Act**

As noted above, legal counsel for the Park residents have urged the Board to apply the state-wide Manufactured Housing Act, M.G.L. Chapter 140, in this case and to make a determination thereunder that the Park owner has failed to satisfy the "good faith" requirement as a condition to discontinuance pursuant to M.G.L. Chapter 140 Section 32L(8). After reviewing the memoranda upon this topic from the parties, I remain unconvinced that in the absence of an explicit delegation of authority from the Massachusetts

Office of Attorney General,<sup>3</sup> the Commonwealth's regulatory authority for Chapter 140, that the Board should be attempting to apply and enforce a provision of this state-wide act. Application of Section 32L(8) in this instance represents to me a "slippery slope" which could jeopardize the amicable working relationship between the Board and the Office of the Attorney General and could lead to protracted litigation about the Board's authority to do so. On balance, I believe that the Board and the City Council would be well-advised to avoid any such confrontation with the Commonwealth. With the benefit of the Board's findings herein, the Attorney General may be in a better position to make a finding of its own, if necessary, on this "good faith" issue.

Of probably more importance is the fact that I believe with the recommendation of denial herein, the issue of the Board's responsibility for applying Chapter 140 becomes moot. I see no benefit to the Board or to the City Council in making a "good faith" determination under Chapter 140 if the Board makes a final recommendation to deny the requested discontinuance permit for Mac's Park.

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<sup>3</sup>The Board did contact the Attorney General's Office about such written delegation but was unsuccessful in obtaining this authorization.

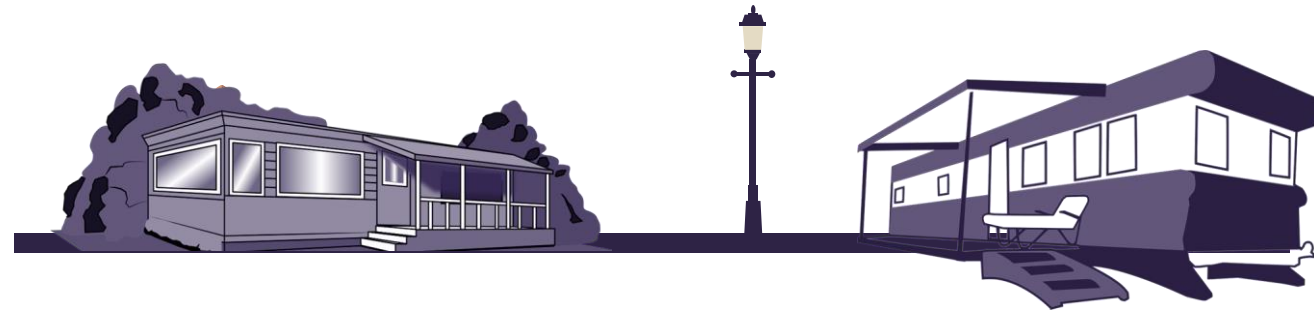
# Manufactured Housing: Healthy Homes & Unintended Consequences of Transit Oriented Development.

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BOSTON UNIVERSITY SCHOOL OF PUBLIC HEALTH

Naomi Gross & Erika Teetsel

April 18, 2023



# Agenda

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1. Introduction
2. Transit Oriented Development
3. Assessing Risk to Manufactured Home Parks
4. Demographics of Residents
5. Health Outcomes Associated with Displacement
6. Recommendations

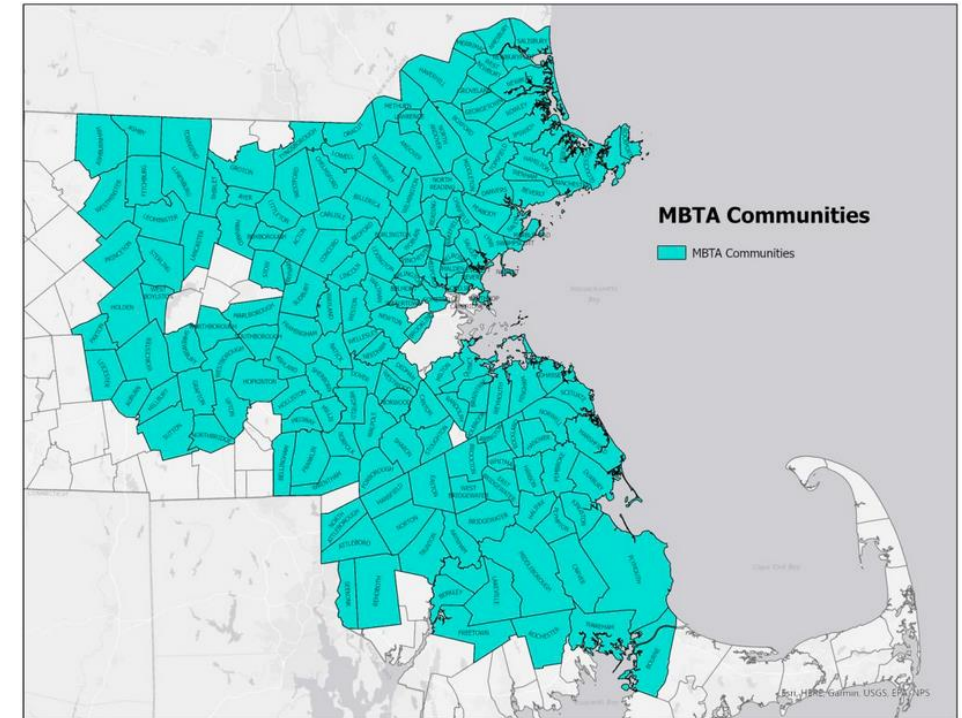
# Introduction

- Manufactured homes make up that vast majority of unsubsidized housing
- Existing manufactured home parks are seen as a prime location for investment and development
- Lee's Trailer Park, Revere, MA



# Transit Oriented Development

- a. Goal: promote mixed-use development opportunities for towns that create economic and pedestrian activity around transit stations
- b. 175 Massachusetts cities and towns qualify
  - i. *“An MBTA community shall have a zoning ordinance or by-law that provides for at least 1 district of reasonable size in which multi-family housing is permitted as of right”*
    - a. TOD can occur within one-half mile, of a transit station, bus station, commuter rail, or ferry terminal
- a. Repercussions for cities and towns that do not comply with TOD regulations





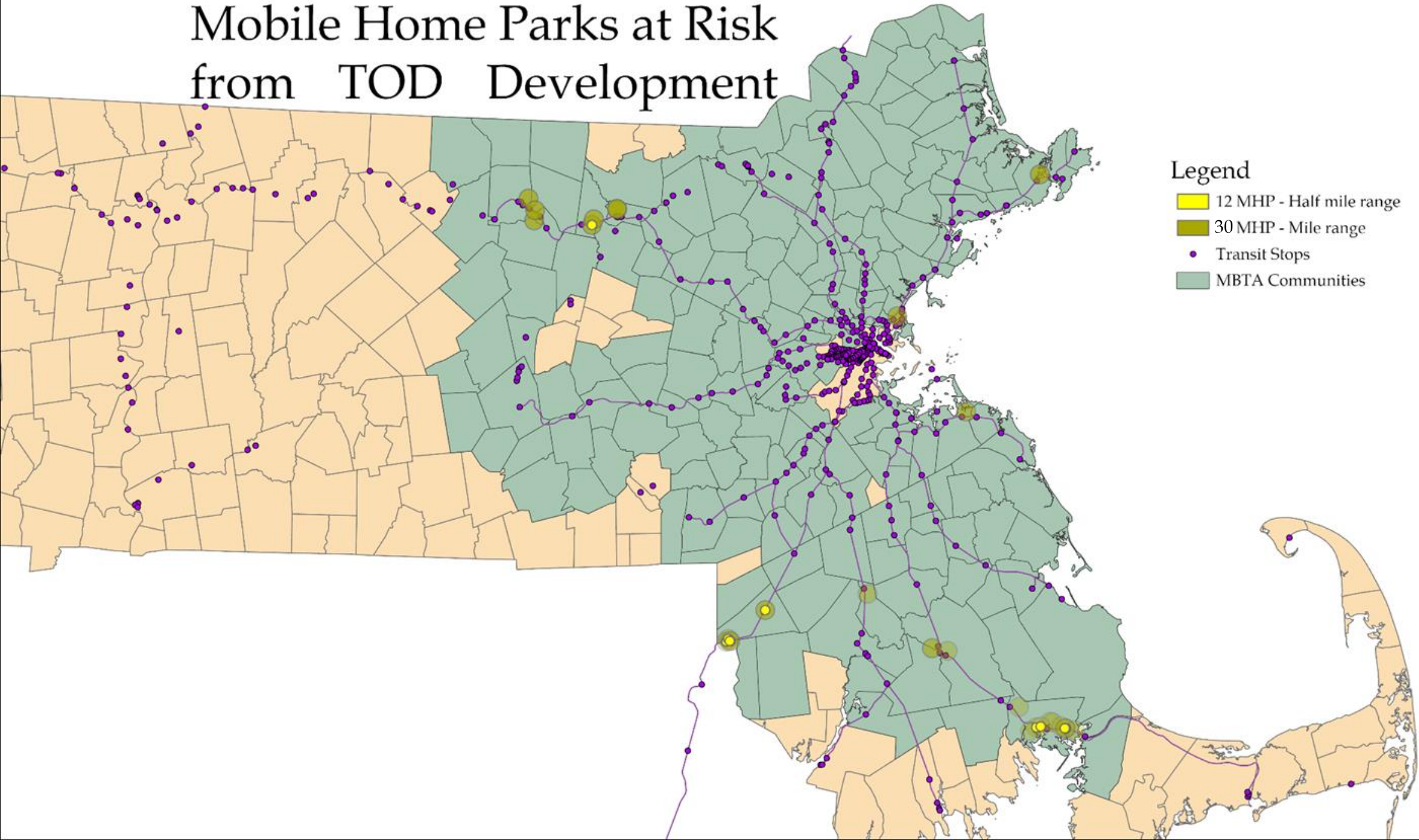
# Mobile Home Parks at Risk from TOD Development

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## Legend

- 12 MHP - Half mile range
- 30 MHP - Mile range
- Transit Stops
- MBTA Communities





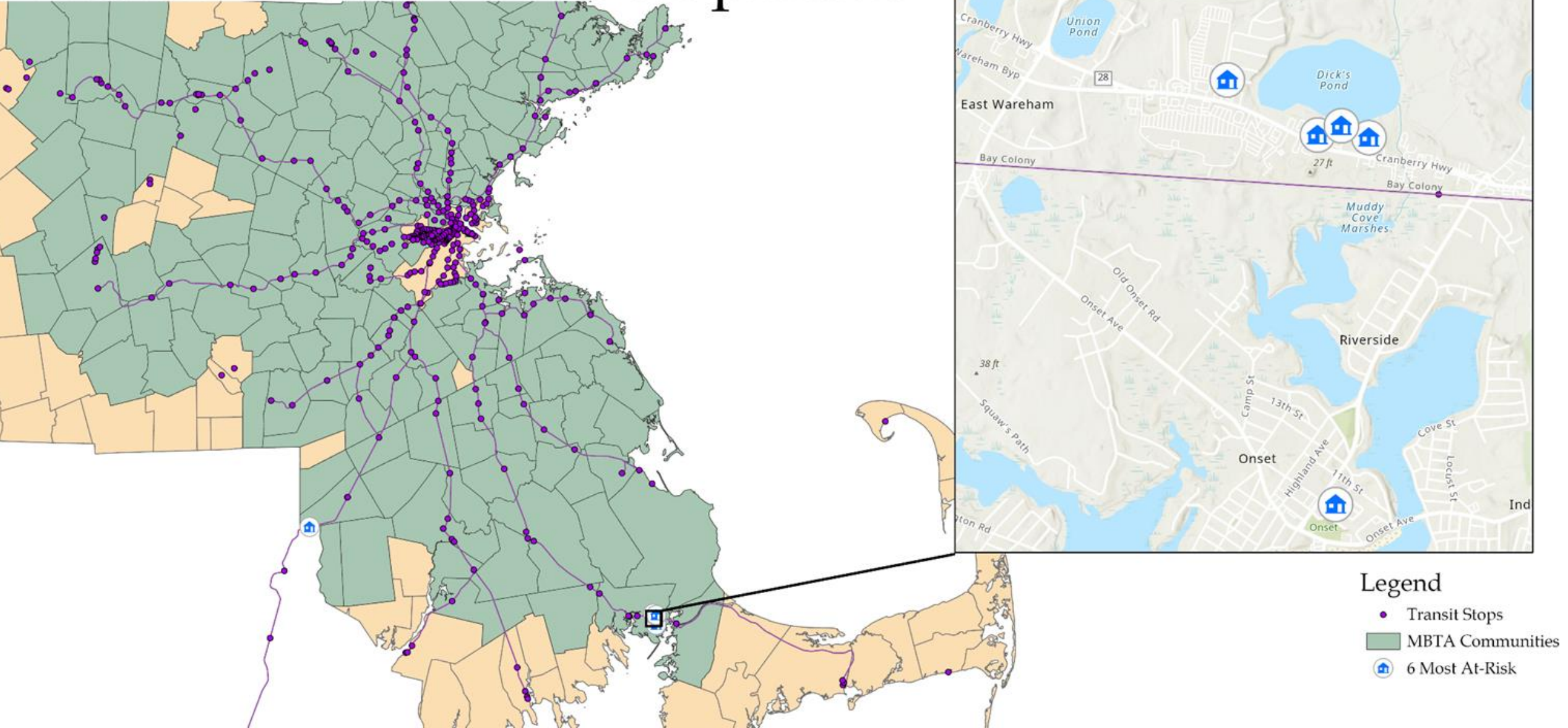
# Within 1 Mile (excluding commercial zoning)

	Within 0.5 miles
	Within 1 mile
*	Rent Control

Attleboro	Eastlande Park
Attleboro	Liberty Estates
Attleboro	Red Oak Mobile Village
Attleboro	Tripp Mobile Home Park
Ayer	Hillside
Ayer	Pine Knoll
Fitchburg	Fitchburg Mobile Home Park
Gloucester	Little River Campground
Hingham	Pocohontas Trailer Park
Lakeville	Twin Coach Estates
Leominster	Dunwoody Mobile Home Park
Lunenburg	Whalom Mobile Home Village, Inc.

Middleboro*	Edgeway Mobile Home Park
Middleboro*	Hillcrest Mobile Home Community
Raynham*	Shady Acres Mobile Home Park
<del>Revere</del>	<del>Lee's Trailer Park</del>
Shirley	Briarwood Trailer Park
Shirley	Wayside Trailer Park
Wareham	Garden Homes Estates North
Wareham	Garden Homes Estates Pines
Wareham	Garden Homes Estates South
Wareham	Red Wing Estates
Wareham	Royal Crest
Wareham	Swifts Beach Mobile Home Park

# Manufactured Home Parks at Increased Risk from TOD Development



# MHPs within 0.5 Miles, Zoned Commercially

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Attleboro	Case Mobile Home Estates
Wareham	Garden Homes Estates East
Wareham*	Lakeside Mobile Home Park
Wareham*	Mogan's Mobile Home Park, Inc.
Wareham**	Onset Beach Resort Mobile Home Park
Wareham	Silver Lake Mobile Home Park

\*Resident Owned

\*\*Within 100 year floodplain





# Protective Measures: Rent Control

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- Belchertown
- Bernardston
- Boston
- Brookfield
- Cheshire
- Chicopee
- Dalton
- Merrimac
- Ludlow
- Middleboro
- North Adams
- North Reading
- Orange
- Palmer
- Peabody
- Pittsfield
- Raynham
- Rockland
- Salisbury
- Springfield
- Wales
- Warren
- West Bridgewater

# Demographics of Residents

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Census Blocks  
Containing MHPs \$ 77,627

19%

31%

Massachusetts \$ 89,026

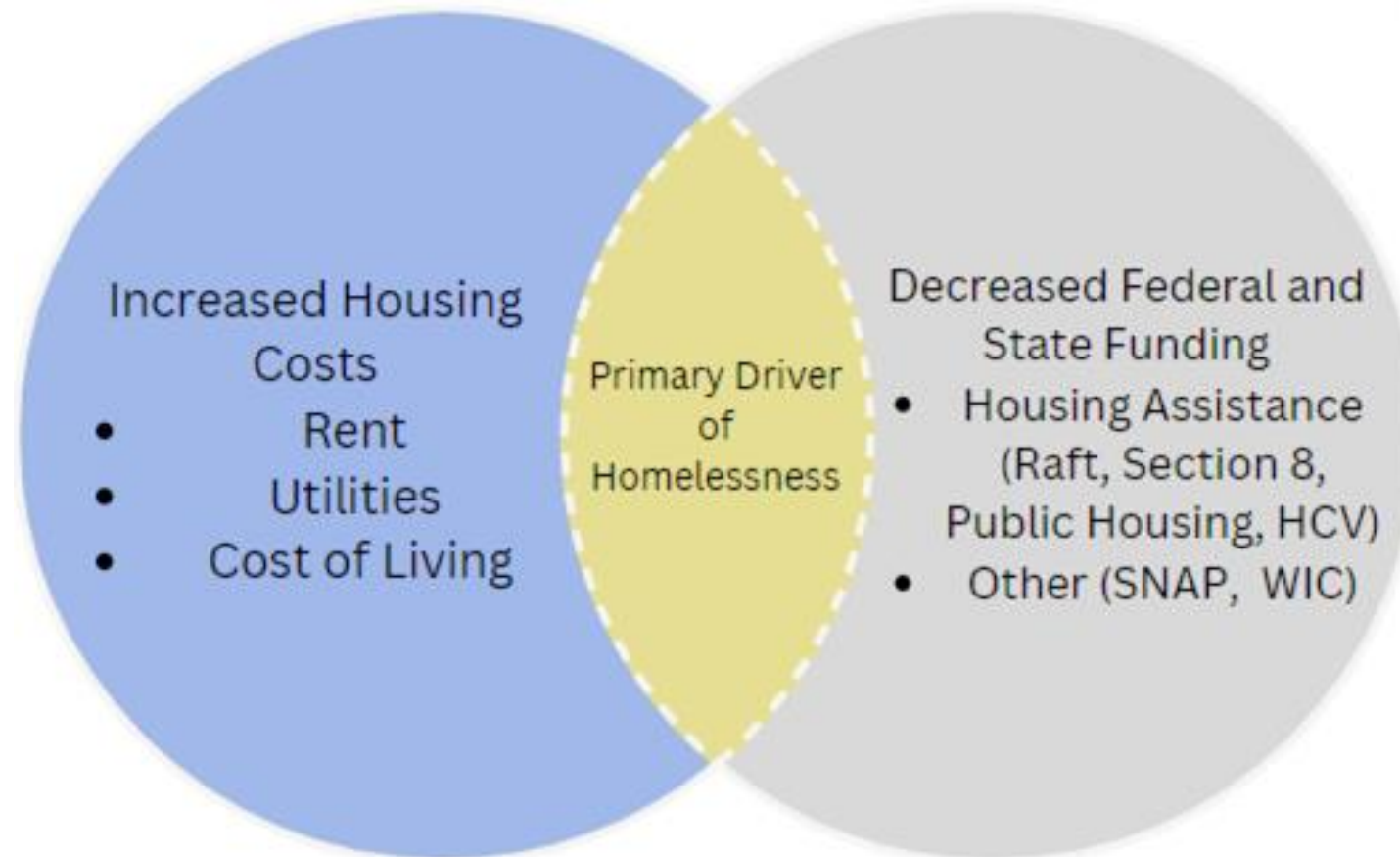
12%

24%



# Health Outcomes Associated with Displacement

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# MA General Laws Chapter 6, Section 108: Manufactured homes commission; members; duties; compensation

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Section 108. There shall be a manufactured home commission, hereinafter called the commission, consisting of five members, not more than three of whom shall be of the same political party, to be appointed by the governor, with the advice and consent of the council. At least one of the appointees shall reside in a manufactured housing community and at least one shall be an owner of a manufactured housing community. There shall also be two ex-officio members consisting of the director of housing and community development or a designee and the attorney general or a designee. The commission shall identify issues pertaining to manufactured housing communities, the owners of such communities, and the owners of manufactured homes and shall develop recommendations for means of dealing with these issues. In conjunction with the department of housing and community development, the commission may develop proposals for specific zoning standards to be applicable to new manufactured housing communities in order to ensure that all such new communities are well designed, attractive, and suited to meeting the needs of manufactured home owners. In conjunction with the department of housing and community development, the commission may also formulate proposals for local taxation of manufactured homes and manufactured home sites so that municipal tax revenues meet the cost of a municipality's hosting a manufactured housing community. The commission may also receive complaints from manufactured home owners and owners of manufactured housing communities and if appropriate, may make recommendations for their resolution. The commission shall file a report annually with the governor, the general court, the director of housing and community development and the attorney general about its activities and recommendations if any, together with drafts of legislation necessary to carry such recommendations into effect. The members of the commission shall be appointed initially for terms of one, two, three, four, and five years respectively, as the governor may designate. Upon the expiration of the terms of a member, his or her successor shall be appointed by the governor, with the advice and consent of the council, for a term of five years. Members of the commission shall receive no compensation for their services, but shall be reimbursed for necessary travelling expenses incurred in the performance of their duties.



# Recommendations

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1. Conduct a physical census of all Massachusetts Manufactured Home Parks and Resident demographics.
  - a. The current resources have gaps, and inaccuracies limiting its use and effectiveness in [assessing location](#) and risk of MHPs.
  - b. US Census data is not granular enough to identify demographics of MHP residents.
  - c. This will not only improve future research, but it will also provide a deeper understanding of who exactly is being impacted by this and future issues.
  - d. Finally, the commission can use this as a tool for relationship development with the communities.

# Recommendations

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2. Advocate to update “Section 108: Manufactured homes commission; members; duties; compensation” to include new language for zoning proposals with DHCD.
  - a. The current enabling statute states that *“In conjunction with the department of housing and community development, the commission may develop proposals for specific zoning standards to be applicable to new manufactured housing communities in order to ensure that all such new communities are well designed, attractive, and suited to meeting the needs of manufactured home owners.”*
  - b. We recommend that language be updated to include existing communities as well, so if/when zoning issues emerge, there is guidance.
    - i. (eg) *“In conjunction with the department of housing and community development, the commission may develop proposals for specific zoning standards to be applicable **for the protection of existing and** new manufactured housing communities in order to ensure that all such ~~new~~ communities are well designed, attractive, and suited to meeting the needs of manufactured home ~~owners~~ residents **including any time zoning policies are under discussion by municipalities.**”*

# Recommendations

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3. Request certified zoning maps and action plans for every town in Massachusetts from the Attorney General office DHCD respectively.
  - a. Certified zoning maps are the only effective way of assessing zoning at the parcel level which is needed to further assess risk of MHPs.
  - b. If the MHP Commission has the opportunity to assess the submitted action plans, the commission could proactively support MHP residents and their homes.
  - c. Advocate for MassGIS to include municipal zoning maps as additional layer available to the public

# Thank you!

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# Questions?

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# Manufactured Housing ("MH") Complaint Submitted to the AGO from 2020-2022

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# Caveats About this Presentation

- Not legal advice or legal opinions of the Attorney General's Office.
- Does not represent any official data, position, recommendation, analysis, conclusion, etc. of the Attorney General's Office.
- Limits as to the data contained in this presentation:
  - Only 2020 – 2022 ( and “Coding” for MH complaints only began in 2022);
  - Figures in the presentation are only for those complaints coded as “MH” and;
  - Data was compiled “manually;”



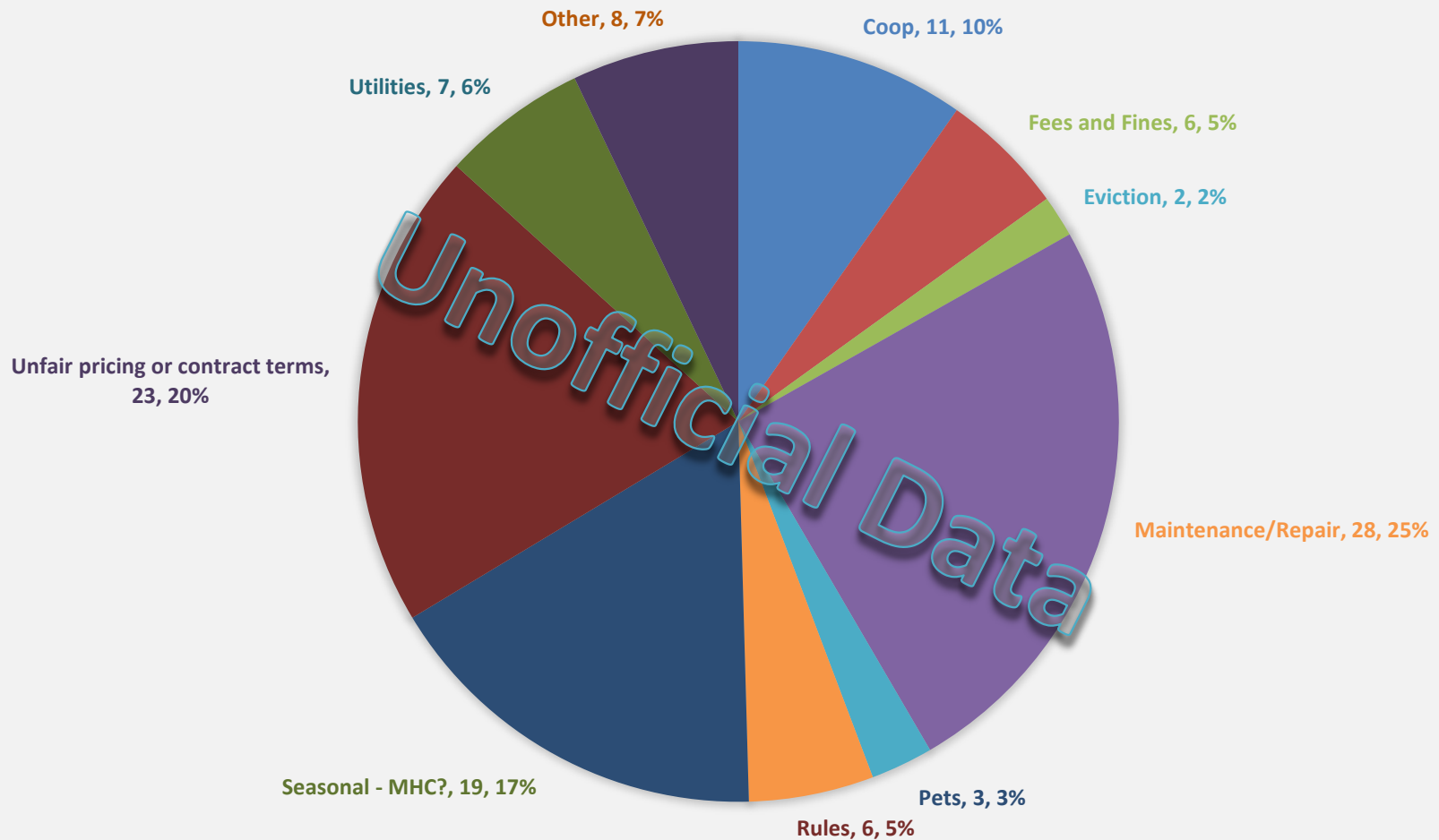
# Categories of MH Complaints

CATEGORY	EXPLANATION OR DESCRIPTION OF THE COMPLAINT CATEGORY	NUMBER
<b>Coop</b>	Typically, "Rogue Board" type issues alleging violations of corporate law rather than MH law. Since these are private actions and MH law does not apply to them, AGO usually does not look into or mediate these complaints.	11
<b>Elder Abuse / Financial Exploitation</b>		0
<b>Fees and Fines</b>	Resident claims an owner/operator charged them a fee or fine that was not included in their occupancy agreement.	6
<b>Guests</b>	Resident claims an owner/operator (1) won't allow guests or illegally limits the time guests can stay; (2) illegally charges resident for guests staying in the home; or (3) will not remove another resident's guests who are interfering with the resident's quiet enjoyment.	0
<b>Eviction</b>	Resident claims an owner/operator is attempting to illegally evict them.	2
<b>Maintenance/Repair</b>	Resident claims an owner/operator failed to maintain or repair a "fixture" on the resident's lot or in the community's common areas (e.g., slabs, trees, driveways, sidewalks, roads, etc.).	28
<b>Pets</b>	Resident claims an owner/operator will not allow them to keep a pet or will not address a problem with another resident's pet that is interfering with the resident's quiet enjoyment (e.g., noises, odors, not cleaning up after pet, etc.)	3
<b>Rules</b>	Typically, a resident (1) objects to an owner/operator's proposed rules, (2) claims that a community rule is illegal or unfair, or (3) claims an owner/operator is enforcing rules never submitted for review to the AGO & DHCD	6
<b>Seasonal - MHC?</b>	Complaints about a community that is not the person's sole residence. Typically, a person owns their unit and leases a lot in a community that is only open during the summer. Also, it is unclear that community is an "MH Community" as defined under MH law because it is also unclear whether at least 3 units in the community are MHs as defined under MH law.	19
<b>Unfair pricing or contract terms</b>	Typically, these are complaints about rent increases.	23
<b>Utilities</b>	Resident claims that an owner/operator (1) failed to provide basic utilities; (2) failed to repair, replace, or maintain basic utility system (e.g., oil tanks, pipes, pumps, wires, septic systems, etc.); or (3) refuses to reimburse resident's expenses for repairing, replacing, or maintaining basic utility system. Typically, the utility system that is the subject of complaint is an oil tank	7
<b>Other</b>		8
<b>Total Complaints</b>		<b>113</b>





# Anecdotal and Unofficial Break Down of MH Complaint Categories





# What is a “Complaint?”

## A complaint is:

- Completion and submission of an AGO online consumer complaint form *or*
- Completion and mailing of a complaint form.
- A complaint ***cannot*** be submitted through a phone call.

## A complaint is not

- A call or email inquiry to MHU telephone line ((617) 963-2460) or email address (mhu@mass.gov).
- Any conversation and communication with AGO staff.
- May suggest / urge resident to file a complaint



# Submitting a Complaint to the AGO

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- Complaints can be submitted online:
  - [mass.gov/how-to/file-a-consumer-complaint](https://mass.gov/how-to/file-a-consumer-complaint); or
  - Type “mass ago complaint” into your Internet search engine and select “File a consumer complaint - Mass.gov” from the list of search results.
- Don’t want to submit your complaint online? That’s OK. Just call (617) 727-8400 and request that a complaint form be mailed to you which you can fill in and mail back to the AGO.



# How are Complaints Handled

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- Complaints are assigned to :
  - AGO's Consumer Advocacy and Response Division ("CARD");
  - AGO's Consumer Protection Division ("CPD") if the complaint presents complex or novel issues; or
  - Local Consumer Programs ("LCPs"). These regional non-profit or government agencies connected to and trained by AGO/CARD.
- Staff attempt to "mediate" the dispute b/w the resident and community owner.
- Mediation is voluntary.