

MANUFACTURED HOMES COMMISSION

Minutes of Meeting Held on July 23, 2024

In-Person and Virtual Participation

Peabody City Hall

CALL TO ORDER: 10:31 am

In Attendance (in-person): Ethan Mascoop, Paula Fay, and Dan Less (AGO)

In Attendance (virtual): Jeffrey Hallahan and Sandra Overlock

Absent: Tyler Newhall (EOHLC) and Tracy Sharkey

It was generally agreed there was a quorum present.

Mr. Mascoop reported that commission member Tracey Sharkey informed him that she will be submitting a letter of resignation from the commission. He stated that once he received her letter, he would forward to the other members.

APPROVAL OF MINUTES

Ms. Overlock moved to approve the January 2024 minutes and Mr. Hallahan seconded the motion. Since Ms. Fay was not a member of the commission in January, she abstained from voting. The minutes were approved unanimously.

Mr. Mascoop then asked about the May 2024 minutes. Ms. Fay reported her name was misspelled and Mr. Less said he would correct it. Mr. Mascoop added that he would like to amend the section regarding the discussion of the oil spill at the Mayflower Community. Mr. Less made those changes and a motion was made and seconded to approve them as amended. The minutes were unanimously approved.

CORRESPONDENCE/COMMUNICATIONS

The commission received a public records request from Attorney Lisa Goodheart a copy of which was provided to all members and is attached to these minutes. Mr. Less asked for the commission's authorization to respond on their behalf. He stated the request was straight-forward and that his office agreed he could respond on behalf of the commission as the commission's secretary but he would not be responding on behalf of the AGO or in his capacity as an assistant attorney general.

There was a discussion about the nature of the request, how the public records law operates, what is considered in responding to a public records request, the appropriateness of the request, the cost of responding to the request, the appropriateness of Mr. Less being the commission member responding to the request, and whether the commission needed to respond at all. After some discussion about framing a motion authorizing Mr. Less to respond to the request, Mr. Less made the following motion:

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That the commission appoint ex officio commission member and secretary Dan Less to be its representative to respond to Attorney Lisa Goodheart's June 24, 2024 public records request and empower Less to (a) obtain all records responsive to the request, (b) review the records to determine whether they may be disclosed or withheld or redacted because of an exemption under the public records law, (c) provide Attorney Goodheart with a response on a date upon which Attorney Goodheart and Less agree, and (d) Less will share the response with commission members.

The motion was seconded and unanimously approved.

OLD BUSINESS

Annual Reports: Mr. Mascoop reported that no work on the reports had been done since the commission's last meeting and that he had not had an opportunity to talk to Ms. Fay or Ms. Overlock about drafting the reports. He stated he would try to get drafts of the reports for the next meeting.

NEW BUSINESS

Assistant Attorney General Ellen Peterson: AAG Ellen Peterson introduced herself. AAG Peterson joined AGO in December 2023 and has been working on manufactured housing issues with Mr. Less since then. She drafted and filed an amicus brief in the pending Appeals Court in *Crown Communities, LLC v. Philip Austin, et al.* She also helped update the AGO's manufactured housing guide and has conducted training sessions for both residents and owners.

AGO Manufactured Housing Guidebook and Trainings: Mr. Less reported that AGO issued an updated guidebook in May. The guidebook was last updated in 2017 and the new guidebook included updates based on court decisions; AGO's experience in mediating residents' complaints; and feedback the AGO received over the last seven years from community owners, residents, and the commission itself. Mr. Less also reported that he and AAG Peterson conducted trainings for residents and owners that provided an overview of the law and highlighted changes to the guidebook. The trainings were virtual and 70 people attended the owners' trainings and 140 attended the residents' training. The feedback was generally positive. Mr. Mascoop said he listened to the training while he was out of the country and suggested that in future trainings AGO acknowledge the work of the commission and suggested that the AGO provide trainings for health inspectors. Mr. Less agreed and noted that the AGO wanted to do more specialized trainings not only just for specific audiences but also covering specific topics with greater depth. Mr. Less said AGO would provide training to the commission if asked.

Conversation with Peabody Health Inspectors and Rent Control Board ("RCB") Members:

At the invitation of Mr. Mascoop, Peabody Health Director Sharon Cameron attended the meeting in-person with code enforcement inspector Randy Suckney, building inspector Mark Menard as well as Peabody RCB Members Ted Neary and Mark Boe.

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Ms. Cameron informed the commission that in addition to being the Peabody's health director, she is a member of the city RCB which has existed since 1976. She reported that Peabody has 12 manufactured housing communities six of which are coops. Under Peabody's bylaws, coops are not subject to the city's rent control rules. Commission members discussed the legality of this with Mr. Less stating that it is an issue for each city or town to resolve because they enact their own rent control laws.

Ms. Cameron described her experience with Mac's which is under an order to fix their sewage system and its subsequent attempt to discontinue its operation as a manufactured housing community. This was the subject of several commission meetings in 2023. AAG Peterson noted that in her prior job at the Northeast Justice Center she represented some of Mac's residents opposing the discontinuance before the Peabody RCB.

Ms. Cameron and the other inspectors have responded to about 100 complaints from the communities in the past few years many of which concern trash disposal, pets, as well as hoarding cases. She and the other officials noted that many residents do not own their homes but rent them from the community owner. They explained that they conduct fitness checks in homes before they are rented, to be sure they are meeting the minimum standards of habitation. They often work with other city offices on such things as electrical panel hazards. Ms. Cameron's staff review the monthly rosters communities must submit pursuant to the G.L. c. 140, § 32G and check to see if communities have approved rules before issuing them annual licenses.

Many of the officials noted that they often unsure which party was responsible for various aspects manufactured housing community living. They expressed frustration about not knowing where the line of responsibility and rights is between community owners and home owners. They noted that line is even harder to discern when the person living in a home does not own it and it gets even harder if that person is renting the home from someone other than community owner. Mr. Less provided some guidance on differentiating the various scenarios and offered to provide training the city officials regarding the parties' responsibility. Ms. Cameron expressed interest.

The officials and the commission discussed whether there was a way to encourage owners to invest in and maintain their infrastructure systems overtime so owners do not ask the RCB for massive rent increases when a system needs a major overhaul. Similarly, the commission told the officials that when an infrastructure system fails resulting in a government issued violation order, the owner cannot pass the cost of correcting the violation by increasing the residents' rent.

The commission also pointed out to the officials that statute requires local health agents to routinely inspect communities and not only do they have their regular enforcement authority, the statute permits them to rescind a community's license and fine the owner \$100 a day until the license is restored. Ms. Cameron responded that she does not have enough staff to conduct regular community inspections and, regardless, there are no state guidelines on how to conduct a health inspection of a manufactured housing community. She suggested that the state issue guidance on conducting these inspections. She also suggested amending the statute to require owners to have their communities inspected every five at their own expense by a licensed health inspector and have that inspector file a report with the local health department as part of the

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licensing process. Ms. Overlook thought it was a good suggestion. Mr. Hallahan disagreed. He stated that he and most other owners in the state run their communities properly and comply with all laws and to require them to pay for their own inspections is unfair. He also noted that statute already provides an enforcement mechanism for cities and towns to take action against noncompliant owners.

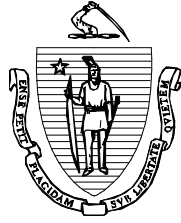
Other topics discussed between the commission included applicability §40B to manufactured homes, the influx of national companies seeking to purchase communities, and the factors the RCB considers in making a rent determination.

OPEN FORUM - No one in the meeting room or online asked to speak.

NEXT MEETING - The members agreed that next meeting will be both in-person and virtual on October 15, 2024 in Plymouth – most likely in the Plymouth City Hall. Mr. Mascoop said he would try and notify the health departments in Plymouth and the surrounding areas.

ADJOURNED - At 12:30, Mr. Mascoop made a motion to adjourn. Ms. Fay seconded the motion and it was approved unanimously

Meeting adjourned at 12:30 p.m.



Pursuant to the Massachusetts Open Meeting Law, G.L. c. 30A, §§ 18-25, notice is hereby given of a meeting of the MANUFACTURED HOMES COMMISSION. Massachusetts General Laws, Chapter 6, Section 108, establishes the Manufactured Homes Commission. It is the mission of the Manufactured Homes Commission to provide prompt, impartial service to all parties affected by or concerned with matters pertaining to manufactured housing communities, to the maximum extent permitted by law.

NOTICE OF MANUFACTURED HOMES COMMISSION QUARTERLY MEETING

10:30 AM – 12:30 PM Tuesday, July 23, 2024

To attend the meeting through **video access**, please join the meeting by clicking on the following link: [Join the meeting now](#) Meeting ID: 293 054 078 979 Passcode: wYLZpJ

To attend the meeting through **audio access** only, please join the meeting by dialing 1-857-327-9245 and use Conference ID: 832 539 297#

AGENDA

- 10:30** **CALL TO ORDER**
- Attendance and Introductions
- 10:35** **VOTE ON JANUARY AND APRIL MEETING MINUTES**
- 10:45** **OLD BUSINESS**
- Commission Annual Report
- 11:00** **NEW BUSINESS**
- Public Records Request – Hometown America
- 11:30** **PUBLIC FORUM**
- 12:30** **ADJOURN**

This meeting is open to the public. All persons having business to be brought before the Commission are invited to participate either in person or remotely.

Commissioners:

Ethan Mascoop, Chair
Jeffrey Hallahan, Vice-Chair
Tracy Sharkey, Commissioner
Paula Fay, Commissioner

Sandy Overlock, Commissioner
Daniel Less, Ex Officio
Tyler Newhall, Ex Officio

For further information contact: Oliver Stark, EOHLIC
oliver.l.stark@mass.gov
617-573-1521

For reasonable accommodations regarding this meeting, please contact 617-573-1102.

Please contact the Massachusetts Executive office of Housing and Livable Communities at (617) 5731100 for free language assistance.

Favor de comunicarse con la Oficina Ejecutiva de Vivienda y Comunidades Habitables (Executive Office of Housing and Livable Communities (EOHLC)) de Massachusetts en (617) 573-1100 para ayuda gratis con el idioma.

Entre em contato com o Escritório Executivo de Habitação e Comunidades Habitáveis (Executive Office of Housing and Livable Communities (EOHLC)) de Massachusetts no número (617) 573-1100 para obter assistência gratuita com o idioma.

Tanpri kontakte Biwo Lojman ak Kominote alimantè (Executive Office of Housing and Livable Communities (EOHLC)) Masachousèt la nan (617) 573-1100 pou asistans gratis nan lang.

如果您需要免费的语言翻译帮助，请联络麻州住宅及社区发展部 马萨诸塞州住房和宜居社区执行办公室(The Massachusetts Executive Office of Housing and Livable Communities (EOHLC)),联络方式(617) 573-1100。

Свяжитесь с сотрудником Исполнительное управление жилищного строительства и пригодных для жизни сообществ (Executive Office of Housing and Livable Communities (EOHLC)) Массачусетс на предмет оказания бесплатной помощи по переводу на иностранный язык. ((617) 573-1100)

សូមទំាក់ទំនងដៃជកអភិវឌ្ឍន៍សហគមន៍និងលំនរបស់រដ្ឋសណ្ឋូសត រល្បបតិបតិសលំន និងសហគមន៍ដលចរស់ន។(Massachusetts Executive Office of Housing and Livable Communities (EOHLC)) មរយ: (617) 573-1100 ដើម្បីទទួលនជំនួយ ជកយតតតិកៃថ។

Vui lòng liên Văn phòng điều hành về nhà ở và cộng đồng đáng sống (Executive Office of Housing and Livable Communities (EOHLC)) Massachusetts tại (617) 573-1100 để được hỗ trợ ngôn ngữ miễn phí.

On July 18, 2024, this notice was posted online to the EOHLC Open Meeting Notices and the Manufactured Homes Commission websites:

- <https://www.mass.gov/info-details/eohlc-open-meeting-notices>
- <https://www.mass.gov/info-details/manufactured-homes-commission>

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June 24, 2024

By E-mail

daniel.less@state.ma.us

Daniel A. Less, Esq.
Secretary, Massachusetts Manufactured Homes Commission
Office of the Attorney General Andrea Campbell
Consumer Protection Division
One Ashburton Place
Boston, MA 02108

Re: *Public Records Request to Massachusetts Manufactured Homes Commission*

Dear Attorney Less :

This is a request to the Massachusetts Manufactured Homes Commission (the “Commission”) for public records, pursuant to G.L. c. 66, § 10. Thank you for confirming that you are the appropriate Records Access officer to whom this request should be addressed.

The requested public records are listed below.

1. All video records and minutes of Commission meetings during 2015 and 2016 and from January 2019 to the present (including without limitation all such video records and/or minutes for which the hyperlinks on the Commission website not currently active);
2. All notices, agendas, meeting materials, and meeting notes of Commission meetings during 2015 and 2016 and from January 2019 to the present (including without limitation all such video records and/or minutes for which the hyperlinks on the Commission website are not currently active);
3. All correspondence or other public records concerning any discussion or consideration by the Commission from January 2019 to the present about Section 32L(2) of the Manufacturing Housing Act, G.L. c. 140;

Daniel A. Less, Esq.

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4. All correspondence or other public records concerning any discussion or consideration by the Commission from January 2019 to the present about the provisions of 940 C.M.R. 10.03 (“Terms and Conditions of Occupancy”).
5. All correspondence or other public records concerning any discussion or consideration by the Commission about the case of *Blake v. Hometown America Communities, Inc., et al.*, from January 2019 to the present.
6. All correspondence or other public records concerning any discussion or consideration by the Commission about any proposed amendments to the provisions of Section E of the Attorney General’s Guide to Manufactured Housing Community Law (pertaining to “Rent and Additional Fees”) from January 2019 to the present.

I recognize that you may charge a reasonable cost for copies, as well as for personnel time needed to comply with this request.

Please provide a written response within the time prescribed by the statute. Thank you for your assistance with this matter.

Sincerely,

A handwritten signature in blue ink that reads "Lisa C. Goodheart". The signature is written in a cursive style with a long horizontal flourish extending to the right.

Lisa C. Goodheart