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December 15, 2015

The Honorable Linda Dorcena Forry, Chair  
Joint Committee on Housing  
State House, Room 410  
Boston, MA 02133

The Honorable Kevin Honan, Chair  
Joint Committee on Housing  
State House, Room 38  
Boston, MA 02133

**Re: S.B. 715/H.B 1104, *An Act Relative to Manufactured Housing Communities***

Dear Chairs Dorcena Forry and Honan:

We are writing in support of S.B. 715/H.B 1104, *An Act Relative to Manufactured Housing Communities*, filed by Senator Pacheco and Speaker Pro Tempore Haddad. Last session this legislation received a favorable report from this committee and was eventually engrossed by the Senate. We urge you to similarly issue a favorable report on the legislation this session so that it can be considered by the full House and Senate.

Our office has significant expertise in manufactured housing issues, primarily through the work of our Consumer Protection Division, but also our Environmental Protection Division, especially where there are serious concerns around substandard water and sewer systems. This legislation has been a priority for the Attorney General's Office for several years, and we believe that it will provide critical protections to manufactured housing community residents while imposing few, if any, burdens on community owners.

At the outset, it is important to note that because manufactured housing community residents own their homes but not the underlying land, they face challenges that are unique among homeowners. While residents can technically move their homes to a new site, the reality is that once a manufactured home is established at a certain location it is virtually impossible to move. These challenges are compounded by the fact that many residents are low-income, elderly, and/or living on a fixed income. The modest improvements this bill offers to the state's manufactured housing law, G.L. c. 140 §§ 32A-32S, will help ensure that manufactured housing communities continue to provide Massachusetts residents with quality, affordable housing options.



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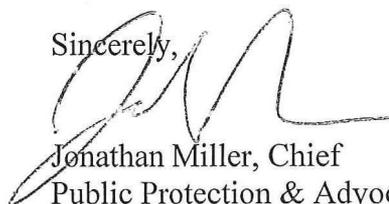
First, this bill would establish a means for owners and residents to cost-effectively resolve disputes. Under our current law there are few options to resolve disputes around living conditions, community rules, and various other issues that may arise at manufactured housing communities. This bill would reconstitute the existing Manufactured Housing Commission, empower the Commission to formally mediate disputes between residents and owners, and establish a funding mechanism to support that body's work. This approach would allow parties to effectively address all manner of issues that may arise at manufactured housing communities, while avoiding litigation and its attendant costs.

The bill would also modify the licensing provisions of the existing law to ensure that all residents have access to clean and reliable water and sewer infrastructure. In our work on manufactured housing issues, we have seen numerous examples of communities operating with substandard or failing water and sewer systems. Residents highlighted this issue in testimony before this committee last session, and our office worked closely with committee staff on a redraft that addressed concerns raised by manufactured housing community owners. The version of the bill now being considered by the committee adopts the committee's language from last session, and requires that owners, as part of the local licensing process, certify that their water and sewer systems are in proper working condition. For the majority of owners, this would simply require certification that their systems are in compliance with *existing* obligations under Department of Environmental Protection regulations. For a small subset of communities, this would impose modest inspection costs totaling several hundred dollars per year. Moreover, any community with a substandard or failing water or sewer system could obtain a provisional license for up to two years, which would provide owners with time to complete necessary repairs.

Finally, the legislation would clarify the process for reviewing and approving community rules. Existing law, G.L. c. 140, § 32L(5), provides simultaneous rule review authority to both our office and the Department of Housing and Community Development (DHCD). Under the language proposed in this legislation, DHCD would review community rules for consistency with housing law, after which time our office would conduct a final review. We believe that this change will allow our office and DHCD to provide consistent feedback on rules to community owners.

Thank you for the opportunity to submit testimony on this legislation. If you have any questions, please do not hesitate to contact Benjamin Meshoulam, Senior Policy Advisor, at (617) 963-2601.

Sincerely,



Jonathan Miller, Chief  
Public Protection & Advocacy Bureau

cc: The Honorable Marc Pacheco  
The Honorable Patricia Haddad