

HOUSE No. 4232

The Commonwealth of Massachusetts

In the Year Two Thousand Nine

An Act to establish licensing requirements and protections for certain cottage communities..

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

1 SECTION 1. Section 32A of chapter 140 of the General Laws, as appearing in the 2006
2 official edition, is hereby amended as follows:

3 By striking out, in line 3, the word “or” after “motel” and before “manufactured” and
4 inserting in place thereof “,”; and

5 By adding, in line 3, the words “or cottage community” after “manufactured housing
6 community” and before “unless”.

7 SECTION 2. Section 32B of chapter 140 of the General Laws, as appearing in the 2006
8 official edition, is hereby amended as follows:

9 By striking out, in line 5, the word “or” after “motels” and before “manufactured” and
10 inserting in place thereof “,”;

11 By adding, in line 5, the words “or cottage communities” after “manufactured housing
12 communities” and before “located”;

13 By adding, in line 10, the words “cottage community” after “housing community or” and
14 before or “, if the”; and

15 By adding, in line 12, the words “or cottage community” after “manufactured housing
16 community” and before “, together”.

17 SECTION 3. Section 32C of chapter 140 of the General Laws, as appearing in the 2006
18 official edition, is hereby amended as follows:

19 By adding, in line 2, the words “, cottage communities” after “manufactured housing
20 communities” and before “and cabins”; and

21 By adding, in line 4, the words “, cottage community” after “manufactured housing
22 community” and before “or cabin”.

23 SECTION 4. Section 32D of chapter 140 of the General Laws, as appearing in the 2006
24 official edition, is hereby amended as follows:

25 By adding, in line 2, the words “, cottage community” after “manufactured housing
26 community” and before “or cabin licensed”; and

27 By adding, in line 4, the words “, cottage community” after “manufactured housing
28 community” and before “or cabin”.

29 SECTION 5. Section 32E of chapter 140 of the General Laws, as appearing in the 2006
30 official edition, is hereby amended by adding, in line 6, the words “or cottage community” after
31 “housing community” and before “subject to”.

32 SECTION 6. Section 32F of chapter 140 of the General Laws, as appearing in the 2006
33 official edition, is hereby amended as follows:

34 By adding after the first sentence, in line 5, the following words “Any lot or tract of land
35 upon which three or more cottages for year round or seasonal dwelling purposes are located,
36 including any buildings, structures, fixtures and equipment used in connection with the cottages,
37 where the cottages are owned separately from the underlying lot or tract of land shall be defined
38 as a cottage community.”;

39 By adding, in line 6, the words “, or cottage community” after “community” and before
40 “unless the owner”;

41 By adding, in line 9, the words “, or cottage community” after “manufactured housing
42 community” and, in line 10, before “, send a copy”;

43 By adding, in line 13, the words “or cottages” after “homes” and before “to
44 accommodate”; and

45 By adding, in line 17, the words “or cottages” after “homes” and before “to
46 accommodate”; and

47 By adding, in line 18, the words “or a cottage community” after “manufactured housing
48 community” and before “.”.

49 SECTION 7 Section 32G of chapter 140 of the General Laws, as appearing in the 2006
50 official edition, is hereby amended as follows:

51 By adding, in line 2, the words “or cottage community” after “manufactured housing
52 community” and before “owner or operator”;

53 By adding, in line 5, the words “or cottage” after “each manufactured home” and before
54 “, occupying space”;

55 By adding, in line 6, the words “or cottage community” after “manufactured housing
56 community” and before “; provided, however,”;

57 By adding, in line 11, the words “or cottage community” after “housing community” and
58 before “operator from”;

59 By adding, in line 12, the words “or cottage” after “manufactured home” and before
60 “occupying space”;

61 By adding, in line 12, the words “or cottage community” after “manufactured housing
62 community” and, in line 13, before “at the end of each month”;

63 By adding, in line 15, the words “or cottage community” after “manufactured housing
64 community” and before “is located not later than”;

65 By adding, in line 16, the words “or cottage community” after “manufactured housing
66 community” and before “operator”;

67 By adding, in line 19, the words “or cottage” after “manufactured home “and before
68 “occupying”;

69 By adding, in line 21, the words “or cottages” after “manufactured homes” and before
70 “and the home”;

71 By adding, in line 21, the words “or cottage” after “the home” and before “owners or”;

72 By adding, in line 26, the words “or cottage community” after “manufactured housing
73 community” and before “is located for collection.”;

74 By adding, in line 32, the words “or cottage” after “manufactured home” and before
75 “subject to”; and

76 By adding, in line 38, the words “or cottage community” after “manufactured housing
77 community” and before “operator”;

78 By adding, in line 46, the words “or cottage community” after “manufactured housing
79 community” and before “, nor shall any such”; and

80 By adding, in line 49, the words “or cottage” after “home” and before “which is deemed”.

81 SECTION 8. Section 32H of chapter 140 of the General Laws, as appearing in the 2006
82 official edition, is hereby amended as follows: By adding, in line 2, the words “or cottage
83 community” after “manufactured housing community” and before “which has not been
84 equipped”; By adding, in line 4, the words “or cottage community” after “manufactured
85 housing community” and before “shall file”; By adding, in line 10, the words “or cottage
86 community” after “community” and before “license upon the condition”; and By adding, in
87 line 12, the words “or cottage community” after “manufactured housing community” and, in line
88 13, before “will be in compliance”.

89 SECTION 9. Section 32I of chapter 140 of the General Laws, as appearing in the 2006
90 official edition, is hereby amended as follows: By adding, in line 2, the words “or cottage
91 community” after “community” and before “shall keep or cause”; By adding, in line 4, the word

92 “, cottage” after “manufactured home” and before “or motor”; and By adding, in line 7, the word
93 “, cottage” after “manufactured home” and before “or motor.”

94 SECTION 10. Section 32J of chapter 140 of the General Laws, as appearing in the 2006
95 official edition, is hereby amended as follows: By adding, in line 1, the words “or cottage”
96 after “If the manufactured home” and before “owner or person”; By adding, in line 2, the
97 words “or cottage” after “manufactured home” and before “site in a”; By adding, in line 3,
98 the words “or cottage community” after “housing community” and before “without right.”;

99 By adding, in line 5, the words “or cottage” after “manufactured home” and before “site
100 may recover”; By adding, in line 8, the words “or cottage community” after “community” and
101 before “, however created.”; By adding, in line 10, the words “or cottage site in a cottage
102 community” after “community” and before “, may be terminated”; By adding, in line 11, the
103 words “or cottage site” after “home site” and before “or his agent”; By adding in subparagraph
104 (2), in line 14, the words “or cottage community” after “manufactured housing community” and
105 before “.”; By adding in subparagraph (3), in line 16, the words “or cottage community” after
106 manufactured housing community” and before “residents”; By adding in subparagraph (4), in
107 line 19, the words “or cottage community” after “community” and before “subject to any
108 existing”; By adding in subparagraph (4), in line 21, the words “or cottage community” after
109 “community” and before “.”; By adding in subparagraph (4), in line 21, the words “or cottage”
110 after “manufactured home” and, in line 22, before “sold the licensee”; By adding in
111 subparagraph (4), in line 22, the words “or cottage” after “manufactured home” and before “site
112 was made”; By adding in subparagraph (1), in line 29, the words “or cottage community” after
113 “manufactured housing community” and before “licensee has given”; By adding in
114 subparagraph (1), in line 32, the words “or cottage community” after “community” and before

115 “resident”; By adding in subparagraph (2), in line 36, the words “or cottage” after
116 “manufactured home” and before “resident”; By adding, in line 46, the words “or cottage
117 community” after “housing community” and before “tenant, such tenancy”; By adding, in
118 line 51, the words “or cottage community” after “community” and before “shall have”; By
119 adding, in line 52, the words “or cottage” after “resident’s manufactured home” and before “,
120 subject to the terms”; By adding, in line 55, the words “or cottage” after “home” and before
121 “and lot”; By adding, in line 58, the words “or cottage” after “manufactured home” and
122 before “remains on the lot”; and By adding, in line 59, the words “or cottage community”
123 after “manufactured housing community” and before “shall have a lien”.

124 SECTION 11. Section 32L of chapter 140 of the General Laws, as appearing in the 2006
125 official edition, is hereby amended as follows: By adding in the title the words “and cottage
126 communities” after “manufactured housing communities” By adding, in line 2, the words “and
127 cottage communities” after “manufactured housing communities” and before “:”;

128 By adding in subparagraph (1), in line 3, the words “or cottage community” after “A
129 manufactured housing community” and before “licensee”; By adding in subparagraph (1), in
130 line 4, the words “or cottage” after “manufactured home” and before “site”; By adding in
131 subparagraph (2), in line 7, the words “or cottage” after “manufactured home” and before
132 “residents”; By adding in subparagraph (3), in line 9, the words “or cottage community” after
133 “manufactured housing community” and before “owner, directly”; By adding in subparagraph
134 (3), in line 10, the words “or cottages” after “manufactured homes” and before “, shall not
135 impose”; By adding in subparagraph (3), in line 12, the words “, cottage dealer or real
136 estate broker” after “home dealer” and before “unless the”; By adding in subparagraph (3), in
137 line 13, the words “or cottage” after “the home” and before “is to be placed”; By adding in

138 subparagraph (3), in line 14, the words “or cottage community” after “A manufactured housing
139 community” and before “owner”; By adding in subparagraph (3), in line 17, the words “or
140 cottage” after “manufactured home” and before “lot,”; By adding in subparagraph (3), in
141 line 23, the words “or cottage community” after “manufactured housing community” and before
142 “licensee may impose”; By adding in subparagraph (3A), in line 27, the words “or cottage
143 community owner” after “housing community owner” and before “shall refuse”; By adding in
144 subparagraph (3A), in line 28, the words “or cottage” after “manufactured home” and before
145 “located in”; By adding in subparagraph (3A), in line 29, the words “or cottage community
146 owner” after “manufactured housing community owner” and before “has not sold”; By
147 adding in subparagraph (3A), in line 30, the words “or cottages” after “manufactured homes” and
148 before “as there are sites.”; By adding in subparagraph (4), in line 31, the words “or cottage
149 community” after “A manufactured housing community” and before “licensee shall not”; By
150 adding in subparagraph (4), in line 33, the words “or cottage” after “manufactured home” and
151 before “located in”; By adding in subparagraph (4), in line 34, the words “or cottage
152 community” after “community” and before “.”; By adding in subparagraph (4), in line 34,
153 the words “or cottage” after “such a home” and, in line 35, before “, contract with”; By
154 adding in subparagraph (4), in line 35, the words “or cottage community” after “manufactured
155 home” and before “owner to sell”; By adding in subparagraph (4), in line 35, the words “or
156 cottage” after “the home” and before “for a fee”; By adding in subparagraph (4), in line 36,
157 the words “or cottage” after “price of such home” and before “.”. By adding in subparagraph
158 (5), in line 37, the words “or cottage community” after “manufactured housing community” and
159 before “owner promulgates”; By adding in subparagraph (5), in line 39, the words “or a cottage
160 site in a cottage community” after “manufactured housing community” and before “, a new copy

161 of”; By adding in subparagraph (5), in line 44, the words “or cottage community” after
162 “manufactured housing community” and before “resident”; By adding in subparagraph (5), in
163 line 48, the words “or cottage community” after “manufactured housing community” and before
164 “licensee”; By adding in subparagraph (5), in line 55, the words “or cottage community” after
165 “community” and before “licensee”; By adding in subparagraph (7A), in line 70, the words “or
166 cottage community” after “manufactured housing community” and before “licensee”; By
167 adding in subparagraph (7A), in line 73, the words “or cottage colonies” after “manufactured
168 housing communities” and before “within”; By adding in subparagraph (7A), in line 75, the
169 words “or cottage sites” after “manufactured home sites” and before “are available”;

170 By adding in subparagraph (7A), in line 77, the words “or colony” after “community”
171 and before “all of the information”; By adding in subparagraph (7A), in line 81, the words “or
172 cottage community” after “manufactured housing community” and, in line 82, before “owner
173 shall pay”; By adding in subparagraph (7A), in line 84, the words “or cottage” after
174 “manufactured home” and before “.”; By adding in subparagraph (7A), in line 91, the
175 words “or cottage” after “manufactured home” and before “shall be”; By adding in
176 subparagraph (7A), in line 104, the words “or cottage community” after “housing community”
177 and before “, with all hook-ups”; By adding in subparagraph (7A), in line 125, the words “or
178 cottage community” after “housing community” and before “owner shall”; By adding in
179 subparagraph (8), in line 147, the words “or cottage community” after “A manufactured housing
180 community” and before “owner shall”; By adding in subparagraph (8), in line 149, the
181 words “or cottage community” after “housing community” and before “tenant,”; By adding in
182 subparagraph (8), in line 158, the words “or cottage community” after “, the housing
183 community” and, in line 159, before “owner shall give”; By adding in subparagraph (8), in

184 line 159, the words “or cottage community” after “manufactured housing community” and
185 before “tenant”; By adding in subparagraph (8), in line 161, the words “or cottage
186 community” after “manufactured housing community” and before “owner’s determination”; and

187 By adding in subparagraph (9), in line 165, the words “or cottage” after “The
188 manufactured housing community” and before “owner shall”.

189 SECTION 12. Section 32M of chapter 140 of the General Laws, as appearing in the
190 2006 official edition, is hereby amended as follows:

191 By adding in the title the words “or cottage” after “manufactured home” and before
192 “located in licensed community”

193 By adding, in line 1, the words “or cottage” after “manufactured home” and, in line 2,
194 before “located on a lot”; By adding, in line 2, the words “or cottage community” after
195 “manufactured housing community” and before “and which is not”; and

196 By adding, in line 3, the words “or cottage community” after “manufactured housing
197 community” and before “licensee”.

198 SECTION 13. Section 32N of chapter 140 of the General Laws, as appearing in the 2006
199 official edition, is hereby amended as follows:

200 By adding, in line 1, the words “or cottage community” after “Any manufactured housing
201 community” and before “licensee”;

202 By adding, in line 3, “or cottage community” after “housing community” and before
203 “resident or group”;

204 By adding, in line 6, “or cottage community” after “manufactured housing community”
205 and before “is located,”;

206 By adding, in line 10 “or cottage community” after “manufactured housing community”
207 and, in line 11, before “resident or group of residents”;

208 By adding, in line 14, “or cottage community” after “manufactured housing community”
209 and before “resident or group of residents”;

210 By adding, in line 18, “or cottage community” after “community” and before “resident or
211 group of residents”; and

212 By adding, in line 20, “or cottage community” after “manufactured housing community”
213 and before “resident or group of residents”.

214 SECTION 14. Section 32O of chapter 140 of the General Laws, as appearing in the 2006
215 official edition, is hereby amended by adding, in line 5, the words “or cottage community” after
216 “manufactured housing community” and before “of the”.

217 SECTION 15. Section 32P of chapter 140 of the General Laws, as appearing in the 2006
218 official edition, is hereby amended as follows:

219 By adding, in line 2, the words “or cottage community” after “manufactured housing
220 community” and before “owner to any”;

221 By adding, in line 3, the words “or cottage community” after “manufactured housing
222 community” and before “resident at a reasonable”;

223 By adding, in line 4, the words “or cottage” after “manufactured home” and before “lot.”;

224 By adding, in line 7, the words “or cottage community” after “manufactured housing
225 community” and before “, and the rules”;

226 By adding, in line 8, the words “or cottage lot” after “manufactured home lot” and before
227 “and community.”;

228 By adding, in line 12, the words “or cottage community” after “community” and before
229 “for a rental agreement”;

230 By adding, in line 17, the words “or the cottage community owner” after “manufactured
231 housing community owner” and, in line 18, before “and contain the following notice”;

232 By adding, in line 22, the words “or cottage community” after “manufactured housing
233 community” and before “.”;

234 By adding, in line 57, the words “or cottage community” after “manufactured housing
235 community” and before “has certain rights”; and

236 By adding, in line 75, the words “or cottage community” after “manufactured housing
237 community” and, in line 76, before “known as _____ and located”.

238 SECTION 16. Section 32Q of chapter 140 of the General Laws, as appearing in the 2006
239 official edition, is hereby amended as follows:

240 By adding in the title the words “and cottage” after “Manufactured home” and before
241 “defined”

242 By striking “P”, in line 1, after the words “to thirty-two” and inserting in place thereof
243 “S”;

244 By adding at the end of the current section, after line 10, the following paragraph “As
245 used in sections thirty-two A to thirty-two S, inclusive, the word “cottage” shall mean a
246 structure, which is three hundred twenty or more square feet, and which is designed to be used as
247 a dwelling unit with or without a permanent foundation when connected to the required utilities,
248 and includes the plumbing, heating, air conditioning, and electrical systems contained therein.

249 SECTION 17. Section 32R of chapter 140 of the General Laws, as appearing in the 2006
250 official edition, is hereby amended as follows:

251 By adding in the title the words “or cottage community” after “manufactured housing
252 community” and before “; home owners’ association”

253 By adding in subparagraph (a), in line 1, the words “or cottage community” after “A
254 manufactured housing community” and before “owner shall”;

255 By adding, in line 2, the words “or cottage community” after “manufactured housing
256 community” and before “of”;

257 By adding in subparagraph (b), in line 12, the words “or cottage community” after
258 “Before a manufactured housing community” and before “may be sold or leased”;

259 By adding in subparagraph (b), in line 23, the words “or cottage community” after
260 “manufactured housing community” and before “owner or operator”;

261 By adding in subparagraph (c), in line 32, the words “or cottage” after “manufactured
262 home” and before “owners residing”;

263 By adding in subparagraph (c), in line 59, the words “or cottage community” after
264 “community” and before “.”;

265 By adding in subparagraph (c), in line 72, the words “or cottage community” after
266 “housing community” and before “.”;

267 By striking out in subparagraph (d), in line 91, the word “owner” and inserting in place
268 thereof the words “or cottage community owner if the new owner continues to operate the
269 facility as a manufactured home community or cottage community”;

270 By adding in subparagraph (e), in line 93, the words “or cottage community” after
271 “community” and before “are not the successful purchaser”;

272 By adding in subparagraph (e), in line 101, the words “or cottage community” after
273 “manufactured housing community” and before “during the term of such lease.”;

274 By adding in subparagraph (f), in line 103, the words “or cottage community” after
275 “manufactured housing community” and before “is not required”; and

276 By adding in subparagraph (f), in line 107, the words “or cottage community” after
277 “manufactured housing community” and before “with at least four”.

278 SECTION 18. Section 32S of chapter 140 of the General Laws, as appearing in the 2006
279 official edition, is hereby amended by adding, in line 7, the words “and cottage communities”
280 after “manufactured housing community” and before “.”.