

SENATE No. 1755

The Commonwealth of Massachusetts

PRESENTED BY:

Benjamin B. Downing

To the Honorable Senate and House of Representatives of the Commonwealth of Massachusetts in General Court assembled:

The undersigned legislators and/or citizens respectfully petition for the adoption of the accompanying bill:

An Act providing for the establishment and administration of rent regulations and the control of evictions in mobile home accommodations in the town of West Stockbridge.

PETITION OF:

NAME:	DISTRICT/ADDRESS:
<i>Benjamin B. Downing</i>	<i>Berkshire, Hampshire, Franklin and Hampden</i>
<i>William Smitty Pignatelli</i>	<i>4th Berkshire</i>

SENATE No. 1755

By Mr. Downing, a petition (accompanied by bill, Senate, No. 1755) of Benjamin B. Downing and William Smitty Pignatelli (by vote of the town) for legislation to provide for the establishment and administration of rent regulations and the control of evictions in mobile home accommodations in the town of West Stockbridge. Municipalities and Regional Government. [Local Approval Received.]

[SIMILAR MATTER FILED IN PREVIOUS SESSION
SEE SENATE, NO. 2351 OF 2011-2012.]

The Commonwealth of Massachusetts

In the Year Two Thousand Thirteen

An Act providing for the establishment and administration of rent regulations and the control of evictions in mobile home accommodations in the town of West Stockbridge.

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: The Town of West Stockbridge may, by its bylaws, regulate rents for the use
2 or occupancy of mobile home park accommodations in said town, establish a rent board of the
3 purpose of regulating rents, minimum standards for use and occupancy of mobile home park
4 accommodations and evictions of tenants therefrom and may, by its by-laws, require registration
5 by owners of mobile home park accommodations. Such rents, standards and evictions may be
6 regulated by the rent board so as to remove hardships, or correct inequities of both the owner and
7 tenants of such mobile home park accommodations. Said rent board shall have all powers
8 necessary or convenient to perform its functions, may make rules and regulations, require
9 registration by owners of mobile home park accommodations, under penalty of perjury, or
10 information relating to the mobile home park accommodations, sue and be sued, compel the
11 attendance of persons and the production of papers and information, and issue appropriate orders
12 which shall be binding on both the owner and tenants of such mobile home park
13 accommodations. Violations of a by-law adopted pursuant to the Act or any order of said rent
14 board shall be punishable by a fine of not more than one-thousand dollars for any one offense.

15 Section 2: In regulating such rents for such mobile home park accommodations, the rent
16 board established under section one may make such individual or general adjustments, either
17 upward or downward, as may be necessary to assure that rents for the mobile home park
18 accommodations in said town are established at levels which yield to owners a fair net operating
19 income for such units. Said town in its by-laws of said rent board by regulations may establish
20 further standards and rules consistent with this Act. If the maximum rent is not otherwise
21 established, it shall be established by the board. Any maximum rent may be subsequently
22 adjusted under this Act.

23 Section 3: The provisions of Chapter 30A of the General Laws shall be applicable to the
24 rent board, established under section two, as if said rent board were an agency of the
25 Commonwealth, including those provisions giving agencies the powers to issue, vacate, modify,
26 and enforce subpoenas and those provisions relating to judicial review of an agency order.

27 Section 4: The district court shall have original jurisdiction, concurrently with the
28 superior court, of all petitions for review brought pursuant to section fourteen of Chapter 30A for
29 the General Laws. The superior court shall have jurisdiction to enforce the provisions of this Act
30 and any by-laws adopted thereunder and may restrain violations thereof.

31 Section 5: The Town of West Stockbridge may, by its by-laws, regulate the evictions of
32 tenants and the rent board established under section one, may issue orders which shall be a
33 defense to an action of summary process for possession and such orders shall be reviewable
34 pursuant to sections four and five.

35 Section 6: This Act shall take effect upon its passage.