

HOUSE No.

The Commonwealth of Massachusetts

PRESENTED BY:

James K. Hawkins

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 relative to manufactured housing communities.

PETITION OF:

NAME:	DISTRICT/ADDRESS:	DATE ADDED:
<i>James K. Hawkins</i>	<i>2nd Bristol</i>	<i>7/28/2022</i>

HOUSE No.

By Mr. Hawkins of Attleboro, a petition (subject to Joint Rule 12) of James K. Hawkins relative to manufactured housing communities. Housing.

The Commonwealth of Massachusetts

**In the One Hundred and Ninety-Second General Court
(2021-2022)**

An Act relative to manufactured housing 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 32B of chapter 140 of the General Laws is hereby amended by
2 adding the following paragraph:-

3 Upon receipt of a finding of a violation or order by the board pursuant to section 32F½,
4 the board of health may, after a hearing and reasonable notice, suspend or revoke a manufactured
5 housing community license.

6 SECTION 2. Chapter 140 of the General Laws is hereby amended by inserting after
7 section 32F the following section:-

8 Section 32F½. (a) A city or town may, by its ordinances or by-laws, establish a separate
9 board to oversee the use and occupancy payments for manufactured housing community
10 accommodations in such a city or town.

11 (b) Pursuant to this section, the board may make individual or general adjustments, either
12 upward or downward, as may be necessary to assure that use and occupancy of a manufactured

13 housing community in the city or town are established at levels that accommodate the occupants
14 of each manufactured home.

15 (c) The board shall have powers necessary or convenient to perform the following
16 functions:

17 (1) may make rules and regulations to effectuate the purposes of this section.

18 (2) require the registration by owners and operators of manufactured housing
19 communities under penalty of perjury, of information relating to the manufactured housing
20 community accommodations;

21 (3) sue and be sued;

22 (4) compel the attendance of persons and the production of papers and information; and

23 (5) issue appropriate orders which shall be binding on both the owner and tenants of such
24 manufactured housing community accommodations.

25 (d) Violations of any ordinance or by-law adopted pursuant to this section or any order of
26 the board shall be punishable by a fine of not more than \$5,000. Upon such finding of a violation
27 or order the board shall forthwith notify the board of health of the city or town of such finding.

28 (e) A manufactured housing community owner or operator holding a license shall not
29 increase the use and occupancy, fees, or the total rent of a manufactured home resident during
30 any 12-month period, even if a new lease agreement is signed or other rental agreement is
31 entered into, by an amount of more than the most recent Chained Consumer Price Index for All
32 Urban Consumers. For this section, the term “Chained Consumer Price Index for All Urban
33 Consumers” or “C-CPI-U”, shall mean the consumer price index for all urban consumers,

34 defined in 26 U.S.C. § 1(f)(6) and published by the Bureau of Labor Statistics of the Department
35 of Labor. The owner or operator may increase the existing manufactured home resident's use and
36 occupancy or rent by an amount of more than the C-CPI-U upon a finding of the board that such
37 increase will yield a fair net operating income pursuant to this section.

38 (f) The following factors, among other relevant factors, which the board may define by
39 regulation, shall be considered in determining whether manufactured housing community
40 accommodations yield a fair net operating income:

41 (1) increases or decreases in property taxes;

42 (2) unavoidable increases or any decreases in operating and maintenance expenses;

43 (3) capital improvements of the manufactured housing community as distinguished from
44 ordinary repair, replacement, and maintenance;

45 (4) increases or decreases in space, services, equipment, or other similar factors;

46 (5) substantial deterioration of the manufactured housing community other than as a
47 result of ordinary wear and tear;

48 (6) failure to perform ordinary repair, replacement, and maintenance; and

49 (7) that use and occupancy, rent, and fee payments are established at levels that
50 accommodate the occupants of each manufactured home.

51 (g) Chapter 30A shall apply to the board as if it were an agency of the Commonwealth,
52 including provisions relating to judicial review of an agency order.

53 (h) The district court shall have original jurisdiction, concurrently with the superior court,
54 of all petitions for review brought pursuant to section 14 of said chapter 30A.

55 (i) The superior court shall have original jurisdiction to enforce this act and any by-laws
56 adopted thereunder and may restrain violations thereof.

57 (j) The personnel, if any, of the board, shall not be subject to chapter 31 of the General
58 Laws.