HOUSE DOCKET, NO. 4442 FILED ON: 6/27/2012

HOUSE . . . . . No. 4221

The Commonwealth of Massachusetts

PRESENTED BY:

Robert M. Koczera

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 MANUFACTURED HOUSING COMMUNITIES IN THE TOWN OF ACUSHNET.

PETITION OF:

NAME:	DISTRICT/ADDRESS:
Robert M. Koczera	*11th Bristol*

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HOUSE . . . . . No. 4221

By Mr. Koczera of New Bedford, a petition (accompanied by bill, House, No. 4221) of Robert M. Koczera (by vote of the town) for legislation to establish rent board for the purpose of regulating rents for the use or occupancy of manufactured housing accommodations in the town of Acushnet. Municipalities and Regional Government. [Local Approval Received.]

The Commonwealth of Massachusetts

In the Year Two Thousand Twelve

AN ACT PROVIDING FOR THE ESTABLISHMENT AND ADMINISTRATION OF RENT REGULATIONS AND THE CONTROL OF EVICTIONS IN MANUFACTURED HOUSING COMMUNITIES IN THE TOWN OF ACUSHNET.

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

SECTION 1: The General Court finds and declares that a serious public emergency exists with respect to the housing of a substantial number of citizens in the Town of Acushnet, which emergency has been created by excessive, abnormally high and unwarranted rental increases imposed by some owners of manufactured housing communities located therein, that unless manufactures housing community rents and eviction of tenants are regulated and controlled, such emergency will produce serious threats to the public health, safety and general welfare of the citizens of said town, particularly the elderly, that such emergency should be met by the Commonwealth immediately and with due regard for the rights and responsibilities of the Town of Acushnet.

SECTION 2: The Town of Acushnet may, by vote or its selectmen or by by-law, establish rent board for the purpose of regulating rents for the use or occupancy of manufactured

12 housing accommodations in said town and for regulating units, minimum standards for use or
13 occupancy of manufactured housing communities and eviction of tenants therefrom. The rent
14 board shall be comprised of three members, which may be the board of selectmen or their
15 appointees. Such rents, standards and evictions may be regulated by the rent board so as to
16 remove hardships or correct inequities for both the owner and tenants of such manufactured
17 housing communities. Said rent board shall have all the powers necessary or convenient to
18 perform its functions, may make rules and regulations, require registrations by owners of
19 manufactured housing communities, under penalty of perjury, of information relating to the
20 manufactured housing communities, sue and be sued, compel the attendance of persons and the
21 production of papers and information and issue appropriate orders which shall be binding on
22 both the owner and tenants of such manufactured housing communities. Violations of any
23 regulation adopted pursuant to this act or any order of said rent board shall be punishable by a
24 fine or not more than $1,000.00

25 SECTION 3: In regulating rents for such manufactured housing communities, the rent
26 board established under Section 2 may make such individual or general adjustments, either
27 upward or downward, as may be necessary to assure that rents for manufactured housing
28 communities in said town are established at levels which yield to owners a fair net operating
29 income which will yield a return, after all reasonable operating expenses, on the fair market
30 value of the property equal to the debt service rate generally available from the institutional first
31 mortgage lenders or such other rates of return as the board, on the basis of evidence presented
32 before it, deems more appropriate to the circumstances of the case. The fair market value of the
33 property shall be the assessed valuation of the property or such other valuation as the board, on
34 the basis of evidence presented before it, deems more appropriate to the circumstances of the

35 case. Said town in its by-laws or said rent board by regulations may establish further standards
36 and rules consistent with this act.

37 SECTION 4: Review of the proceedings of the rent control board shall be conducted in
38 accordance with the provisions of G.L. c.249, 4.

39 SECTION 5: The Superior Court shall have jurisdiction to enforce the provisions of this
40 act and any regulations adopted thereunder and may restrain violations thereof.

41 SECTION 6: The town of Acushnet may regulate the eviction of tenants, and the rent
42 board established under Section 2 may issue orders which shall be a defense to actions of
43 summary process for possession and such orders shall be reviewable pursuant to Sections 4 and
44 5.

45 SECTION 7: The personnel of the rent board established under Section 2 shall not be
46 subject to Section 9A of Chapter 30 of the General Laws or Chapter 31 of the General Laws.

47 SECTION 8: This act shall take effect upon its passage or take any other action relative
48 thereto.