HOUSE DOCKET, NO. 112 FILED ON: 1/7/2013

HOUSE . . . . . No. 1106

The Commonwealth of Massachusetts

PRESENTED BY:

Claire D. Cronin

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 rent regulation and control of evictions in mobile home park accommodations in the town of Easton.

PETITION OF:

NAME:	DISTRICT/ADDRESS:
Claire D. Cronin	*11th Plymouth*
Brian A. Joyce	*Norfolk, Bristol and Plymouth*
Shaunna O'Connell	*3rd Bristol*

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By Ms. Cronin of Easton, a petition (accompanied by bill, House, No. 1106) of Claire D. Cronin, Brian A. Joyce and Shaunna O'Connell (by vote of the town) relative to rent regulations and the control of evictions in mobile home parks in the town of Easton. Housing. [Local Approval Received.]

[SIMILAR MATTER FILED IN PREVIOUS SESSION
SEE HOUSE, NO. *3793* OF 2011-2012.]

The Commonwealth of Massachusetts

In the Year Two Thousand Thirteen

An Act providing for rent regulation and control of evictions in mobile home park accommodations in the town of Easton.

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 Easton, which emergency has been created by excessive, abnormally high and unwarranted rental increases imposed by ownership of mobile home park accommodations located therein, that unless mobile home park accommodation 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 an emergency should be met by the commonwealth immediately and with due regard for the rights and responsibilities of the town of Easton.

Section 2. The town of Easton may, by its by-laws, regulate rents for the use or occupancy of mobile home park accommodations in said town, establish a rent board for the purpose of regulating rents, minimum standards for use or occupancy of mobile home park accommodations and eviction of tenants therefrom and may, by its by-laws, require registration by owners of mobile home parks under penalty of perjury, of information relating to the mobile home park accommodations. Said rent board shall have all powers necessary or convenient to

16 perform its functions, may make rules and regulations, require registration by owners of mobile
17 home parks, under penalty of perjury, of information relating to the mobile home park
18 accommodations, sue and be sued, compel the attendance of persons and the production of
19 papers and information and issue appropriate orders which shall be binding on both the owner
20 and tenants of such mobile home park accommodations. Violations of any by-law adopted
21 pursuant to this act or any order of said rent board shall be punishable by a fine of no more than
22 $1000.00.

23 Section 3. (a) The rent board established under section two may make such individual or
24 general adjustments, either upward or downward, as may be necessary to assure that rents for
25 mobile home park accommodations in said town are established at levels which yield to owners a
26 fair net operating income for such accommodations. (b) The following factors, among other
27 relevant factors, which the board by regulation may define, shall be considered in determining
28 whether controlled mobile home park accommodations yield a fair net operating income: (1)
29 increases or decreases in property taxes; (2) unavoidable increases or any decreases in operating
30 and maintenance expenses; (3) capital improvements of the mobile home park as distinguished
31 from ordinary repair, replacement and maintenance; (4) increases or decreases in space,
32 services, equipment, etc; (5) substantial deterioration of the mobile home park other than as a
33 result or ordinary wear and tear; and (6) failure to perform ordinary repair, replacement and
34 maintenance.

35 Section 4. The provisions of chapter thirty A of the General Laws shall be applicable to
36 the rent board, established under section two, as if said rent board were an agency of the
37 commonwealth, including those provisions relating to judicial review of an agency order.

38 Section 5. (a) The Taunton division of the district court department shall have original
39 jurisdiction, concurrently with the superior court, of all petitions for review brought pursuant to
40 section fourteen of chapter thirty A of the General Laws. (b) The superior court shall have
41 original jurisdiction to enforce the provisions of this act and any by-laws adopted thereunder and
42 may restrain violations thereof.

43 Section 6. The town of Easton may by its by-laws regulate the eviction of tenants and the
44 rent board established under section two, may issue orders which shall be a defense to actions of
45 summary process for possession and such orders shall be reviewable pursuant to section four and
46 five.

47 Section 7. The personnel, if any, of the rent board established under section two shall not
48 be subject to section nine A of chapter thirty of the General Laws or chapter thirty-one of the
49 General Laws.

50 Section 8. If any provision of this act or the application of such provision to any person or
51 circumstance shall be held to be invalid, the validity of the remainder of this act and the
52 application of such provision to other persons or circumstances shall not be affected thereby.

53 Section 9. This act shall take effect upon its passage.