

**SENATE . . . . . No. 2419**

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The Commonwealth of Massachusetts

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**In the One Hundred and Eighty-Ninth General Court**  
**(2015-2016)**  
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SENATE, Monday, July 11, 2016

The committee on Ways and Means, to whom was referred the Senate Bill relative to manufactured housing communities (Senate, No. 715),-- reports, recommending that the same ought to pass with an amendment substituting a new draft with the same title (Senate, No. 2419).

For the committee,  
Karen E. Spilka

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## The Commonwealth of Massachusetts

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**In the One Hundred and Eighty-Ninth General Court**  
**(2015-2016)**  
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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. Chapter 6 of the General Laws is hereby amended by striking out section  
2 108, as appearing in the 2014 Official Edition, and inserting in place thereof the following  
3 section:-

4           Section 108. There shall be a manufactured housing commission consisting of 5  
5 members: 3 members shall be appointed by the governor, 1 of whom shall be a resident of a  
6 manufactured housing community, 1 of whom shall be an owner of a manufactured housing  
7 community and 1 of whom shall be an attorney authorized to practice law in the commonwealth  
8 with experience in legal issues regarding manufactured housing, landlord-tenant law or real  
9 estate law and shall not be a resident or owner of a manufactured housing community; 1 member  
10 shall be appointed by the attorney general and shall be an attorney authorized to practice law in  
11 the commonwealth with experience in legal issues regarding manufactured housing, landlord-  
12 tenant law or real estate law and shall not be a resident or owner of a manufactured housing  
13 community; and 1 member shall be appointed by the director of housing and community  
14 development and shall be an attorney authorized to practice law in the commonwealth with

15 experience in legal issues regarding manufactured housing, landlord-tenant law or real estate law  
16 and shall not be a resident or owner of a manufactured housing community. The governor shall  
17 not appoint more than 2 members from the same political party. In the event that the governor,  
18 attorney general or director cannot appoint an attorney with the required experience, the  
19 governor, the attorney general or the director of housing and community development may  
20 appoint an attorney with experience in mediation or alternative dispute resolution programs. The  
21 governor shall appoint 2 alternate members, 1 of whom shall be a resident of a manufactured  
22 housing community and 1 of whom shall be an owner of a manufactured housing community.  
23 The alternate member who is a resident of a manufactured housing community shall not reside in  
24 the same community as the member of the commission who is a resident of a manufactured  
25 housing community and the alternate member who is an owner of a manufactured housing  
26 community shall not have an ownership interest in the same manufactured housing community  
27 as the member of the commission who is an owner of a manufactured housing community. Each  
28 member shall serve a term of 2 years and may be reappointed by the appointing authority upon  
29 expiration of the member's term.

30           A member or alternate member of the commission may be removed by their appointing  
31 authority for neglect of duty, misconduct, malfeasance or misfeasance after being given written  
32 notice and a sufficient opportunity to be heard.

33           The commission shall annually file with the department of housing and community  
34 development and the attorney general a written report for the preceding fiscal year. The report  
35 shall include an accounting of activities conducted and funds received and expended from the  
36 Manufactured Housing Trust Fund pursuant to section 2UUUU of chapter 29. The department  
37 of housing and community development shall make the annual report available online.

38 SECTION 2. Chapter 29 of the General Laws is hereby amended by inserting after  
39 section 2TTTT the following section:-

40 Section 2UUUU. There shall be a Manufactured Housing Trust Fund. The fund shall be  
41 administered by the secretary of administration and finance and licensing revenues collected  
42 pursuant to section 32B ½ of chapter 140 and fees collected pursuant to subsection (c) of section  
43 32T of said chapter 140 shall be deposited into the fund along with any interest earned by the  
44 fund. Fund assets shall be expended, without further appropriation, to support the manufactured  
45 housing dispute resolution program in said section 32T of said chapter 140 and may be used for  
46 compensation of manufactured housing commission members, as determined by the secretary of  
47 administration and finance, based on time actually expended on dispute resolution pursuant to  
48 the program described in said section 32T of said chapter 140 and to support funding of court  
49 appointed receiverships of manufactured housing communities.

50 SECTION 3. Section 32B of chapter 140 of the General Laws, as appearing in the 2014  
51 Official Edition, is hereby amended by inserting after the third sentence the following sentence:-  
52 The fee imposed for each original or renewal license for a manufactured housing community  
53 shall be for each lot in the community, occupied or vacant, and shall not be passed on, directly or  
54 indirectly, through a rent increase or otherwise to a tenant, resident or occupant of the  
55 community.

56 SECTION 4. Said chapter 140 is hereby amended by inserting after said section 32B the  
57 following section:-

58 Section 32B ½ . The fee for each original or renewal license for a manufactured housing  
59 community pursuant to section 32B shall be deposited as follows: (i) 80 per cent of the fee shall

60 be deposited into the Manufactured Housing Fund established in section 2UUUU of chapter 29;  
61 and (ii) 20 per cent of the fee shall be deposited into the general fund of the municipality in  
62 which the manufactured housing community is located pursuant to section 53 of chapter 44.

63 SECTION 5. Paragraph (3) of section 32L of said chapter 140, as appearing in the 2014  
64 Official Edition, is hereby amended by striking out the second sentence and inserting in place  
65 thereof the following sentence:- A manufactured housing community owner shall not impose  
66 conditions of rental or occupancy which restrict the resident's choice of seller of fuel,  
67 furnishings, goods, services or accessories connected with the rental or occupancy of a  
68 manufactured home lot; provided, however, that the seller or resident shall comply with the  
69 applicable laws, rules and regulations of the manufactured housing community approved by the  
70 attorney general or otherwise in effect pursuant to paragraph (5), including rules imposing  
71 reasonable insurance requirements.

72 SECTION 6. Said section 32L of said chapter 140, as so appearing, is hereby further  
73 amended by striking out paragraph (5) and inserting in place thereof the following paragraph:-

74 (5) If a manufactured housing community owner promulgates, deletes or amends a rule  
75 governing the rental or occupancy of a manufactured home site in a manufactured housing  
76 community, a new copy of those rules shall be sent by certified mail, return receipt requested, to  
77 the attorney general and the director of housing and community development not less than 90  
78 days before the proposed effective date of the promulgated, deleted or amended rules. The  
79 director of housing and community development shall have 45 days to review the rules for  
80 compliance with applicable housing laws. Upon completing that review, the director shall  
81 forward a conclusion to the attorney general, who shall have the remainder of the 90-day period  
82 to approve or disapprove the rules, unless the attorney general determines that an extension of

83 the rules review period is warranted. If the attorney general determines that an extension of the  
84 rules review period is warranted, the attorney general shall send written notification of the  
85 extension to the owner of the manufactured housing community; provided, however, that the  
86 extension shall be for not more than 90 days after the expiration of the original 90 days.

87           A copy of the manufactured housing community's rules shall be furnished to each  
88 resident in the community, along with a copy of the certified mail receipts signed by a  
89 representative of the attorney general, not more than 60 days before the proposed effective date  
90 of the promulgated, deleted or amended rules. If the attorney general does not take action before  
91 the expiration of the 90-day rules review period or any extension of that period, the  
92 manufactured housing community's rules shall be deemed approved. Nothing in this section  
93 shall preclude a private party from challenging a manufactured housing community's rules or  
94 portions of those rules in a court of competent jurisdiction before or after their approval or  
95 disapproval.

96           SECTION 7. Said section 32L of said chapter 140, as so appearing, is hereby further  
97 amended by striking out, in lines 67 and 68 the words "thirty-two A to thirty-two S" and  
98 inserting in place thereof the following words:- 32A to 32T.

99           SECTION 8. Said section 32L of said chapter 140, as so appearing, is hereby further  
100 amended by striking out, in lines 100 and 101, the words "director of housing and community  
101 development or the director's designee" and inserting in place thereof the following words:- the  
102 manufactured housing commission.

103           SECTION 9. Section 32P of said chapter 140, as so appearing, is hereby amended by  
104 striking out, in lines 27 to 33, inclusive, the words "either a copy of the approvals thereof by the

105 attorney general and said director or a certificate signed by the owner stating that neither the  
106 attorney general nor said director has taken action with respect thereto within the period set forth  
107 in paragraph (5) of section thirty-two L of chapter one hundred and forty. This notification must  
108 be furnished to you at least thirty” and inserting in place thereof the following words:- a copy of  
109 the approvals of such rules by the attorney general or a certificate signed by the owner stating  
110 that the attorney general has not taken action with respect to such rules within the period set forth  
111 in paragraph (5) of section 32L. This notification shall be furnished to you not less than 60.

112 SECTION 10. Section 32Q of said chapter 140, as so appearing, is hereby amended by  
113 striking out, in lines 3 and 4, the words “built in conformance to the National Manufactured  
114 Home Construction and Safety Standards”.

115 SECTION 11. Section 32R of said chapter 140, as so appearing, is hereby amended by  
116 striking out, in lines 32 and 33 and in line 40, the words “at least fifty-one percent” and inserting  
117 in place thereof, in each instance, the following words:- more than 50 per cent.

118 SECTION 12. Section 32S of said chapter 140, as so appearing, is hereby amended by  
119 striking out, in line 4, the words “thirty-two A to thirty-two S” and inserting in place thereof the  
120 following words:- 32A to 32T.

121 SECTION 13. Said chapter 140 is hereby further amended by inserting after section 32S  
122 the following section:-

123 Section 32T. (a) There shall be a manufactured housing dispute resolution program to  
124 assist the manufactured housing community with resolving disputes. A resident, owner or  
125 operator of a manufactured housing community may file a complaint with the attorney general  
126 alleging a violation of sections 32A to 32S, inclusive, regulations promulgated by the attorney

127 general pursuant to said sections 32A to 32S, inclusive, or manufactured housing community  
128 rules approved pursuant to paragraph (5) of section 32L. Complaints filed pursuant to this  
129 section shall be in writing and shall include an acknowledgement signed by the party making the  
130 complaint that the party is aware of the dispute resolution program created by this section.

131 (b) The attorney general shall review all complaints filed pursuant to this section. The  
132 attorney general may take action upon such complaints or refer the complaints to the  
133 manufactured housing commission for resolution.

134 (c) Upon receipt of a complaint from the attorney general, the commission shall assign 1  
135 of its members to conduct a mediation between the parties involved in the dispute; provided,  
136 however, that commissioners or alternate commissioners appointed pursuant to section 108 of  
137 chapter 6 as residents or owners of a manufactured housing community shall not serve as  
138 mediators. The mediator may gather information that the mediator deems necessary to determine  
139 whether a violation has occurred. After reviewing information from the parties involved in the  
140 dispute, the mediator shall provide recommendations for the resolution of the dispute. If the  
141 parties accept the mediator's proposal, or subsequently negotiate a settlement, the mediator shall  
142 notify both parties in writing of the terms agreed to by the parties involved in the dispute. If the  
143 parties fail to agree to a resolution of the dispute during the mediation process, 1 or both parties  
144 may request that the commission hear and issue a decision on the dispute pursuant to subsection

145 (d). The request shall be made in writing not later than 30 days after the close of the mediation.  
146 All requests for a hearing shall include a fee of \$25 paid by the party requesting a hearing,  
147 subject to adjustment pursuant to section 3B of chapter 7, which the commission shall deposit  
148 into the Manufactured Housing Fund established by section 2UUUU of chapter 29.



149 (d) A hearing held pursuant to subsection (c) shall be conducted by 3 members of the  
150 manufactured housing commission. One of the 3 members shall be the member who is the  
151 resident of a manufactured housing community and 1 shall be the member who is the owner of a  
152 manufactured housing community. Commission members appointed by the governor pursuant to  
153 section 108 of chapter 6 as either owners or residents, and that own or reside in the manufactured  
154 housing community that is the subject of the complaint, shall be prohibited from participating in  
155 hearings involving that manufactured housing community. When a commission member is so  
156 excluded from hearing a complaint, the corresponding alternate member of the commission shall  
157 replace the affected member and hear the complaint. The third member who hears the complaint  
158 shall not be the member who conducted the mediation of the complaint. Not later than 45 days  
159 after the hearing, the commission shall issue a written decision as to whether a violation has  
160 occurred and shall order appropriate action, if any, to be taken by the owner, resident, operator or  
161 any of the parties.

162 (e) No costs incurred pursuant to this section including, but not limited to, costs to file or  
163 defend a complaint and money a party is ordered to pay shall be passed on, directly or indirectly,  
164 through a rent increase or otherwise, to a tenant, resident or occupant of the community.

165 (f) All manufactured housing commission hearings and judicial review of commission  
166 decisions pursuant to this section shall be conducted pursuant to chapter 30A.

167 (g) The attorney general, upon request of the manufactured housing commission or upon  
168 its own initiative or a party to the commission hearing, may bring an action in a court of  
169 competent jurisdiction to enforce a decision issued by the commission pursuant to subsection (d).

170 (h) The manufactured housing commission shall issue written rules and procedures to  
171 carry out its duties pursuant to this section.

172 SECTION 14. A member of the manufactured home commission serving on the effective  
173 date of this act shall serve out the remainder of the member's term on the manufactured housing  
174 commission. Upon expiration of the term, the member shall be eligible for reappointment to the  
175 manufactured housing commission provided that the member meets the qualifications in section  
176 108 of chapter 6 of the General Laws.