

HOUSE No. 04221

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 passage 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:

Robert M. Koczera

DISTRICT/ADDRESS:

11th Bristol

HOUSE No. 04221

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.

The Commonwealth of Massachusetts

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In the Year Two Thousand Twelve
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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:

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

10 SECTION 2: The Town of Acushnet may, by vote or its selectmen or by by-law, establish rent
11 board for the purpose of regulating rents for the use or occupancy of manufactured housing
12 accommodations in said town and for regulating units, minimum standards for use or occupancy
13 of manufactured housing communities and eviction of tenants therefrom. The rent board shall be
14 comprised of three members, which may be the board of selectmen or their appointees. Such
15 rents, standards and evictions may be regulated by the rent board so as to remove hardships or
16 correct inequities for both the owner and tenants of such manufactured housing communities.
17 Said rent board shall have all the powers necessary or convenient to perform its functions, may
18 make rules and regulations, require registrations by owners of manufactured housing
19 communities, under penalty of perjury, of information relating to the manufactured housing
20 communities, sue and be sued, compel the attendance of persons and the production of papers
21 and information and issue appropriate orders which shall be binding on both the owner and
22 tenants of such manufactured housing communities. Violations of any regulation adopted
23 pursuant to this act or any order of said rent board shall be punishable by a fine or not more than
24 \$1,000.00

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

33 assessed valuation of the property or such other valuation as the board, on the basis of evidence
34 presented before it, deems more appropriate to the circumstances of the case. Said town in its
35 by-laws or said rent board by regulations may establish further standards and rules consistent
36 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 act and
40 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 board
42 established under Section 2 may issue orders which shall be a defense to actions of summary
43 process for possession and such orders shall be reviewable pursuant to Sections 4 and 5.

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

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