



Town of Easton
 Office of the Town Clerk
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 Jeremy P Gillis
 Town Clerk

TOWN MEETING ACTION

| | |
|---------------------------|-------------------------------------|
| ARTICLE #: | 1 |
| MOTIONED BY: | Corona |
| SECONDED BY: | Barlow |
| SELECTMEN: | Recommended |
| FINANCE COMMITTEE: | Recommended |
| REQUIRED VOTE: | Majority |
| ACTION: | <u>Voted.Article Passes.</u> |

MEETING DATE: February 6, 2012
 MEETING TYPE: Special Town meeting

A quorum of registered voters of the Town Of Easton being present, Town Moderator Walter Galas called the Special Town Meeting to order at 7:03 PM.

TO WHOM IT MAY CONCERN:

This is to certify that this document is a true copy of the Warrant Article and record of vote taken at the Special Town Meeting held on Monday, February 6, 2012,

ARTICLE 1. MOBILE HOME PARK BYLAW

To see if the Town will vote to approve that the following Chapter be added as a general Bylaw to the Code of the Town of Easton, subject to, and effective upon, authorization by the Massachusetts General Court, and subject to the insertion of the actual Chapter and Date in Section 1 of the Bylaw.

Chapter 168

MOBILE HOME PARKS

§ 168-1. Purpose

The purpose of this bylaw is to provide, pursuant to the provisions of Chapter __ of the Acts of __ (the "Acts"), for the regulation of rents for the use or occupancy of Mobile Home Park Sites in the Town, for the regulation of eviction of Mobile Home Park tenants, for the establishment of minimum standards for use and occupancy of mobile home park accommodations, for the registration by owners of mobile home parks, and for the establishment of a Rent Control Board with the powers and duties prescribed herein. In accordance with the Acts, this bylaw and any Rules and Regulations established hereunder exist to ensure equity in the cost of housing for residents of Mobile Home Parks.

§ 168-2. Definitions

For the purposes of this bylaw, the following words shall, unless the context otherwise requires, have the following meanings:

- A. Rent Board: the Mobile Home Park Rent Control Board established therein.
- B. Mobile Home: a dwelling unit that is transportable in one or more sections, built on a chassis and containing complete electrical, plumbing and sanitary facilities and designed to be installed on a temporary or permanent foundation for permanent living quarters. A Mobile Home may also be defined by reference to G.L. c. 140, §32Q or regulations promulgated hereunder.
- C. Mobile Home Park: a lot or tract of land used for the Sites of two or more Mobile Homes provided, however that Mobile Home Park owned by and between all of the owners of the Mobile Homes in the Park shall not be regulated by this bylaw.
- D. Site(s): the land underneath a Mobile Home and the associated lot rented or available for rent from the Mobile Home Park owner or licensee or in the event that the owner of the Mobile Home Park or licensee owns the Mobile Home, the actual Mobile Home and associated lot.
- E. Rules and Regulations: rules and regulations promulgated by the Rent Board.

§ 168-3. Mobile Home Park Rent Control Board

There is hereby established a Mobile Home Park Rent Control Board consisting of five (5) residents of Easton, appointed by the Board of Selectmen for a term of five (5) years, provided, however that of the members first appointed to the Board one (1) shall be appointed for a term of one (1) year, one (1) shall be appointed for a term of two (2) years, one (1) shall be appointed for a term of three (3) years,

one shall be appointed for a term of four (4) years and one shall be appointed for a term of five (5) years. Thereafter, the Board of Selectmen shall appoint each successor to a term of five (5) years. Any vacancy occurring otherwise than by expiration of a term shall be filled by the Board of Selectmen for the unexpired term. At the first meeting after the start of each new fiscal year, the Rent Board shall elect from its members a Chair, a Vice-Chair and a Clerk. No member of the Rent Board shall be a Mobile Home Park owner, a Mobile Home Park licensee or a Mobile Home Park tenant, or have any financial interest, direct or indirect, in a Mobile Home Park located in Easton.

§ 168-4. Powers and Duties

The Rent Board shall have the following powers and duties:

- A. The Rent Board shall regulate: rents; minimum standards for the use of occupancy of Mobile Home Park Sites; registrations by owners of Mobile Home Parks and the evictions of tenants therefrom.
- B. The Rent Board shall have all powers necessary or convenient to perform its functions. The Rent Board may make Rules and Regulations, may require information from said owners under penalty of perjury relating to their Mobile Home Park Sites, may sue and be sued, may compel the attendance of persons and the production of papers and information, and may issue appropriate orders which shall be binding on both the owner and tenants of Mobile Home Park Sites.

§ 168-5. Standards for Adjusting Rents

- A. The Rent Board, in regulating rents, shall make such individual or general adjustments, either upward or downward, as may be necessary to assure that rents for Mobile Home Park Sites are established at levels which yield to tenants reasonable Site rents based on current economic conditions and, to owners or licensees, a fair net operating income.
- B. The Rent Board may make Site rent adjustments at its own initiative; or application for Site rent changes may be made to the Rent Board by owners, licensees and/or tenant(s) of Mobile Home Parks in the Town of Easton. Any application for change in Site rents made by tenants may not be used as a premise for increasing rents or other charges.
- C. No proposed rent increase shall be effective without the prior written approval of the Board.
- D. The following factors, among other relevant factors, which the Board, by its Regulation may define, shall be considered in determining whether rents for Mobile Home Park Sites yield a fair net operating income: (1) increases or decreases in property taxes; (2) unavoidable increases or any decreases in operating and maintenance expenses; (3) capital improvements of the mobile home park as distinguished from ordinary repair, replacement and maintenance; (4) increases or decreases in space, services, equipment, etc.; (5) substantial deterioration of the mobile home park other than as a result of ordinary wear and tear; and (6) failure to perform ordinary repair, replacement and maintenance.
- E. The Rent Board may establish, via its Regulations, further definitions, standards and rules consistent with the foregoing.

§ 168-6. Summary Process

The Rent Board may adopt rules regulating the evictions of tenants at Mobile Home Parks, and the Rent Board may issue orders which shall be a defense to an action of summary process for possession.

§ 168-7. Forms

Any and all statements, applications and other materials submitted to the Rent Board hereunder shall be submitted under the pains and penalties of perjury.

§ 168-8. Miscellaneous

- A. The provisions of Chapter 30A of the General Laws shall be applicable to the Rent Board as if the Board were an agency of the Commonwealth of Massachusetts, including those provisions giving agencies the power to issue, vacate, modify and enforce subpoenas and those provisions relating to judicial review of an agency order.
- B. The personnel, if any, of the rent board established under section two shall not be subject to Section 9A of Chapter 30 of the General Laws or chapter thirty-one of the General Laws.
- C. The Taunton Division of the District Court Department shall have original jurisdiction, concurrently with the Superior Court Department, of all petitions for review brought pursuant to Section 14 of Chapter 30A of the General Laws. Any and all parties aggrieved by the action(s) of the Rent Board may institute an action as provided herein.
- D. The Superior Court Department shall have jurisdiction to enforce the provisions of this bylaw, and any Rules and Regulations established hereunder, and may restrain violations thereof.

§ 168-9. Penalties

Violations of this bylaw or any order of the Rent Board shall be punishable a fine of not more than one thousand dollars (\$1,000.00).

§ 168-10. Severability

If any provision of this bylaw or the application of such bylaw to any person or circumstance shall be held invalid by final judgment of a court of competent jurisdiction, the validity of other provisions of this bylaw or the application of such provision to other persons or circumstances shall not be thereby affected; additionally, the invalid provision shall be interpreted and applied until amendment by the appropriate body to the fullest extent applicable under Massachusetts law and regulations.

Motion: I move to amend the Town's General Bylaws by adding a new Chapter 168, entitled Mobile Home Parks, the provisions of which are printed in the warrant, excepting that the first sentence of Section 168-3, as appearing in the warrant, shall be replaced with:

There is hereby established a Mobile Home Park Rent Control Board consisting of five (5) residents of Easton. The Board of Selectmen shall serve as the initial Board hereunder but may elect to appoint other residents. Should the Selectmen appoint other residents, the new members of the Board shall be appointed for a term of five (5) years, provided however that of the members first appointed to the Board by the Selectmen, one (1) shall be appointed for a term of one (1) year, one (1) shall be appointed for a term of two (2) years, one (1) shall be appointed for a term of three (3) years, one shall be appointed for a term of four (4) years and one shall be appointed for a term of five (5) years.

And, said Bylaw is to be effective only upon the passage of the Special Act referenced in Section 168-1 thereof, with the identifying Chapter and year of said Special Act to be inserted in Section 168-1 upon passage.

Explanation: At Town Meeting in May, 2011, voters approved a citizen petition requesting that the state authorize the Town to regulate rents and evictions in the Easton's mobile home community. Approval of this article will allow the Town to do so when the Legislature grants its approval. Timothy Harrigan, Community Planner, will provide further explanation on behalf of the Selectmen.

Vote Required: Majority

Voted.Article Passes.

A TRUE COPY ATTEST:



JEREMY P GILLIS, TOWN CLERK