

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL
No. 2730 Session of
1988

INTRODUCED BY BARLEY, YANDRISEVITS, DAVIES, DeLUCA,
E. Z. TAYLOR, McHALE, CLYMER, VEON AND LEH, OCTOBER 4, 1988

REFERRED TO COMMITTEE ON CONSUMER AFFAIRS, OCTOBER 4, 1988

AN ACT

1 Amending the act of November 24, 1976 (P.L.1176, No.261),
2 entitled "An act providing for the rights and duties of
3 mobile home owners or operators and mobile home residents,"
4 further providing for evictions, park rules and regulations,
5 maintenance and repairs, underskirting and tie-down
6 equipment, and overnight guests.

7 The General Assembly of the Commonwealth of Pennsylvania
8 hereby enacts as follows:

9 Section 1. Section 2 of the act of November 24, 1976
10 (P.L.1176, No.261), known as the Mobile Home Park Rights Act, is
11 amended by adding a definition to read:

12 Section 2. Definitions.--As used in this act:

13 "Designated dealer" means any retailer, distributor,
14 wholesaler or manufacturer from which a mobile home park owner
15 or his agent requires the purchase of a mobile home or
16 equipment.

17 * * *

18 Section 2. Sections 3, 4, 5, 8, 10, 13 and 15 of the act are
19 amended to read:

20 Section 3. Evictions.--(a) A mobile home resident [shall

1 only] may not be evicted except for any of the following
2 reasons:

3 (1) Nonpayment of rent.

4 (2) A second or subsequent violation of the rules of the
5 mobile home park occurring within a six-month period.

6 (3) If there is a change in use of the park land or parts
7 thereof.

8 (4) Termination of mobile home park.

9 (b) A mobile home resident shall only be evicted in
10 accordance with the following procedure:

11 (1) A resident shall not be evicted by any self-help
12 measure.

13 (2) Prior to the commencement of any eviction proceeding,
14 the mobile home park owner shall notify the mobile home park
15 resident in writing of the particular breach or violation of the
16 lease or park rules by certified or registered mail.

17 (i) In the case of nonpayment of rent, the notice shall
18 state that an eviction proceeding may be commenced if the mobile
19 home resident does not pay the overdue rent within 20 days from
20 the date of service if the notice is given on or after April 1
21 and before September 1, and 30 days if given on or after
22 September 1 and before April 1 or an additional nonpayment of
23 rent occurring within six months of the giving of the notice may
24 result in immediate eviction proceedings.

25 (ii) In the case of a breach of the lease or violation of
26 the park rules, other than nonpayment of rent, the notice shall
27 describe the particular breach or violation. No eviction action
28 shall be commenced unless the mobile home park resident has been
29 notified as required by this section, and upon a second or
30 subsequent violation or breach occurring within six months, the

1 mobile home park owner may commence eviction proceedings at any
2 time within 60 days of the last violation or breach.

3 (iii) In the case of violation of the park rules, the tenant
4 shall have six months from the first notice of the eviction
5 proceedings to remove the mobile home from the mobile home park,
6 and the owners or operators of the mobile home park shall
7 actively assist the tenant in locating an alternative comparable
8 site and shall demonstrate evidence of their assistance at the
9 termination of the six-month period.

10 (c) A mobile home resident shall not be evicted when there
11 is proof that the rules he is accused of violating are not
12 enforced with respect to the other mobile home residents or
13 nonresidents on the park premises.

14 Section 4. Park Rules and Regulations.--The owner or
15 operator of a mobile home park may at any time establish fair
16 and reasonable rules and regulations reasonably related to the
17 health, or safety of residents in the park or to the upkeep of
18 the park, provided such rules and regulations are included in
19 any written lease and delivered to existing residents and are
20 posted in a conspicuous and readily accessible place in the
21 mobile home park.

22 (1) Where rules and regulations posted according to
23 provisions of this section are considered by a majority of the
24 mobile home residents to be unreasonable, a petition signed by
25 at least 51% of the mobile home residents, listing the rules and
26 regulations considered unreasonable, along with reasons why, may
27 be submitted by the mobile home residents to the Bureau of
28 Consumer Protection in the Attorney General's office. The Bureau
29 of Consumer Protection shall rule on the reasonableness of the
30 rules or regulations in question within 90 days of receipt of

1 the petition from the mobile home residents. If the Bureau of
2 Consumer Protection determines that a rule or regulation is
3 unreasonable, it shall order the owner or owners of the mobile
4 home park to rescind the rule or regulation. The Bureau of
5 Consumer Protection may also advise the owner or owners of a
6 mobile home park with respect to any modification of any
7 proposed rule or regulation.

8 (2) All rules or rental charges shall be uniformly applied
9 to all mobile home residents or prospective mobile home
10 residents of the same or similar category. When the lease or
11 rental agreement is oral, the resident shall be provided with a
12 written copy of such rules and regulations prior to the owner's
13 or operator's acceptance of any initial deposit, fee or rent. In
14 addition a copy of this act shall be posted in a conspicuous and
15 readily accessible place in the mobile home park and a copy of
16 the following notice shall be reproduced in capital typewritten
17 letters or in ten-point boldface print and be given to each
18 resident upon entering into the lease.

19 "IMPORTANT NOTICE REQUIRED BY LAW

20 The rules set forth below govern the terms of your lease
21 or occupancy agreement with this mobile home park. The law
22 requires all of these rules to be fair and reasonable.

23 You may continue to stay in this park as long as you pay
24 your rent and other reasonable fees, service charges and
25 assessments hereinafter set forth and abide by the rules of
26 the park. Entrance and exit fees may not be charged.

27 Installation and removal fees may not be charged in excess of
28 the actual cost to the mobile home park owner or operator for
29 providing such service for the installation or removal of a
30 mobile home in a mobile home space.

1 You may not be evicted except for any of the following
2 reasons:

3 (1) Nonpayment of rent.

4 (2) A second or subsequent violation of the rules of the
5 mobile home park occurring within a six-month period.

6 (3) If there is a change in use of the park land or
7 parts thereof.

8 (4) Termination of mobile home park.

9 If evicted for reason (2) above, you shall have six
10 months from the first notice of the eviction proceedings to
11 remove the mobile home from the mobile home park. The owners
12 or operators of the mobile home park shall actively assist
13 you in locating an alternative comparable site and shall
14 demonstrate evidence of their assistance at the termination
15 of the six-month period.

16 You shall only be evicted in accordance with the
17 following procedure:

18 (1) A resident shall not be evicted by any self-help
19 measure.

20 (2) Prior to the commencement of any eviction
21 proceeding, the mobile home park owner shall notify you in
22 writing of the particular breach or violation of the lease or
23 park rules by certified or registered mail.

24 (i) In the case of nonpayment of rent, the notice shall
25 state that an eviction proceeding may be commenced if the
26 mobile home resident does not pay the overdue rent within 20
27 days from the date of service if the notice is given on or
28 after April 1 and before September 1, and 30 days if given on
29 or after September 1 and before April 1 or an additional
30 nonpayment of rent occurring within six months of the giving

1 of the notice may result in immediate eviction proceedings.

2 (ii) In the case of a breach of the lease or violation
3 of the park rules, other than nonpayment of rent, the notice
4 shall describe the particular breach or violation. No
5 eviction action shall be commenced unless you have been
6 notified as required by this section, and upon a second or
7 subsequent violation or breach occurring within six months,
8 the mobile home park owner may commence eviction proceedings
9 at any time within 60 days of the last violation or breach.

10 You shall not be evicted when there is proof that the
11 rules you are accused of violating are not enforced with
12 respect to the other mobile home residents or nonresidents on
13 the park premises.

14 In addition, no eviction proceeding for nonpayment of
15 rent may be commenced against you until you have received
16 notice by certified or registered mail of the nonpayment and
17 have been given to pay the overdue rent 20 days from the date
18 of service if the notice is given on or after April 1 and
19 before September 1, and 30 days if given on or after
20 September 1 and before April 1. However, only one notice of
21 overdue rent is required to be sent to you during any six-
22 month period. If a second or additional violation occurs
23 within six months from the date of the first notice then
24 eviction proceedings may be immediately started against you.

25 You are entitled to purchase goods or services including
26 the mobile home itself, from a seller of your choice and the
27 park owner shall not restrict your right to do so.

28 With respect to maintenance and repairs of mobile homes,
29 you, as a mobile home resident, shall have the right to
30 engage the services of an experienced professional contractor

1 of your choice or, where feasible, may perform the needed
2 work yourself or engage the services of a non-professional,
3 provided performing such work yourself or by a non-
4 professional is not prohibited by any municipal building or
5 housing codes and further provided the individual or
6 individuals performing the work are capable of performing the
7 work in a safe and professional manner while maintaining the
8 aesthetic quality of the mobile home and its surroundings.

9 If you desire to sell your mobile home, the mobile home
10 park owner may not prevent the sale and may not claim any fee
11 in connection therewith, unless there exists a separate
12 written agreement. However, the mobile home park owner may
13 reserve the right to approve the purchaser as a resident in
14 the mobile home park.

15 Enforcement of the Mobile Home Park Rights Act is by the
16 Attorney General of the Commonwealth of Pennsylvania or the
17 District Attorney of the county in which the mobile home park
18 is located. You may also bring a private cause of action. If
19 your rights are violated you may contact the State Bureau of
20 Consumer Protection or your local District Attorney."

21 Section 5. Underskirting and Tie-down Equipment.--A mobile
22 home park owner or operator may designate the type of material
23 or manner of installation for underskirting, awnings, porches,
24 fences or other additions and alterations to the exterior of the
25 mobile home and tie-down equipment used in a mobile home space
26 in order to insure the safety and good appearance of the mobile
27 home park, but under no circumstances may a resident be required
28 to purchase such equipment from a supplier designated by the
29 park owner or operator. The owner of a mobile home park may not
30 order subsequent changes to the underskirting, awnings, porches,

fences or other additions or alterations to the exterior of the mobile home and tie-down equipment following the initial installation by a mobile home resident at the request of a mobile home owner, except for the purpose of replacing damaged items which pose a threat to the public safety of residents and visitors or which, in their damaged condition, negatively affect the aesthetic quality of the mobile home and its surroundings.

Section 8. Entrance and Exit Fees; Conditional Leases.--(a)

Entrance and exit fees may not be charged.

(b) No mobile home park owner or agent or other person acting on behalf of the owner shall require a resident or prospective resident to purchase any equipment or a mobile home from the owner or a designated dealer as a condition to lease a mobile home park space to such resident or prospective resident.

Section 10. Other Fees.--In accordance with a resident's right to invite to his dwelling unit such social and business visitors as he wishes, no fee may be charged for overnight visitors or guests occupying a resident's mobile home. However, if such overnight visitors or guests so frequently remain overnight for residential purposes so as to increase the number of persons normally living in said unit, the owner or operator of a mobile home park may revise the rent due to conform to the rent paid by other residents with a like number of members in their household. The owner of a mobile home park may not require the registration of overnight guests.

[Section 13. Damages.--Any mobile home park owner, operator or resident aggrieved by a violation of their rights under this act may institute a private cause of action to recover damages, or for treble damages where so provided in this act, or for restitution in any appropriate court of initial jurisdiction

1 within the Commonwealth.]

2 Section 13. Damages and Civil Penalties.--(a) Persons who
3 violate this act shall pay a civil penalty of \$1,000 for each
4 violation of this act plus costs of litigation.

5 (b) Any person aggrieved by a violation of this act may
6 institute a private cause of action to recover three times the
7 damages plus the costs of suit and attorney's fees caused by
8 such violation of this act.

9 Section 15. Enforcement.--(a) The Attorney General shall
10 have the power and it shall be his duty to enforce the
11 provisions of this act, but in no event shall an individual be
12 prohibited or otherwise restricted from initiating a private
13 cause of action pursuant to any right or remedy conferred by
14 this act.

15 (b) Violation of this act shall constitute a violation of
16 the act of December 17, 1968 (P.L.1224, No.387), known as the
17 "Unfair Trade Practices and Consumer Protection Law."

18 Section 3. This act shall take effect in 60 days.