

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 606 Session of  
1989

INTRODUCED BY BARLEY, HARPER, VROON, SCHULER, LETTERMAN,  
D. W. SNYDER, SEMMEL, STAIRS, PHILLIPS, MORRIS, SAURMAN,  
HERSHEY, BILLOW, GODSHALL, CIVERA, VEON, J. TAYLOR, LEH,  
McVERRY, E. Z. TAYLOR, YANDRISEVITS AND CORRIGAN,  
FEBRUARY 15, 1989

REFERRED TO COMMITTEE ON APPROPRIATIONS, FEBRUARY 15, 1989

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, for park rules and  
5 regulations, for maintenance and repairs, for underskirting  
6 and tie-down equipment, and for 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

1 amended to read:

2 Section 3. Evictions.--(a) A mobile home resident [shall  
3 only] may not be evicted except for any of the following  
4 reasons:

5 (1) Nonpayment of rent.

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

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

10 (4) Termination of mobile home park.

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

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

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

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

27 (ii) In the case of a breach of the lease or violation of  
28 the park rules, other than nonpayment of rent, the notice shall  
29 describe the particular breach or violation. No eviction action  
30 shall be commenced unless the mobile home park resident has been

1 notified as required by this section, and upon a second or  
2 subsequent violation or breach occurring within six months, the  
3 mobile home park owner may commence eviction proceedings at any  
4 time within 60 days of the last violation or breach.

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

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

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

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

1 of Consumer Protection shall rule on the reasonableness of the  
2 rules or regulations in question within 90 days of receipt of  
3 the petition from the mobile home residents. If the Bureau of  
4 Consumer Protection determines that a rule or regulation is  
5 unreasonable, it shall order the owner or owners of the mobile  
6 home park to rescind the rule or regulation. The Bureau of  
7 Consumer Protection may also advise the owner or owners of a  
8 mobile home park with respect to any modification of any  
9 proposed rule or regulation.

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

21                     "IMPORTANT NOTICE REQUIRED BY LAW

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

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

29             Installation and removal fees may not be charged in excess of  
30 the actual cost to the mobile home park owner or operator for

1 providing such service for the installation or removal of a  
2 mobile home in a mobile home space.

3 You may not be evicted except for any of the following  
4 reasons:

5 (1) Nonpayment of rent.

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

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

10 (4) Termination of mobile home park.

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

18 You shall only be evicted in accordance with the  
19 following procedure:

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

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

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

1 or after September 1 and before April 1 or an additional  
2 nonpayment of rent occurring within six months of the giving  
3 of the notice may result in immediate eviction proceedings.

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

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

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

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

30 With respect to maintenance and repairs of mobile homes,

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

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

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

23       Section 5. Underskirting and Tie-down Equipment.--A mobile  
24 home park owner or operator may designate the type of material  
25 or manner of installation for underskirting, awnings, porches,  
26 fences or other additions and alterations to the exterior of the  
27 mobile home and tie-down equipment used in a mobile home space  
28 in order to insure the safety and good appearance of the mobile  
29 home park, but under no circumstances may a resident be required  
30 to purchase such equipment from a supplier designated by the

1 park owner or operator. The owner of a mobile home park may not  
2 order subsequent changes to the underskirting, awnings, porches,  
3 fences or other additions or alterations to the exterior of the  
4 mobile home and tie-down equipment following the initial  
5 installation by a mobile home resident at the request of a  
6 mobile home owner, except for the purpose of replacing damaged  
7 items which pose a threat to the public safety of residents and  
8 visitors or which, in their damaged condition, negatively affect  
9 the aesthetic quality of the mobile home and its surroundings.

10 Section 8. Entrance and Exit Fees; Conditional Leases.--(a)  
11 Entrance and exit fees may not be charged.

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

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

28 [Section 13. Damages.--Any mobile home park owner, operator  
29 or resident aggrieved by a violation of their rights under this  
30 act may institute a private cause of action to recover damages,



1 or for treble damages where so provided in this act, or for  
2 restitution in any appropriate court of initial jurisdiction  
3 within the Commonwealth.]

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

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

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

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

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