

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 1402 Session of
2005

INTRODUCED BY HANNA, CALTAGIRONE, CORRIGAN, GEIST, GEORGE,
HALUSKA, HARHAI, JAMES, KOTIK, MUNDY, PALLONE, SATHER,
SIPTROTH, SHANER, YOUNGBLOOD, BARRAR AND SAINATO,
APRIL 20, 2005

REFERRED TO COMMITTEE ON LOCAL GOVERNMENT, APRIL 20, 2005

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 and for park rules and
5 regulations.

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

8 Section 1. Sections 3(a) and 4 of the act of November 24,
9 1976 (P.L.1176, No.261), known as the Mobile Home Park Rights
10 Act, are amended to read:

11 Section 3. Evictions.--(a) A mobile home resident shall
12 only be evicted for any of the following reasons:

13 (1) Nonpayment of rent.

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

16 (3) If there is a change in use of the park land or parts
17 thereof, provided that the eviction may not occur until the
18 expiration of the term of the lease in effect at the time or 90

1 days after written notice to the mobile home resident of such
2 change in use, whichever period is longer.

3 (4) Termination of mobile home park, provided that the
4 eviction may not occur until the expiration of the term of the
5 lease in effect at the time or 90 days after written notice to
6 the mobile home resident of such change in termination,
7 whichever period is longer.

8 * * *

9 Section 4. Park Rules and Regulations.--The owner or
10 operator of a mobile home park may at any time establish fair
11 and reasonable rules and regulations reasonably related to the
12 health, or safety of residents in the park or to the upkeep of
13 the park, provided such rules and regulations are included in
14 any written lease and delivered to existing residents and are
15 posted in a conspicuous and readily accessible place in the
16 mobile home park. All rules or rental charges shall be uniformly
17 applied to all mobile home residents or prospective mobile home
18 residents of the same or similar category. When the lease or
19 rental agreement is oral, the resident shall be provided with a
20 written copy of such rules and regulations prior to the owner's
21 or operator's acceptance of any initial deposit, fee or rent. In
22 addition a copy of this act shall be posted in a conspicuous and
23 readily accessible place in the mobile home park and a copy of
24 the following notice shall be reproduced in capital typewritten
25 letters or in ten-point boldface print and be given to each
26 resident upon entering into the lease.

27 "IMPORTANT NOTICE REQUIRED BY LAW

28 The rules set forth below govern the terms of your lease

1 or occupancy agreement with this mobile home park. The law
2 requires all of these rules to be fair and reasonable.

3 You may continue to stay in this park as long as you pay
4 your rent and other reasonable fees, service charges and
5 assessments hereinafter set forth and abide by the rules of
6 the park. Entrance and exit fees may not be charged.
7 Installation and removal fees may not be charged in excess of
8 the actual cost to the mobile home park owner or operator for
9 providing such service for the installation or removal of a
10 mobile home in a mobile home space.

11 You may be evicted for any of the following reasons:

12 (1) Nonpayment of rent.

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

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

17 (4) Termination of mobile home park.

18 If evicted for reason (3) or (4), you may not be evicted
19 until the expiration of the term of the lease in effect at
20 the time or 90 days from the change in use or termination,
21 whichever period is longer.

22 You shall only be evicted in accordance with the
23 following procedure:

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

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

30 (i) In the case of nonpayment of rent, the notice shall

1 state that an eviction proceeding may be commenced if the
2 mobile home resident does not pay the overdue rent within 20
3 days from the date of service if the notice is given on or
4 after April 1 and before September 1, and 30 days if given on
5 or after September 1 and before April 1 or an additional
6 nonpayment of rent occurring within six months of the giving
7 of the notice may result in immediate eviction proceedings.

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

16 You shall not be evicted when there is proof that the
17 rules you are accused of violating are not enforced with
18 respect to the other mobile home residents or nonresidents on
19 the park premises.

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

1 You are entitled to purchase goods or services from a
2 seller of your choice and the park owner shall not restrict
3 your right to do so.

4 If you desire to sell your mobile home, the mobile home
5 park owner may not prevent the sale and may not claim any fee
6 in connection therewith, unless there exists a separate
7 written agreement. However, the mobile home park owner may
8 reserve the right to approve the purchaser as a resident in
9 the mobile home park.

10 Enforcement of the Mobile Home Park Rights Act is by the
11 Attorney General of the Commonwealth of Pennsylvania or the
12 District Attorney of the county in which the mobile home park
13 is located. You may also bring a private cause of action. If
14 your rights are violated you may contact the State Bureau of
15 Consumer Protection or your local District Attorney."
16 Section 2. This act shall take effect in 60 days.