

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 851 Session of
1993

INTRODUCED BY D. R. WRIGHT, DeWEESE, VEON, ROONEY, DeLUCA,
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MARCH 22, 1993

AS AMENDED ON THIRD CONSIDERATION, HOUSE OF REPRESENTATIVES,
DECEMBER 14, 1993

AN ACT

1 Providing for dispute reconciliation in manufactured housing
2 communities; establishing the Manufactured Housing Community
3 Commission and providing for its powers and duties;
4 conferring powers and duties on the Department of Community
5 Affairs; imposing fees on manufacturing housing communities;
6 establishing the Manufactured Housing Fund; and imposing
7 duties on the Legislative Reference Bureau.

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

10 Section 1. Short title.

11 This act shall be known and may be cited as the Manufactured
12 Housing Community Commission Act.

13 Section 2. Legislative findings and purposes.

14 The General Assembly finds and declares as follows:

15 (1) AN INCREASING NUMBER OF CITIZENS OF THIS
16 COMMONWEALTH LIVE IN MANUFACTURED HOMES AND MANY OF THESE
17 CITIZENS RESIDE IN MANUFACTURED HOUSING COMMUNITIES.

18 (2) BECAUSE OF THE GROWING NUMBER OF PROBLEMS AND
19 COMPLAINTS DEALING WITH VARIOUS ASPECTS OF LIVING IN

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1 MANUFACTURED HOUSING COMMUNITIES AND BECAUSE OF THE UNIQUE
2 NATURE OF MANUFACTURED HOMES, IT IS NECESSARY TO CREATE THE
3 COMMISSION AND DESIGNATE AN EXECUTIVE DIRECTOR TO RESOLVE
4 SUCH DISPUTES.

5 ~~(1)~~ (3) The relationship between manufactured housing <—
6 communities and residents of the communities requires
7 conciliation and mediation.

8 ~~(2) Because of the unique nature of manufactured housing <—~~
9 ~~and because disputes between residents and communities arise,~~
10 ~~it is necessary to create a manufactured housing community~~
11 ~~commission and designate an executive director to attempt to~~
12 ~~resolve such disputes.~~

13 Section 3. Definitions.

14 The following words and phrases when used in this act shall
15 have the meanings given to them in this section unless the
16 context clearly indicates otherwise:

17 "Bureau." The Bureau of Consumer Protection in the Office of
18 Attorney General.

19 "Commission." The Manufactured Housing Community Commission
20 established in section 4.

21 "Department." The Department of Community Affairs of the
22 Commonwealth.

23 "Executive director." The executive director of the
24 Manufactured Housing Community Commission.

25 "Fund." The Manufactured Housing Fund established in section
26 ~~11~~ 12. <—

27 "Manufactured home." A structure, transportable in one or
28 more sections, which meets all of the following:

29 (1) Is built on a permanent chassis.

30 (2) Is designed to be used as a dwelling, with or

1 without a permanent foundation, when connected to the
2 required utilities.

3 (3) Either:

4 (i) is, in the traveling mode, eight body feet or
5 more in width and 40 body feet or more in length and is,
6 when erected on site, is 320 or more square feet; or

7 (ii) has on file a certification required by the
8 United States Department of Housing and Urban Development
9 and complies with the act of November 17, 1982 (P.L.676,
10 No.192), known as the Manufactured Housing Construction
11 and Safety Standards Authorization Act.

12 The term includes the plumbing, heating, air conditioning and
13 electrical systems contained in the structure.

14 "Manufactured housing community." A site, lot, field or
15 tract of land upon which ~~ten~~ THREE or more manufactured homes <—
16 are or are intended to be located, regardless of whether or not
17 a charge is made for the accommodation.

18 "Manufactured housing resident." An owner of a manufactured
19 home who leases or rents SPACE IN a manufactured housing site <—
20 COMMUNITY. The term does not include a person who rents or <—
21 leases a manufactured home.

22 "Manufactured housing site." A plot of ground within a
23 manufactured housing community designed for the accommodation of
24 one manufactured home.

25 Section 4. Commission.

26 (a) Establishment.--There is created the Manufactured
27 Housing Community Commission as a ~~departmental administrative~~ <—
28 ~~board~~ AN INDEPENDENT COMMISSION in the department. The <—
29 commission shall consist of ten members, one of whom shall be
30 the director of the bureau, and one of whom shall be the

1 Secretary of Community Affairs. The remaining members must be
2 residents of this Commonwealth for a five-year period
3 immediately prior to appointment. Four members must be
4 professional members who are owners, operators or managers of
5 manufactured housing communities and who have been actively
6 engaged in that business for a period of at least five years
7 immediately preceding the appointment. Four members must be
8 public members who are owners of manufactured homes and who have
9 been residents of manufactured housing communities for a period
10 of at least five years immediately preceding the appointment. No
11 two professional or public members may be from the same
12 community or from communities under common control. The
13 commission shall be appointed by the Governor subject to the
14 consent of a majority of the members elected to the Senate. One
15 public and one professional member shall be recommended by the
16 President pro tempore of the Senate, one professional and one
17 public member shall be recommended by the Minority Leader of the
18 Senate, one professional and one public member shall be
19 recommended by the Speaker of the House of Representatives and
20 one professional and one public member shall be recommended by
21 the Minority Leader of the House of Representatives.

22 (b) Term of office.--The professional and public members
23 shall serve four-year terms except as provided in subsection
24 (c).

25 (c) Initial appointments.--Within 90 days of the effective
26 date of this act, from the recommendations submitted under
27 subsection (a), the Governor shall nominate one professional and
28 one public member to serve four-year terms, one professional and
29 one public member to serve three-year terms, one professional
30 and one public member to serve two-year terms and one

1 professional and one public member to serve one-year terms.

2 (d) Continuation in office.--Each professional and public
3 member shall continue in office until a successor is appointed
4 and qualified but not longer than six months after the
5 expiration of the term. If a member dies, resigns or becomes
6 disqualified during the term of office, a successor shall be
7 appointed in the same way and with the same qualifications as
8 set forth in this section and shall hold office for the
9 unexpired portion of the term.

10 (e) Limit on terms.--No professional or public member shall
11 be eligible for appointment to serve more than two consecutive
12 four-year terms.

13 (f) Forfeiture of membership.--A professional or public
14 member who fails to attend three consecutive meetings shall
15 forfeit membership unless the chairperson, upon written request
16 from the member, finds that the member should be excused from a
17 meeting because of illness or the death of a family member.

18 (g) Compensation.--Each professional and public member shall
19 receive per diem compensation at the rate of \$60 when actually
20 attending to the work of the commission. Members shall also
21 receive reasonable travel, hotel and other necessary expenses
22 incurred in the performance of their duties in accordance with
23 management directives on travel and subsistence.

24 (h) Quorum.--A majority of the members of the commission
25 constitutes a quorum. A member may not be counted as part of a
26 quorum or vote on any issue unless the member is physically in
27 attendance at the meeting.

28 (i) Meeting.--The commission shall meet at least ~~four times~~ <—
29 ~~a year in Harrisburg. It may meet more often either in~~
30 ~~Harrisburg or at other locations in this Commonwealth.~~ EVERY 60 <—

1 DAYS. IT MAY MEET MORE OFTEN. MEETINGS SHALL BE AT LOCATIONS
2 WHICH PROVIDE ACCESSIBILITY FOR DISPUTE RESOLUTION.

3 (j) Operating procedures.--The commission shall meet within
4 30 days after the appointment of its initial members and set up
5 operating procedures and forms for carrying out the purposes of
6 the act. It shall be the responsibility of the commission to
7 circulate these forms and educate the public on the requirements
8 of this act.

9 (k) Election of officers.--The commission shall elect
10 annually from its membership a chairperson, a vice chairperson
11 and a secretary.

12 Section 5. Powers and duties of commission.

13 The commission has the following powers and duties:

14 (1) Appoint the executive director and supervise the
15 executive director's responsibilities.

16 (2) Ensure that manufactured housing communities defray
17 the expenses of the commission and biennially renew payment
18 of fees under section ~~10~~ 11. <—

19 (3) Ensure that the executive director investigates,
20 complaints by the bureau, the department or any other person.

21 (4) Administer and enforce and regulations promulgated
22 under this act.

23 (5) Keep records of all proceedings in connection with
24 the resolution of disputes under this act.

25 (6) Promulgate regulations to implement this act.

26 (7) Adopt forms.

27 Section 6. Executive director.

28 (a) Establishment.--The executive director must be an
29 attorney admitted to the bar of the Supreme Court of
30 Pennsylvania. The executive director may not engage in any

1 business, vocation or other employment involving manufactured
2 housing; be a manufactured housing resident; have other
3 interests involving manufactured housing; be a representative of
4 a manufactured housing community or manufactured housing
5 resident; or have any other interest inconsistent with official
6 responsibilities.

7 (b) Appointment.--The position of executive director shall
8 be a full-time position. The executive director shall be
9 appointed by the commission under section 5(1).

10 (c) Compensation.--The compensation of the executive
11 director shall be fixed by the commission. COMPENSATION SET <—
12 UNDER THIS SUBSECTION MAY NOT EXCEED THE HIGHEST SALARY PAID TO
13 A CABINET OFFICER.

14 ~~(d) Powers and duties. The executive director has the power~~ <—

15 (D) POWERS AND DUTIES.-- <—

16 (1) THE EXECUTIVE DIRECTOR HAS THE POWER and duty to
17 investigate and resolve complaints and disputes among
18 manufactured housing residents and owners or operators of
19 manufactured housing communities concerning the following:

20 ~~(1)~~ (I) Disputes over interpretation of the <—
21 substantive statutory provisions contained in the act of
22 November 24, 1976 (P.L.1176, No.261), known as the Mobile
23 Home Park Rights Act.

24 ~~(2)~~ (II) Disputes over the approval of a prospective <—
25 purchaser of an existing manufactured home owned by a
26 manufactured housing resident if the purchaser desires to
27 have the home remain in the community.

28 ~~(3)~~ (III) The reasonableness of rules and <—
29 regulations adopted by the manufactured housing community
30 under the Mobile Home Park Rights Act.

1 ~~(4)~~ (IV) Disputes over whether or not manufactured <—
2 housing residents or manufactured housing communities are
3 complying with this act or the Mobile Home Park Rights
4 Act.

5 (V) DISPUTES REGARDING ENVIRONMENTAL CONCERNS, <—
6 INCLUDING THE PROVISION OF SAFE DRINKING WATER AND PROPER
7 SEWAGE DISPOSAL.

8 (2) IF THE EXECUTIVE DIRECTOR IS UNABLE TO RESOLVE A
9 DISPUTE UNDER PARAGRAPH (1)(V), THE EXECUTIVE DIRECTOR SHALL
10 REFER THE MATTER TO THE APPROPRIATE FEDERAL, STATE OR LOCAL
11 AGENCY. THE FOLLOWING SHALL APPLY:

12 (I) IF AN ACTION IS PURSUED BY A FEDERAL AGENCY, THE
13 EXECUTIVE DIRECTOR MAY SEEK TO INTERVENE IN THE ACTION ON
14 BEHALF OF THE MANUFACTURED HOUSING RESIDENTS OR OWNERS OF
15 THE MANUFACTURED HOUSING COMMUNITY.

16 (II) IF AN ACTION IS PURSUED BY A STATE OR LOCAL
17 AGENCY, THE EXECUTIVE DIRECTOR MAY INTERVENE IN THE
18 ACTION ON BEHALF OF THE MANUFACTURED HOUSING RESIDENTS OR
19 OWNERS OF THE MANUFACTURED HOUSING COMMUNITY.

20 (e) Staff.--The executive director shall work closely and
21 cooperatively with the bureau and the department. In addition to
22 staff support from one or both of these agencies, the commission
23 may appoint attorneys as assistants and additional clerical,
24 technical and professional staff as appropriate and may contract
25 for additional services necessary to implement this act. The
26 compensation of assistants and clerical, technical and
27 professional staff shall be set by the commission. An assistant
28 or other staff employee may not engage in any business, vocation
29 or other employment involving manufactured housing; be a
30 manufactured housing resident in a manufactured housing

1 community; or have other interests involving manufactured
2 housing inconsistent with official responsibilities.

3 SECTION 7. MANUFACTURED HOUSING COMMUNITY REGISTRATION FORM. <—

4 (A) FILING.--A PRINCIPAL OWNER OF A MANUFACTURED HOUSING
5 COMMUNITY SHALL ANNUALLY FILE A MANUFACTURED HOUSING COMMUNITY
6 REGISTRATION FORM PREPARED BY THE COMMISSION.

7 (B) CONTENTS.--THE MANUFACTURED HOUSING COMMUNITY
8 REGISTRATION FORM SHALL INCLUDE, BUT NOT BE LIMITED TO, THE
9 FOLLOWING INFORMATION:

10 (1) THE NAME OF THE MANUFACTURED HOUSING COMMUNITY AND
11 THE COUNTY AND MUNICIPALITY IN WHICH IT IS LOCATED.

12 (2) THE NAME, ADDRESS AND TELEPHONE NUMBER OF THE OWNER
13 OR OPERATOR OF THE MANUFACTURED HOUSING COMMUNITY.

14 (3) THE NUMBER OF ACRES IN THE MANUFACTURED HOUSING
15 COMMUNITY.

16 (4) THE NUMBER OF DEVELOPED HOMESITES IN THE
17 MANUFACTURED HOUSING COMMUNITY, INCLUDING THE NUMBER
18 CURRENTLY OCCUPIED AND CURRENTLY VACANT.

19 Section 7 8. Disputes. <—

20 (a) Standing.--

21 (1) A manufactured housing community which is aggrieved
22 by an action of a manufactured housing resident alleged to be
23 in violation of this act or the act of November 24, 1976
24 (P.L.1176, No.261), known as the Mobile Home Park Rights Act,
25 or regulations promulgated under either act may file an
26 administrative complaint in accordance with this section.

27 (2) A manufactured housing resident who is aggrieved by
28 an action of a manufactured housing community or a
29 manufactured housing resident alleged to be in violation of
30 this act or the Mobile Home Park Rights Act, or regulations

promulgated under either act may file an administrative complaint in accordance with this section.

(b) Informal resolution.--Prior to filing a complaint under subsection (c), a prospective complainant must notify the prospective respondent of the problem in writing. Proof of receipt is required. If the problem is not resolved within 30 days of receipt of the notice, an action may proceed under subsection (c).

(c) Complaint.--A complainant may file a complaint on a form prescribed by the commission. The complaint must be accompanied by a \$25 filing fee. The complaint shall contain all of the following information:

(1) The action of the respondent which is the subject of the complaint.

(2) The notarized signature of the complainant.

(3) The address and telephone number of the complainant.

(4) The name, address and telephone number of the respondent.

(5) A copy of the notice under subsection (b), with proof of receipt.

(d) Response.--On receipt of the complaint, the executive director shall review it for completeness and to determine whether or not the dispute is subject to this act. If it is determined that the dispute is subject to this act, the executive director shall send to the respondent, by certified mail, return receipt requested, a copy of the complaint and a notice that a response is required within 30 days showing cause, if any, why the complaint should be dismissed. If the executive director determines that the dispute is not subject to this act, the executive director shall dismiss the complaint.

1 (e) Resolution.--After reviewing the complaint and the
2 response, the executive director shall within 30 days of receipt
3 of the response, mediate the dispute to the satisfaction of the
4 complainant and the respondent. If the dispute is not resolved,
5 the executive director shall make a recommendation to the
6 commission. THE RECOMMENDATION SHALL NOT BE EFFECTIVE UNTIL IT
7 IS REVIEWED BY THE COMMISSION. <—

8 (f) Recommendation of executive director.--

9 (1) The executive director may determine that there is
10 no factual basis to support the complaint.

11 (2) If a complaint is substantiated, the executive
12 director may recommend to the commission as to how to resolve
13 the dispute. The executive director shall issue an order
14 setting forth the appropriate action to be taken.

15 (g) Decision by commission.--A ~~decision~~ RECOMMENDATION by <—
16 the executive director under subsection (f) shall be reviewed by
17 the commission. ~~The commission may, and upon motion of either~~ <—
18 ~~party, shall, order a hearing.~~ UPON MOTION OF EITHER PARTY, THE <—
19 COMMISSION SHALL ORDER A HEARING. WITHIN 30 DAYS OF RECEIPT OF
20 THE RECOMMENDATION UNDER SUBSECTION (F), THE COMMISSION SHALL
21 CONCLUDE ANY REQUIRED HEARING AND ISSUE A FINAL ORDER ACCEPTING,
22 REJECTING OR MODIFYING THE RECOMMENDATION. This subsection is
23 subject to 2 Pa.C.S. Ch. 5 Subch. A (relating to practice and
24 procedure of Commonwealth agencies) and Ch. 7 Subch. A (relating
25 to judicial review of Commonwealth agency action).

26 (h) Costs.--If the complainant prevails, the complainant may
27 recover the filing fee under subsection (c).

28 Section 9. Public access. <—

29 There shall be a toll-free telephone number established by
30 the commission for public use regarding inquiries on the

1 services available from the commission.

2 Section 9 10. Resident notification. <—

3 Any manufactured housing community, within 30 days of the
4 effective date of this section, shall make available to its
5 manufactured housing residents a copy of this act and shall
6 maintain a copy of this act at a convenient location within the
7 manufactured housing community. A new manufactured housing
8 resident shall be provided with a copy of this act by the
9 manufactured housing community at the time the residence begins.

10 Section ~~10~~ 11. Fees. <—

11 (a) Imposition and increase.--All fees established under
12 this act shall be fixed by the commission by regulation. The
13 fees for each manufactured housing community shall be \$1 per
14 site, with a minimum fee of \$50 per manufactured housing
15 community and a maximum of \$300 per manufactured housing
16 community. If the revenues raised by fees imposed under this act
17 are not sufficient to meet expenditures over a two-year period,
18 the commission shall increase those fees so that the projected
19 revenues will meet or exceed projected expenditures.

20 (b) Additional increases.--If the department determines that
21 the fees established by the commission under subsection (a) are
22 inadequate to meet the minimum enforcement efforts required by
23 this act, then the department, after consultation with the
24 commission shall increase the fees by regulation in an amount to
25 insure that adequate revenues are raised to meet the required
26 enforcement effort.

27 (c) Enforcement of fees.--If a manufactured housing
28 community does not pay a fee under this section, the commission
29 shall send by certified mail an order to pay the fee within 30
30 days of the date of the order. Upon failure to respond to the

1 order, the commission shall order the manufactured housing
2 residents of that community to pay their rent directly to the
3 commission. Rents so paid shall be placed in a separate escrow
4 account. Within 30 days of the date when fees required by this
5 act are paid, the money in escrow shall be released and paid
6 over to the manufactured housing community.

7 Section ~~11~~ 12. Fund. <—

8 (a) Establishment.--The Manufactured Housing Fund is
9 established as a special fund in the State Treasury.

10 (b) Source.--The source of the fund shall be fees under
11 sections ~~7(e) and 10~~ 8(C) AND 11. <—

12 (c) Administration.--The commission shall administer the
13 fund to implement this act. When the commission determines that
14 the fund contains sufficient money to begin complete
15 implementation of this act, it shall transmit notice of that
16 fact to the Legislative Reference Bureau for publication in the
17 Pennsylvania Bulletin.

18 Section ~~12~~ 13. Effective date. <—

19 This act shall take effect as follows:

20 (1) Sections ~~7 through 9~~ 8 THROUGH 10 of this act shall <—
21 take effect upon publication of the notice under section
22 ~~11(e)~~ 12(C). <—

23 (2) The remainder of this act shall take effect in 60
24 days.