

MANUFACTURED HOME COMMUNITY RIGHTS ACT
Act of Nov. 24, 1976, P.L. 1176, No. 261
AN ACT

Cl. 68

Providing for the rights and duties of manufactured home owners or operators and manufactured home lessees. (Title amended Oct. 19, 2010, P.L.546, No.80)

Compiler's Note: Section 5 of Act 80 of 2010, which amended the title, provided that Act 80 shall apply to:

(1) New sales and leases of manufactured home community spaces entered into after the effective date of section 5.

(2) Extensions and renewals of leases of manufactured home community spaces entered into after effective date of section 5.

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

Section 1. Short Title.--This act shall be known and may be cited as the Manufactured Home Community Rights Act.
(1 amended Oct. 19, 2010, P.L.546, No.80)

Compiler's Note: Section 5 of Act 80 of 2010, which amended section 1, provided that Act 80 shall apply to:

(1) New sales and leases of manufactured home community spaces entered into after the effective date of section 5.

(2) Extensions and renewals of leases of manufactured home community spaces entered into after effective date of section 5.

Section 2. Definitions.--The following words and phrases when used in this act shall have the meanings given to them in this section unless the context clearly indicates otherwise:

"Agency." The Office of Attorney General.

"Designated notification recipient lessee." A lessee who designates in the lease a specific lessee and address for the purposes of receiving all required notices with regard to the manufactured home leased space. Delivery by certified or registered mail to a lessee so designated shall be deemed sufficient for purposes of this act.

"Eviction." The removal of a lessee, occupants and manufactured home from a manufactured home community in accordance with an order of possession by a court of the Commonwealth pursuant to:

(1) the relevant provisions of the act of April 6, 1951 (P.L.69, No.20), known as "The Landlord and Tenant Act of 1951"; or

(2) a similar order of a court of common pleas.

"First-time lessee." The resident who places or causes to be placed a manufactured home in a manufactured home community.

"Lessee." A person who rents a manufactured home community space from a lessor pursuant to the terms of a lease.

"Lessor." The owner or operator of a manufactured home community who rents a manufactured home space to a lessee pursuant to the terms of a lease and who is responsible for the performance of the terms of the lease.

"Manufactured home." The term includes:

(1) A manufactured home as defined in section 603(6) of the National Manufactured Housing Construction and Safety Standards Act of 1974 (Public Law 93-383, 42 U.S.C. § 5402(6)).

(2) A mobile home as defined in 75 Pa.C.S. § 102 (relating to definitions).

"Manufactured home community" or "community." A site, lot, field or tract of land, privately or publicly owned or operated, upon which three or more manufactured homes, occupied for dwelling or sleeping purposes, are or are intended to be located, regardless of whether or not a charge is made for such accommodation.

"Manufactured home community operator" or "community operator." A person or entity which conducts the operations of a manufactured home community on behalf and as the agent of the community owner.

"Manufactured home community owner" or "community owner."

A person or entity which owns a manufactured home community.

"Manufactured home occupant." An individual who resides in a manufactured home.

"Manufactured home resident" or "resident." An owner of a manufactured home who leases or rents space in a manufactured home community. The term does not include a person who rents or leases a manufactured home.

"Manufactured home space." A plot of ground within a manufactured home community designed for the accommodation of one manufactured home.

"Manufactured home space lease" or "lease." A written contract between a manufactured home lessee and a manufactured home community owner containing reciprocal rights and duties, including the payment of rent for the use of ground for the placement of a manufactured home in a manufactured home community.

"Manufactured home tenant" or "tenant." A person who leases a manufactured home from the owner of that manufactured home.

"Receipted first-class mail." First-class mail for which a certificate of mailing has been obtained. The term does not include certified or registered mail.

"Rent." Ground rent for a manufactured home space.

"Resident association." An organization open to all residents of a manufactured housing community, whether the organization is structured as a cooperative, a corporation or otherwise.

"Rules and regulations." Policies and guidelines established by a manufactured home community owner that relate to community living.

"Service charges." Charges for electricity, gas service which is underground and piped directly to individual units within a manufactured home community, trash removal, sewage, water, Internet, cable and all other utilities.

(2 amended Oct. 24, 2012, P.L.1267, No.156)

Compiler's Note: Section 5 of Act 80 of 2010, which amended section 2, provided that Act 80 shall apply to:

(1) New sales and leases of manufactured home community spaces entered into after the effective date of section 5.

(2) Extensions and renewals of leases of manufactured home community spaces entered into after effective date of section 5.

Section 3. Evictions.--(a) A manufactured home community owner may terminate or refuse to renew the lease of a lessee or may evict a lessee and manufactured home occupants only for one of the following reasons:

(1) Nonpayment of rent.

(2) A second or subsequent violation of the rules of the manufactured home community occurring within a six-month period.

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

(4) Termination of the manufactured home community.

(b) A manufactured home lessee shall only be evicted in accordance with the following procedure:

(1) A lessee shall not be evicted by any self-help measure.

(2) Prior to the commencement of any eviction proceeding or the termination of or failure to renew the lease of a lessee, the manufactured home community owner shall notify the manufactured home community lessee in writing of the particular breach or violation of the lease or community rules by certified or registered mail.

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

(ii) In the case of a breach of the lease or violation of the community rules, other than nonpayment of rent, the notice shall describe the particular breach or violation. No eviction action shall be commenced nor shall the manufactured home community owner terminate or refuse to renew the lease of the manufactured home community lessee unless the manufactured home community lessee has been notified as required by this section, and, upon a second or subsequent violation or breach occurring within six months, the manufactured home community owner may

commence eviction proceedings at any time within 60 days of the last violation or breach.

(c) A manufactured home community lessee shall not be evicted nor shall the manufactured home community owner terminate or refuse to renew the lease of a manufactured home community lessee when there is proof that the rules the lessee is accused of violating are not enforced with respect to the other manufactured home lessees or nonresidents on the community premises.

(3 amended Oct. 19, 2010, P.L.546, No.80)

Compiler's Note: Section 5 of Act 80 of 2010, which amended section 3, provided that Act 80 shall apply to:

(1) New sales and leases of manufactured home community spaces entered into after the effective date of section 5.

(2) Extensions and renewals of leases of manufactured home community spaces entered into after effective date of section 5.

Section 4. Community Rules and Regulations.--(a) A manufactured home community owner may at any time establish fair and reasonable rules and regulations reasonably related to the health, safety and upkeep of the community, provided the rules and regulations are not arbitrary or capricious and are included in any written lease and delivered to existing lessees and are posted in the public portion of the community office or other conspicuous and readily accessible place in the manufactured home community.

(b) All rules or rental charges shall be uniformly applied to all manufactured home lessees or prospective manufactured home occupants of the same or similar category. The lessee shall be provided with a written copy of the rules and regulations prior to the owner's or operator's acceptance of any initial deposit, fee or rent. In addition, a copy of this act shall be posted in the public portion of the community office or other conspicuous and readily accessible place in the mobile home park, and a copy of the following notice shall be reproduced in capital typewritten letters or in ten-point boldface print and be given to each resident upon entering into the lease.

"IMPORTANT NOTICE REQUIRED BY LAW

The rules set forth below govern the terms of your lease or occupancy agreement with this manufactured home community. The law requires all of these rules to be fair and reasonable.

As a lessee, you may continue to stay in this community as long as you pay your rent and other reasonable fees, service charges and assessments hereinafter set forth and abide by the rules of the community. Entrance and exit fees may not be charged. Installation and removal fees may not be charged in excess of the actual cost to the manufactured home community owner or operator for providing such service for the installation or removal of a manufactured home in a manufactured home space.

As a lessee, you may be evicted for any of the following reasons:

(1) Nonpayment of rent.

(2) A second or subsequent violation of the rules of the manufactured home community occurring within a six-month period.

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

(4) Termination of manufactured home community.

As a lessee, you shall only be evicted in accordance with the following procedure:

(1) A lessee shall not be evicted by any self-help measure.

(2) Prior to the commencement of any eviction proceeding, the manufactured home community owner shall notify the lessee in writing of the particular breach or violation of the lease or community rules by certified or registered mail.

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

(ii) In the case of a breach of the lease or violation of the community rules, other than nonpayment of rent, the notice shall describe the particular breach or violation. No eviction action shall be commenced unless the lessee has been notified as required by this section, and upon a second or subsequent violation or breach occurring within six months, the manufactured home community owner may commence eviction proceedings at any time within 60 days of the last violation or breach.

As a lessee, you shall not be evicted when there is proof that the rules you as the lessee are accused of violating are not enforced with respect to the other manufactured home residents or nonresidents on the community premises.

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

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

If you desire to sell your manufactured home, the manufactured home community owner may not prevent the sale and may not claim any fee in connection therewith, unless there exists a separate written fee agreement. However, the manufactured home community owner may reserve the right to approve the purchaser as a resident in the manufactured home community.

Enforcement of the Manufactured Home Community Rights Act is by the Attorney General of the Commonwealth of Pennsylvania or the District Attorney of the county in which the manufactured home community is located. As a lessee, you may also bring a private cause of action. If your rights are violated you may contact the State Bureau of Consumer Protection or your local District Attorney."

(4 amended Oct. 19, 2010, P.L.546, No.80)

Compiler's Note: Section 5 of Act 80 of 2010, which amended section 4, provided that Act 80 shall apply to:

(1) New sales and leases of manufactured home community spaces entered into after the effective date of section 5.

(2) Extensions and renewals of leases of manufactured home community spaces entered into after effective date of section 5.

Section 4.1. Written Lease.--(a) Every lease for a manufactured home space shall be in writing and shall be for a duration term of one month , unless a longer period is mutually agreed upon by both the lessee and manufactured home community owner, and shall be renewable .

(b) Rents for a mobile home site, commonly known as ground rents, shall not change more than once in a 12-month period.

(c) For each lease period over 60 days prior to the expiration of the term of a manufactured home community lease, the manufactured home community owner shall offer the lessee a renewal lease for the same term and with the same provisions as the original agreement, unless the manufactured home community owner notifies the lessee in writing of any changes, at least 60 days prior to the expiration of the lease.

(4.1 added Oct. 19, 2010, P.L.546, No.80)

Compiler's Note: Section 5 of Act 80 of 2010, which added section 4.1, provided that Act 80 shall apply to:

(1) New sales and leases of manufactured home community spaces entered into after the effective date of section 5.

(2) Extensions and renewals of leases of manufactured home community spaces entered into after effective date of section 5.

Section 5. Underskirting and Tie-down Equipment.--A manufactured home community owner or operator may designate the type of material or manner of installation for underskirting, awnings, porches, fences or other additions and alterations to the exterior of the manufactured home and tie-down equipment compliant with all applicable requirements of the act of November 29, 2004 (P.L.1282, No.158), known as the Manufactured Housing Improvement Act, and the act of November 10, 1999 (P.L.491, No.45), known as the Pennsylvania Construction Code Act, in order to insure the safety and good appearance of the manufactured home community, but under no circumstances may a resident be required to purchase such equipment from a supplier designated by the community owner or operator.

(5 amended Oct. 19, 2010, P.L.546, No.80)

Compiler's Note: Section 5 of Act 80 of 2010, which amended section 5, provided that Act 80 shall apply to:

(1) New sales and leases of manufactured home community spaces entered into after the effective date of section 5.

(2) Extensions and renewals of leases of manufactured home community spaces entered into after effective date of section 5.

Section 6. Disclosure of Fees.--(a) All rent, fees, service charges and assessments payable to the community owner and utility charges for water, sewer, trash, Internet, cable, electricity and fuel charges payable to the owner and notice of any other utility charges for which the lessee may be responsible shall be fully disclosed in writing to a prospective manufactured home lessee prior to the manufactured home community owner or operator's acceptance of any initial deposit, fee or rent and prior to execution of the manufactured home space lease. For current manufactured home residents, the manufactured home community owner or operator shall fully disclose all rent, fees, service charges and assessments payable

to the community owner and utility charges for water, sewer, trash, cable, electricity and fuel charges payable to others in writing prior to the execution of a mandatory lease of at least one month in duration.

(b) The manufactured home community owner may require that the prospective lessee or current lessee sign a receipt indicating receipt of a copy of the required disclosure and the manufactured home community rules and regulations so long as these documents are clearly identified in the receipt itself. The receipt shall indicate nothing more than that the documents identified in the receipt have been received by the lessee.

(c) Failure to disclose such rent, fees, service charges and assessments shall render them void and unenforceable in the courts of the Commonwealth. Increases in such rent, fees, service charges and assessments payable to the owner shall be unenforceable until 30 days after notice thereof has been posted in the public portion of the community office or other conspicuous and readily accessible place in the manufactured home community and mailed to the manufactured home lessee. However, rent shall not be increased during the term of the lease.

(d) The written disclosure shall contain a cover sheet with the following statement in 12-point, sans-serif type, except the term "five days" in the final paragraph of the notice shall appear in 16-point, sans-serif, bold type.

This document contains important information regarding your legal rights and your financial obligations in leasing or renewing or signing a new lease for a manufactured home space. Make sure that you read the entire document and seek legal advice if you have any questions regarding the information stated in this document.

The statements contained in this disclosure are only summary in nature. A prospective lessee should refer to all references, including all lease or rental agreement documents as well as any rules and regulations that have been established for the manufactured home community. Oral representations should not be relied on as correctly stating the representations of the manufactured home community owner or operator. Instead, you should refer to the lease or rental agreement and required disclosure documents for correct representations. You should also refer to the act of November 24, 1976 (P.L.1176, No.261), known as the Manufactured Home Community Rights Act, to become familiar with your obligations and rights as a manufactured home resident.

You have five calendar days from the date you received this documentation to cancel your agreement in writing to the manufactured home community owner or operator.

(e) All new leases, lease extensions and lease renewals, which are for more than a 60-day period, shall contain the following full disclosures:

(1) The manner in which utility and other services, including, but not limited to, sewage and waste disposal, cable television, water supply and storm drainage, will be provided, and the entity providing them. The services and the lot rental amount or user fees charged by the manufactured home community owner for the services provided by the manufactured home community owner shall also be disclosed.

(2) An explanation of the manner in which the manufactured home space rental amount will be increased, including, but not limited to, notification to the manufactured home lessee at least 60 days in advance of the increase.

(3) Disclosure of any factors that may affect the lot rental amount, including, but not limited to these factors:

- (i) Water rates.
- (ii) Sewer rates.
- (iii) Waste disposal rates.
- (iv) Maintenance costs, including costs of deferred maintenance.
- (v) Management costs.
- (vi) Property taxes.
- (vii) Major repairs or improvements.
- (viii) Any other fees, costs, assessments or service charges that the manufactured home lessee is required to pay or that the manufactured home owner or operator intends to charge during the terms of the lease or rental agreement.

(4) Disclosure of the manner in which the pass-through charges will be assessed.

(5) A report of the utility fees charged for the manufactured home space paid to the community owner by a prior lessee during the previous 12 months.

(6) Disclosure of all service charges currently charged for services offered which the manufactured home lessee may elect to incur and the manner in which the fees will be increased.

(7) Any manufactured home community rules and regulations that have been established and an explanation of the manner in which the rules and regulations will be set, changed or promulgated.

(8) The rent history of the manufactured home space for the three full calendar years immediately preceding the prospective initial rental agreement date. This information shall be for basic manufactured home space rental only and does not apply to other fees such as late charges and guest fees. Additionally, the calculation of rent history shall be posted in the public portion of the manufactured home community's rental office or other conspicuous and readily accessible place and in the same place as any rules and regulations that have been established for the manufactured home community are posted.

(9) Citations or other documents from Federal, State or local governmental agencies which require the manufactured home community owner to take corrective action, including citations from the Department of Environmental Protection regarding water and sewage. Such information shall also be posted within the community in the same place as manufactured home community rules and regulations are displayed until the corrective action has been completed.

(6 amended Oct. 19, 2010, P.L.546, No.80)

Compiler's Note: Section 5 of Act 80 of 2010, which amended section 6, provided that Act 80 shall apply to:

(1) New sales and leases of manufactured home community spaces entered into after the effective date of section 5.

(2) Extensions and renewals of leases of manufactured home community spaces entered into after effective date of section 5.

Section 7. Appliance Installation Fees.--No manufactured home community owner or operator may restrict the making of any interior improvements in a manufactured home so long as such improvements are in compliance with applicable building codes and other provisions of law; nor may he restrict the installation, service or maintenance of an electric or gas appliance in a manufactured home or charge any fee for such installation unless the fee reflects the actual cost to the

manufactured home community owner or operator of such installation or its use.

(7 amended Oct. 19, 2010, P.L.546, No.80)

Compiler's Note: Section 5 of Act 80 of 2010, which amended section 7, provided that Act 80 shall apply to:

(1) New sales and leases of manufactured home community spaces entered into after the effective date of section 5.

(2) Extensions and renewals of leases of manufactured home community spaces entered into after effective date of section 5.

Section 8. Entrance and Exit Fees.--Entrance and exit fees may not be charged.

Section 9. Installation and Removal Fees.--(a) Any fee charged by the community owner for the installation or removal of a manufactured home in a manufactured home space shall not exceed the actual cost to the manufactured home community owner or operator for providing such service. Such fees shall be refundable to the lessee at the time of removal in the event that the owner or operator acts to recover possession of said space for reasons other than nonpayment of rent or breach of a condition of the lease within one year of the initial installation of such manufactured home. Failure to refund such fees as provided shall entitle the lessee to recover treble their amount plus court costs and reasonable attorney fees.

(b) Limitations on this type of installation fee shall not bar the manufactured home community owner or operator from requiring a reasonable security deposit in accordance with the act of April 6, 1951 (P.L.69, No.20), known as "The Landlord and Tenant Act of 1951."

(9 amended Oct. 19, 2010, P.L.546, No.80)

Compiler's Note: Section 5 of Act 80 of 2010, which amended section 9, provided that Act 80 shall apply to:

(1) New sales and leases of manufactured home community spaces entered into after the effective date of section 5.

(2) Extensions and renewals of leases of manufactured home community spaces entered into after effective date of section 5.

Section 10. Other Fees.--In accordance with a lessee's right to invite to the lessee's dwelling unit such social and business visitors as the lessee wishes, no fee may be charged for overnight visitors or guests occupying a lessee's manufactured 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 the unit, the owner or operator of a manufactured home community may revise the rent due to conform to the rent paid by other lessees with a like number of members in their household.

(10 amended Oct. 19, 2010, P.L.546, No.80)

Compiler's Note: Section 5 of Act 80 of 2010, which amended section 10, provided that Act 80 shall apply to:

(1) New sales and leases of manufactured home community spaces entered into after the effective date of section 5.

(2) Extensions and renewals of leases of manufactured home community spaces entered into after effective date of section 5.

Section 10.1. Determination of Abandonment.--(a) A lessee or resident shall be deemed to have abandoned a home and all personal property in it only after either:

(1) Judicial process, which shall include all of the following:

(i) the entry of a judgment for possession in favor of the community owner or operator pursuant to applicable law;

(ii) the execution of an order for possession, or equivalent process, on said judgment; and

(iii) a determination by a magisterial district court or other court of competent jurisdiction that the home and property have been abandoned.

(2) Voluntary abandonment, as evidenced by a written statement from the lessee or resident stating that the lessee or resident has physically or permanently vacated the home, does not intend to return to it and has given up all further rights or ownership interest.

(b) The determination of abandonment shall be based on a preponderance of the evidence of the lessee's absence from the home for at least 30 days and nonpayment of rent for at least 30 days from the date it is due, together with one or more of the following:

(1) Termination of electric or water service to the home and other utility or payment of services to the community owner.

(2) Cancellation of insurance for the home.

(3) Removal of most or all personal property from the home.

(4) Any other indicia of abandonment.

(c) Pursuant to 42 Pa.C.S. § 1515(a)(7) (relating to jurisdiction and venue), a magisterial district court shall have jurisdiction to determine if a manufactured home has been abandoned and shall make a determination as to whether a manufactured home has been abandoned if the issue is presented.

(d) A determination by the court that a manufactured home has been abandoned shall give the community owner the same rights as an entity which has been granted a judgment for possession.

(10.1 added Oct. 24, 2012, P.L.1267, No.156)

Section 10.2. Abandoned Manufactured Homes.--(a) If a resident abandons a manufactured home, the manufactured home community owner or other authorized person may:

(1) (i) enter the manufactured home and secure any appliances, furnishings, materials, supplies or other personal property in the manufactured home;

(ii) disconnect the manufactured home from any utilities; and

(iii) otherwise exercise ordinary care in relation to the manufactured home and personal property, including promptly disposing of perishable food and contacting an animal control agency or humane society to remove any abandoned pets.

(2) (i) Move the manufactured home, any personal property inside the manufactured home and personal property located within the manufactured home community that is believed to belong to the resident to a storage area within the manufactured home community or to another location deemed necessary and proper without the requirement of obtaining a removal permit for the manufactured home from the local taxing authority which would otherwise be required under 53 Pa.C.S. § 8821(d) (relating to assessment of mobile homes and house trailers). Prior to moving the manufactured home and personal property, the community owner shall notify the former manufactured home resident by mail and by posting on the manufactured home and at any other known address or by any other means by which notice

may be achieved. The notice shall state that the manufactured home and personal property, if applicable, will be moved 60 days after the date of notice and shall inform the former resident of the new location of the manufactured home and personal property.

(ii) The manufactured home shall continue to be subject to the lien for taxes assessed against it, but the real estate on which the manufactured home was and is located shall not be encumbered by or subject to the lien.

(3) Assess removal charges and storage charges against the former manufactured home residents.

(4) Dispose of the personal property or manufactured home, or both, in accordance with the procedures set forth in subsection (c). If the personal property or manufactured home is sold, the proceeds from the sale shall be distributed in the following order:

(i) to pay the costs of moving, storing and selling the personal property or manufactured home;

(ii) to pay all back rent due and all other amounts due to the community owner;

(iii) to pay all outstanding taxes on the manufactured home; and

(iv) to pay all outstanding liens on the manufactured home. Any amount still remaining from the sale after payment of the items in subparagraphs (i), (ii), (iii) and (iv) shall be paid to the resident. If the resident's whereabouts are unknown, any amount due and payable to the resident shall be paid to the Commonwealth as required by Article XIII.1 of the act of April 9, 1929 (P.L.343, No.176), known as "The Fiscal Code."

(a.1) Notwithstanding any other provision of law to the contrary, upon proper disposal of the personal property and the manufactured home, neither the purchaser nor the manufactured home community owner, nor any person acting for or on behalf of the purchaser or the manufactured home community owner, shall be liable for any outstanding taxes or liens on the home.

(b) The manufactured home community owner or other authorized person acting in good faith to comply with the requirements of this section are not responsible for any loss or damage to a home, personal property inside the manufactured home or within the community, or for any fees, assessments or other charges of any kind relating to the abandoned manufactured home unless the community owner failed to provide the notice required under this section or failed to exercise due care of the home or personal property.

(c) (1) The manufactured home community owner or other authorized person may dispose of the manufactured home and personal property after first giving written notice to the resident and any lienholder. The notice shall be sent by certified mail, return-receipt requested, or by receipted first-class mail, to the resident's last known address, which may be the address of the premises, and at any alternate address or addresses if known to the owner or other authorized person, including the address of emergency contacts if provided. The notice shall also be posted in a conspicuous location in the manufactured home community.

(2) The notice of removal required by subsection (a)(2)(i) and the notice of disposal required by this subsection may be combined in one notice.

(d) The notice required under this section shall state the following:

(1) The manufactured home and contents are considered abandoned and, to avoid the sale or other disposal of the

manufactured home, the manufactured home and contents must be claimed and removed from the premises in the manufactured home community or from the storage area or from the place of storage within 60 days after the date of mailing of the notice.

(2) If the manufactured home and contents are not claimed and removed within the time set forth in the notice:

(i) the owner or other authorized person may sell the manufactured home at public or private sale with or without additional notices; or

(ii) if it is reasonably determined by the owner or other authorized person that the value of the property is so low that the cost of storage and conducting a sale would exceed the amount that would be realized from the sale of the manufactured home, the manufactured home may be destroyed or discarded.

(3) (i) Within the time provided in the notice, the resident may claim the manufactured home by notifying the manufactured home community owner or other authorized person in writing that the manufactured home will be claimed and removed within the time provided in the notice or such later time as is mutually agreed to by the owner or other authorized person and the resident.

(ii) If the resident fails to claim and remove the manufactured home within the time specified in the notice or such later time, the manufactured home shall be conclusively deemed abandoned, and the community owner or other authorized person shall be entitled to proceed to sell or otherwise dispose of the manufactured home.

(e) When a manufactured home community owner or other authorized person disposes of the manufactured home, notice of disposal shall be sent to the Department of Transportation, addressed to the Bureau of Motor Vehicles, Vehicle Registration Division or such other office or bureau as is designated by the department.

(f) (1) When a manufactured home is sold under this section, the Department of Transportation shall, upon proof of sale and purchase and regardless of anything to the contrary in 75 Pa.C.S. (relating to vehicles), issue a certificate of title to the purchaser evidencing no encumbrances.

(2) If the manufactured home is not sold but is destroyed or discarded because the value of the manufactured home was determined to be so low that the storage and sale would exceed the amount to be realized in the sale, the department shall, upon receiving notarized documentation that the manufactured home was destroyed or discarded, make an appropriate notation on its recordkeeping system that the manufactured home has been destroyed or discarded and that no certificate of title should again be issued for the manufactured home.

(3) The Department of Transportation may create and use a special form for this process but may not impose any other requirements for compliance with this provision to be fulfilled.

(g) (1) When a manufactured home is moved to a storage area or another location or is disposed of as provided for by this section and the space on which that manufactured home previously was located is vacant, the manufactured home community owner or other authorized person may lease that space to a new resident or otherwise locate another manufactured home on that space.

(2) The municipality or taxing district in which the manufactured home community is located shall not prevent the occupancy of that space by another manufactured home nor shall it attach any conditions to the occupancy that are not

applicable to a new resident locating in a space made vacant by circumstances other than abandonment.

(h) (1) If a manufactured home is moved to a storage area or another location or is disposed of as provided for in this section, the real estate on which the manufactured home was or is located, the manufactured home community or the purchaser of the manufactured home shall not be liable for any taxes, fees, assessments or other charges imposed by the municipality or taxing district on the manufactured home.

(2) Liability for any taxes assessed and imposed on the resident or liability to satisfy any lien for such taxes shall continue to be the responsibility of the resident and shall not be assessed and imposed on the real estate on which the manufactured home was or is located, the manufactured home community or the purchaser of the manufactured home, all of which is as provided for in the act of May 22, 1933 (P.L.853, No.155), known as "The General County Assessment Law," or in 53 Pa.C.S. Ch. 88 (relating to consolidated county assessment).

(3) No government entity shall refuse to issue or delay issuing any permits, licenses or other required authorities to the manufactured home community, community owner, purchaser or any new tenant or resident attempting to locate or lease a manufactured home on the property where the abandoned home was located solely because of tax liability on the abandoned home.

(10.2 added Oct. 24, 2012, P.L.1267, No.156)

Section 10.3. Immunity from Liability.--A manufactured home community owner who complies with the procedures set forth in this act shall be immune from liability with regard to or as a consequence of the sale, disposal or destruction of an abandoned manufactured home and any contents in such manufactured home or otherwise in the community or associated with the home except as otherwise specifically set forth in this act.

(10.3 added Oct. 24, 2012, P.L.1267, No.156)

Section 11. Sale of Manufactured Homes.--(a) Any rule, regulation or condition of a lease purporting to prevent the sale of a manufactured home belonging to a lessee shall be void and unenforceable in the courts of the Commonwealth. The manufactured home community owner or operator may reserve the right to approve the purchaser of said manufactured home as a lessee, but such approval may not be unreasonably withheld. Any claim for a fee or commission in connection with the sale of such manufactured home shall be void and unenforceable unless the claimant shall in fact have acted as a bona fide licensed manufactured home sales agent for the manufactured home owner pursuant to a separate written fee agreement.

(b) Prior to a lessee or occupant in a manufactured home community offering a manufactured home for sale, the lessee or occupant must obtain from the community operator the then-current disclosure document required by this act and provide a copy to any prospective buyer along with an attached sheet of paper with the following information printed in 12-point boldfaced type:

Be advised that this manufactured home offered for sale is subject to the Manufactured Home Community Rights Act and a written lease required under that law. You are advised that the community in which this home is now placed requires an approved application for lessees and occupants and a fully executed lease prior to your right to reside in the community.

You shall have a minimum of 5 calendar days after receiving this disclosure required under the Manufactured Home Community Rights Act to void the transaction with the

operator, if any, and, if terminated, you shall be returned any deposits and rents paid to the operator of the community.

(c) Failure of the resident seller to obtain a dated acknowledgment from the prospective buyer of the manufactured home of receipt of the disclosure may be grounds for cancellation of the sale by the buyer.

(11 amended Oct. 19, 2010, P.L.546, No.80)

Compiler's Note: Section 5 of Act 80 of 2010, which amended section 11, provided that Act 80 shall apply to:

(1) New sales and leases of manufactured home community spaces entered into after the effective date of section 5.

(2) Extensions and renewals of leases of manufactured home community spaces entered into after effective date of section 5.

Section 11.1. Sale or Lease of Manufactured Home Communities.--(a) In the event of the sale or lease of a manufactured home community, a manufactured home community owner shall provide written notice to the residents and tenants of the community and to the Pennsylvania Housing Finance Agency. The notice shall be sent within 30 days after any agreement of sale is signed. The notice shall be posted in the same conspicuous and readily accessible place in the manufactured home community where the community rules and regulations are posted, pursuant to section 4.

(b) Within 30 days of transfer of title to the community, the new owner shall notify the residents and tenants of the name of the new owner and contact information for either the new owner or new operator of the community. The notice shall be mailed to each resident and tenant and shall be posted immediately in the same conspicuous and readily accessible place in the manufactured home community where the community rules and regulations are posted, pursuant to section 4.

(11.1 added Oct. 24, 2012, P.L.1267, No.156)

Section 11.2. Closure of Manufactured Home Communities.--(a) In the event of the closure of a manufactured home community, in whole or part, the manufactured home community owner shall:

(1) Provide written notice to the residents and tenants of the community, to the resident association if one exists, to the Pennsylvania Housing Finance Agency and to the municipality where the manufactured home community is located within 60 days of deciding to close the community. The notice shall include the estimated date residents and tenants will be expected to vacate the community, which shall be no less than 180 days from the date of the notice, and the estimated date the community will be closed.

(2) Notify any prospective resident in writing, prior to leasing a manufactured home space, and any known prospective tenant, prior to leasing a manufactured home in a manufactured home community, of the scheduled closing date.

(b) A manufactured home community owner shall consider any offer to purchase the community made by a resident association representing at least 25% of the manufactured home spaces or by a nonprofit corporation, including a community development corporation, housing authority or redevelopment authority acting at the request of the residents of at least 25% of the spaces and shall negotiate in good faith with the entity submitting the offer.

(c) A manufactured home community owner shall pay relocation expenses to the owner of any manufactured home in a manufactured home community that is closing in an amount equivalent to the

cost of relocation, not to exceed the amount of \$4,000 for a single section manufactured home and \$6,000 for a multisection manufactured home. The amounts stated in this subsection shall be adjusted annually by the Department of Community and Economic Development to reflect any increase in the Consumer Price Index.

(d) A manufactured home community owner shall pay a minimum of \$2,500 or the appraised value, whichever is greater, of any manufactured home to the resident of the manufactured home upon the closure of the community if the resident is unable or unwilling to find a reasonably suitable replacement site. The appraised value must be provided by a certified residential real estate appraiser with substantial experience in appraising manufactured homes who is mutually agreed to by the owner and the resident. If the parties cannot agree on an appraiser, each shall select an appraiser, and the two appraisers shall select the appraiser to perform the appraisal. The community owner and the resident shall each pay half of the cost for the appraisal. Notwithstanding the provisions of this subsection, the resident and the community owner may mutually agree upon a price for the sale of the manufactured home.

(e) In the event a manufactured home community is closed because of a condemnation, action in eminent domain or other governmental action, the manufactured home residents shall not be entitled to payments set forth in subsections (c) and (d), but shall be entitled to the rights and remedies available under laws relating to condemnation, eminent domain or other governmental action.

(f) A tenant who rents a manufactured home in a manufactured home community shall have the right to terminate the lease without penalty upon receiving notice of the planned closing of the community.

(g) A manufactured home resident shall not be required to remove the manufactured home from the land when a manufactured home community closes, nor shall the resident be liable for the costs of removing or disposing of the manufactured home. The manufactured home community owner may require a resident who is leaving a manufactured home in the community to assign the title to the community owner. In the event the resident refuses to make such assignment, the community owner may proceed under section 10.1.

(11.2 added Oct. 24, 2012, P.L.1267, No.156)

Section 11.3. Notice Requirements in Event of Closure of Manufactured Home Community.--(a) The notice given to the Pennsylvania Housing Finance Agency under section 11.2 shall be sent by certified mail and shall be addressed to the legal department of the Pennsylvania Housing Finance Agency.

(b) (1) Within 60 days of the effective date of this section, the Pennsylvania Housing Finance Agency shall publish a notice in both the Pennsylvania Bulletin and on its publicly accessible Internet website that it is compiling a list of parties interested in receiving copies of any notice received by it under sections 11.1 and 11.2 and inviting the parties to provide their contact information to receive notices of community sales or closures. Interested parties may indicate their region of the State or that they operate Statewide.

(2) The Pennsylvania Housing Finance Agency shall send copies of notices it receives under this section to parties on the list that are Statewide or within the region the parties identify. Notices shall be sent by regular mail or by electronic mail within ten calendar days of the legal department's receipt of a notice.

(3) Nothing in this subsection shall be construed to create any liability for the Pennsylvania Housing Finance Agency or otherwise to affect the transfer of any real property in the event there is a failure to provide notice in accordance with this act.

(c) A notice given pursuant to section 11.2(a)(1) shall be:

(1) Delivered to an adult resident of each manufactured home space within the manufactured home community or mailed by first class mail to the resident or tenant of each space.

(2) Posted in the same conspicuous and readily accessible place in the manufactured home community where the community rules and regulations are posted, pursuant to section 4.

(d) A notice given pursuant to section 11.2(a)(2) shall be given personally to the prospective resident or known prospective tenant.

(11.3 added Oct. 24, 2012, P.L.1267, No.156)

Section 12. Waiver of Rights.--The rights and duties of manufactured home community owners and operators and the manufactured home lessees may not be waived by any provisions of a written or oral agreement. Any such agreement attempting to limit these rights shall be void and unenforceable in the courts of the Commonwealth.

(12 amended Oct. 19, 2010, P.L.546, No.80)

Compiler's Note: Section 5 of Act 80 of 2010, which amended section 12, provided that Act 80 shall apply to:

(1) New sales and leases of manufactured home community spaces entered into after the effective date of section 5.

(2) Extensions and renewals of leases of manufactured home community spaces entered into after effective date of section 5.

Section 13. Damages.--(a) Any manufactured home community owner, operator or lessee 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 within the Commonwealth.

(b) If disclosure as required by section 6 was not provided to the manufactured home community prospective first-time lessee prior to execution of the manufactured home space rental agreement or prior to initial occupancy of a manufactured home, the rental agreement is voidable by the lessee during the first year of occupancy until five calendar days after the receipt of the disclosure by the lessee.

(c) To void the rental agreement, the prospective first-time lessee shall deliver written notice to the manufactured home community owner or operator within five days after receipt of the disclosure and shall thereupon be entitled to a refund from the owner or operator of the community of any deposit together with installation costs for the manufactured home, paid to the owner or operator of the community park.

(d) The manufactured home community owner or operator may not collect rent from a prospective first-time lessee until the manufactured home community owner or operator and the lessee have entered into the rental agreement.

(e) When the manufactured home community owner or operator and a manufactured home lessee execute a new, renewed or extended lease for a manufactured home space, which increases rent or payables to the lessor, the manufactured home community owner or operator may not collect increased rent or fee payable rent from the manufactured home lessee until the manufactured

home community owner or operator and the manufactured home lessee have entered into the new, renewed or extended lease. After receiving 60 days' notice of the community owner's or operator's intent to offer a new lease, the manufactured home occupant shall have 30 days to either accept the new, renewed or extended rental agreement or to notify the manufactured home community owner or operator of intent to vacate within 30 days. No increased rent or fee lease charges shall be effective against a lessee prior to the 61st day after receiving the owner or operator notice.

(f) A manufactured home lessee who chooses not to enter into a new, renewed or extended rental agreement shall have 60 days from the date of notification of intent to vacate the manufactured home community to enter into contract to sell or to relocate the manufactured home. No increased rent fee or lease charge shall apply during this period. So long as the manufactured home community owner or operator complied with disclosure as provided in section 6, the manufactured home lessee who does not enter into a new, extended or renewed rental agreement shall not be entitled to relocation costs.

(13 amended Oct. 19, 2010, P.L.546, No.80)

Compiler's Note: Section 5 of Act 80 of 2010, which amended section 13, provided that Act 80 shall apply to:

(1) New sales and leases of manufactured home community spaces entered into after the effective date of section 5.

(2) Extensions and renewals of leases of manufactured home community spaces entered into after effective date of section 5.

Section 14. Restraining Prohibited Acts.--Whenever the Attorney General or a District Attorney has reason to believe that any person is using or is about to use any method, act or practice declared by this act to be prohibited, and that proceedings would be in the public interest, he may bring an action in the name of the Commonwealth against such person to restrain by temporary or permanent injunction the use of such method, act or practice.

(14 repealed in part Apr. 28, 1978, P.L.202, No.53)

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

Section 16. Retaliatory Evictions.--Any action by a manufactured home community owner or operator to recover possession of real property from a manufactured home community lessee or to change the lease within six months of a lessee's assertion of rights under this act or any other legal right shall raise a presumption that such action constitutes a retaliatory and unlawful eviction by the owner or operator and is in violation of this act. Such a presumption may be rebutted by competent evidence presented in any appropriate court of initial jurisdiction within the Commonwealth.

(16 amended Oct. 19, 2010, P.L.546, No.80)

Compiler's Note: Section 5 of Act 80 of 2010, which amended section 16, provided that Act 80 shall apply to:

(1) New sales and leases of manufactured home community spaces entered into after the effective date of section 5.

(2) Extensions and renewals of leases of
manufactured home community spaces entered into after
effective date of section 5.

Section 16.1. Remedies.--(a) A violation of this act may be enforced as provided by sections 13, 14, 15 and 16 and shall also constitute an "unfair or deceptive act or practice" within the meaning of section 2(4) of the act of December 17, 1968 (P.L.1224, No.387), known as the "Unfair Trade Practices and Consumer Protection Law," and shall be a violation of and shall be subject to the enforcement provisions and private rights of action contained in that act.

(b) Residents shall have the right to seek injunctive relief to enforce compliance with this section and sections 11.1 and 11.2.

(16.1 added Oct. 24, 2012, P.L.1267, No.156)

Section 17. Effective Date.--This act shall take effect in 60 days.