
THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 1066 Session of
2007

INTRODUCED BY HARHAI, GRUCELA, KOTIK, MAHONEY, MOUL, MURT,
SIPTROTH, SOLOBAY AND KORTZ, APRIL 18, 2007

REFERRED TO COMMITTEE ON CONSUMER AFFAIRS, APRIL 18, 2007

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; providing for extended
5 periods of nonpayment of rent; and further providing for park
6 rules and regulations.

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

9 Section 1. Section 3(b) of the act of November 24, 1976
10 (P.L.1176, No.261), known as the Mobile Home Park Rights Act, is
11 amended to read:

12 Section 3. Evictions.--* * *

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

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

17 (2) Prior to the commencement of any eviction proceeding,
18 the mobile home park owner shall notify the mobile home park
19 resident in writing of the particular breach or violation of the

1 lease or park rules by certified or registered mail.

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

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

18 * * *

19 Section 2. The act is amended by adding a section to read:

20 Section 3.1. Extended Periods of Nonpayment of Rent.--(a)
21 If a mobile home resident is in arrears for rent payment and
22 files for bankruptcy, immediately after the filing of
23 bankruptcy, the mobile home park owner may move the mobile home
24 from its mobile home space to another location in the mobile
25 home park or to any property owned by the mobile home park owner
26 within a ten-mile radius of the current location of the mobile
27 home. The mobile home park owner may charge reasonable fees for
28 moving of the mobile home.

29 (b) If the mobile home is moved from the mobile home space
30 under subsection (a), the mobile home resident is no longer

1 liable for the agreed-upon periodic lot rent, but will be liable
2 for a storage fee that is not to exceed 33% of the periodic lot
3 rent. Once the mobile home has been moved from the mobile home
4 space, the mobile home resident may not stay in the mobile home
5 for more than one hour out of a 24-hour period without the
6 written consent of the mobile home park owner. After payment of
7 all of the charges due the mobile home park owner, the mobile
8 home park resident may move the mobile home from the property.

9 (c) If arrangements are not made by the mobile home resident
10 to move, sell or destroy the mobile home within 12 months of it
11 being moved from the mobile home space under subsection (a), the
12 mobile home park owner may choose to obtain three separate,
13 professional appraisals of the mobile home. An average of these
14 three appraisals shall be considered the value of the mobile
15 home. If the charges owed the mobile home park owner exceed the
16 value of the mobile home, the mobile home park owner may
17 petition the appropriate court with jurisdiction to take
18 ownership of the mobile home.

19 Section 3. Section 4 of the act is amended to read:

20 Section 4. Park Rules and Regulations.--The owner or
21 operator of a mobile home park may at any time establish fair
22 and reasonable rules and regulations reasonably related to the
23 health, or safety of residents in the park or to the upkeep of
24 the park, provided such rules and regulations are included in
25 any written lease and delivered to existing residents and are
26 posted in a conspicuous and readily accessible place in the
27 mobile home park. All rules or rental charges shall be uniformly
28 applied to all mobile home residents or prospective mobile home
29 residents of the same or similar category. When the lease or
30 rental agreement is oral, the resident shall be provided with a

1 written copy of such rules and regulations prior to the owner's
2 or operator's acceptance of any initial deposit, fee or rent. In
3 addition a copy of this act shall be posted in a conspicuous and
4 readily accessible place in the mobile home park and a copy of
5 the following notice shall be reproduced in capital typewritten
6 letters or in ten-point boldface print and be given to each
7 resident upon entering into the lease.

8 "IMPORTANT NOTICE REQUIRED BY LAW

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

12 You may continue to stay in this park as long as you pay
13 your rent and other reasonable fees, service charges and
14 assessments hereinafter set forth and abide by the rules of
15 the park. Entrance and exit fees may not be charged.
16 Installation and removal fees may not be charged in excess of
17 the actual cost to the mobile home park owner or operator for
18 providing such service for the installation or removal of a
19 mobile home in a mobile home space.

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

- 21 (1) Nonpayment of rent.
- 22 (2) A second or subsequent violation of the rules of the
23 mobile home park occurring within a six-month period.
- 24 (3) If there is a change in use of the park land or
25 parts thereof.
- 26 (4) Termination of mobile home park.

27 You shall only be evicted in accordance with the
28 following procedure:

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

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

5 (i) In the case of nonpayment of rent, the notice shall
6 state that an eviction proceeding may be commenced if the
7 mobile home resident does not pay the overdue rent within
8 [20] seven days from the date of service. [if the notice is
9 given on or after April 1 and before September 1, and 30 days
10 if given on or after September 1 and before April 1 or an
11 additional nonpayment of rent occurring within six months of
12 the giving of the notice may result in immediate eviction
13 proceedings.]

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

22 You shall not be evicted when there is proof that the
23 rules you are accused of violating are not enforced with
24 respect to the other mobile home residents or nonresidents on
25 the park premises.

26 In addition, no eviction proceeding for nonpayment of
27 rent may be commenced against you until you have received
28 notice by certified or registered mail of the nonpayment and
29 have been given [to pay the overdue rent 20 days] seven days
30 to pay the overdue rent from the date of service if the

1 notice is given. [on or after April 1 and before September 1,
2 and 30 days if given on or after September 1 and before April
3 1.] However, only one notice of overdue rent is required to
4 be sent to you during any six-month period. If a second or
5 additional violation occurs within six months from the date
6 of the first notice then eviction proceedings may be
7 immediately started against you.

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

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 4. This act shall take effect in 60 days.