
THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 1767 Session of
2011

INTRODUCED BY FREEMAN, SAMUELSON, HAHN, THOMAS, BRENNAN,
CALTAGIRONE, DALEY, DeLUCA, DONATUCCI, GINGRICH, HENNESSEY,
HORNAMAN, JOSEPHS, KOTIK, KULA, MIRABITO, MUNDY, MURT,
O'NEILL, PASHINSKI, SWANGER, VULAKOVICH AND YOUNGBLOOD,
JUNE 30, 2011

REFERRED TO COMMITTEE ON URBAN AFFAIRS, JUNE 30, 2011

AN ACT

1 Amending the act of November 24, 1976 (P.L.1176, No.261),
2 entitled, as amended, "An act providing for the rights and
3 duties of manufactured home owners or operators and
4 manufactured home lessees," adding definitions; providing for
5 abandoned manufactured homes, for sale of manufactured home
6 communities and for remedies; and repealing certain
7 provisions of The Landlord and Tenant Act of 1951.

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

10 Section 1. Section 2 introductory paragraph of the act of
11 November 24, 1976 (P.L.1176, No.261), known as the Manufactured
12 Home Community Rights Act, amended October 19, 2010 (P.L.546,
13 No.80), is amended and the section is amended by adding
14 definitions to read:

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

19 * * *

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

4 * * *

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

9 * * *

10 "Tenant." A person who leases a manufactured home.

11 Section 2. The act is amended by adding sections to read:

12 Section 10.1. Abandoned Manufactured Homes.--(a) If a
13 resident or a tenant relinquishes possession of a manufactured
14 home for a period of at least 30 days, the manufactured home
15 community owner or other authorized person may:

16 (1) Enter the manufactured home and secure any appliances,
17 furnishings, materials, supplies or other personal property in
18 the manufactured home, disconnect the manufactured home from any
19 utilities and otherwise exercise ordinary care in relation to
20 the manufactured home and personal property, including promptly
21 disposing of perishable food and contacting an animal control
22 agency or humane society to remove any abandoned pets.

23 (2) (i) Move the manufactured home and any personal
24 property inside the manufactured home or within the manufactured
25 home community that belong to the resident to a storage area
26 within the manufactured home park or to another location deemed
27 necessary and proper without the requirement of obtaining a
28 removal permit for the manufactured home from the local taxing
29 authority which would otherwise be required under 53 Pa.C.S. §
30 8821(d) (relating to assessment of mobile homes and house

1 trailers).

2 (ii) The manufactured home shall continue to be subject to
3 the lien for taxes assessed against it, but the real estate on
4 which the manufactured home was and is located shall not be
5 encumbered by the lien. The former manufactured home residents
6 or tenants shall be notified by mail and by posting on the
7 manufactured home and at any other known address, or by any
8 other means by which notice may be achieved, that the
9 manufactured home and personal property, if applicable, has been
10 moved and of the new location of the manufactured home and
11 personal property.

12 (3) Assess removal charges and storage charges against the
13 former manufactured home residents or tenants.

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

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

21 (ii) to pay all back rent due to the owner;

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

23 and

24 (iv) to pay all outstanding liens on the manufactured home.

25 Any amount still remaining from the sale after payment of the
26 items in subparagraphs (i), (ii), (iii) and (iv) shall be paid
27 to the resident or tenant. If the resident's or tenant's
28 whereabouts are unknown, any amount due and payable to the
29 resident or tenant shall be paid to the Commonwealth as required
30 by Article XIII.1 of the act of April 9, 1929 (P.L.343, No.176),

1 known as "The Fiscal Code."

2 (b) The manufactured home community owner or other
3 authorized person acting in good faith to comply with the
4 requirements of this section are not responsible for any loss or
5 damage to a home, personal property inside the manufactured home
6 or within the community, or for any fees, assessments or other
7 charges of any kind relating to the abandoned manufactured home
8 unless it is proven that the resident or tenant had not
9 relinquished possession of the real property, in which case, the
10 owner shall be liable for the loss incurred by the resident or
11 tenant.

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

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

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

28 (1) The manufactured home is considered abandoned and to
29 avoid the sale or other disposal of the manufactured home, the
30 manufactured home must be claimed and removed from the premises

1 in the manufactured home community or from the storage area or
2 from the place of storage within a period of time not less than
3 30 days after the date of mailing of the notice.

4 (2) If the manufactured home is not claimed and removed
5 within the time set forth in the notice:

6 (i) the owner or other authorized person may sell the
7 manufactured home at public or private sale; or

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

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

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

26 (e) When a manufactured home community owner or other
27 authorized person desires to dispose of the manufactured home, a
28 copy of the notice shall also be sent to the Department of
29 Transportation, addressed to the Bureau of Motor Vehicles,
30 Vehicle Registration Division, or such other office or bureau as

1 is designated by the department.

2 (f) (1) When a manufactured home is sold under this
3 section, the Department of Transportation shall, upon proof of
4 sale and purchase and regardless of anything to the contrary in
5 75 Pa.C.S. (relating to vehicles), issue a certificate of title
6 to the purchaser evidencing no encumbrances.

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

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

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

26 (2) The municipality in which the manufactured home
27 community is located shall not prevent the occupancy of that
28 space by another manufactured home nor shall it attach any
29 conditions to the occupancy that are not applicable to a new
30 resident locating in a space made vacant other than by

1 abandonment.

2 (h) (1) If a manufactured home is moved to a storage area
3 or another location or is disposed of as provided for in this
4 section, the manufactured home community or the purchaser of the
5 manufactured home shall not be liable for any taxes, fees,
6 assessments or other charges imposed by the municipality on the
7 manufactured home.

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

15 Section 11.1. Sale of Manufactured Home Communities.--(a)
16 Manufactured home community owners shall:

17 (1) Provide written notice to all the residents of the
18 community, to the resident association if one exists, to the
19 Pennsylvania Housing Finance Agency and to the municipality
20 where the manufactured housing community is located no less than
21 60 days prior to entering into any agreement for sale or lease
22 of the community, however, the community owner may provide the
23 required notice after entering into an agreement for sale or
24 lease of the community if the agreement is conditioned on
25 affording the residents the purchase opportunity required by
26 this section and the notice is given no less than 60 days before
27 the agreement becomes final and unconditional. The requirements
28 stated in this subsection shall apply separately to each
29 substantially different agreement for sale or lease of the
30 community. Manufactured home community owners shall not be

1 required to give the notice required by this subsection when:

2 (i) The sale or transfer is to a family member of the owner
3 or to a trust, the beneficiaries of which are family members of
4 the owner.

5 (ii) The sale or transfer is by a partnership to one or more
6 of its partners.

7 (iii) The conveyance of an interest in the community is
8 incidental to the financing of the community.

9 (iv) The sale or transfer is between joint tenants or
10 tenants in common.

11 (v) The sale is pursuant to eminent domain.

12 (2) Provide written notice to the residents of the
13 community, to the resident association if one exists, to the
14 Pennsylvania Housing Finance Agency and to the municipality
15 where the manufactured home community is located within 60 days
16 of a decision to close the community. The notice shall include
17 the estimated date residents and tenants will be expected to
18 vacate the community, which shall be no less than 180 days from
19 the date of the notice, and the estimated date the community
20 will be closed.

21 (3) Notify any prospective resident in writing, prior to
22 leasing a manufactured home space, and any prospective tenant,
23 prior to leasing a manufactured home in a manufactured home
24 community, if the manufactured home community is intended to be
25 closed or otherwise terminated or is the subject of sale.

26 (b) The notice sent to the Pennsylvania Housing Finance
27 Agency under subsection (a) (1) or (2) shall be by certified mail
28 and shall be addressed to the agency's legal department.

29 (c) Within 60 days of the effective date of this section,
30 the Pennsylvania Housing Finance Agency shall publish a notice

1 in both the Pennsylvania Bulletin and on its website that it is
2 compiling a list of parties interested in receiving copies of
3 any notice received by it under subsection (a)(1) or (2) and
4 inviting such parties to provide their contact information to
5 receive notices of community sales or closures. Interested
6 parties may indicate their region of the State or that they
7 operate Statewide. The agency shall send copies of notices it
8 receives under this section to parties on the list that are
9 Statewide or within the region they identify. Notices shall be
10 sent by regular mail or by electronic mail within ten calendar
11 days of the legal department's receipt of a notice.

12 (d) (1) A notice given pursuant to subsection (a)(3) shall
13 be given personally to the prospective resident or prospective
14 tenant.

15 (2) A notice given pursuant to subsection (a)(1) or (2)
16 shall be:

17 (i) sent to each resident by certified or registered mail;

18 (ii) delivered to an adult resident of each manufactured
19 home space within the manufactured home community;

20 (iii) posted prominently on each manufactured home space;
21 and

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

25 (e) A manufactured home community owner shall consider any
26 offer to purchase the community made by a resident association
27 representing at least 25% of the manufactured home spaces or by
28 a nonprofit corporation, including a community development
29 corporation, housing authority or redevelopment authority acting
30 at the request of the residents of at least 25% of the spaces

1 and shall negotiate in good faith with the entity submitting the
2 offer.

3 (f) A manufactured home community owner shall pay relocation
4 expenses to the owner of any manufactured home in a manufactured
5 home community that is closing in an amount equivalent to the
6 cost of relocation, not to exceed the amount of \$4,000 for a
7 single manufactured home space and \$6,000 for multisection
8 manufactured home spaces. The amounts stated in this subsection
9 shall be adjusted annually by the Department of Community and
10 Economic Development to reflect any increase in the Consumer
11 Price Index.

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

26 (h) In the event a manufactured home community is closed
27 because of a condemnation, action in eminent domain or other
28 governmental action, the manufactured home residents shall be
29 entitled to any and all relocation benefits available under law.

30 (i) A tenant who rents a manufactured home in a manufactured

1 home community shall have the right to terminate the lease
2 without penalty upon receiving notice of the planned closing of
3 the community.

4 (j) A manufactured home resident shall not be required to
5 remove the manufactured home from the land when a manufactured
6 home community closes, nor shall the resident be liable for the
7 costs of removing or disposing of the manufactured home. The
8 manufactured home community owner may require a resident who is
9 leaving a manufactured home in the community to assign the title
10 or other evidence of ownership to the owner. In the event the
11 resident refuses to make such assignment, the owner may proceed
12 under section 10.1.

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

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

23 Section 3. Repeals are as follows:

24 (1) The General Assembly declares that the repeal under
25 paragraph (2) is necessary to effectuate this act.

26 (2) Section 505 of the act of April 6, 1951 (P.L.69,
27 No.20), known as The Landlord and Tenant Act of 1951, is
28 repealed.

29 Section 4. This act shall take effect in 60 days.