

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, YOUNGBLOOD AND EMRICK, JUNE 30, 2011

AS REPORTED FROM COMMITTEE ON URBAN AFFAIRS, HOUSE OF REPRESENTATIVES, AS AMENDED, MARCH 14, 2012

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 FURTHER PROVIDING FOR
5 definitions; providing for DETERMINATION OF ABANDONMENT, FOR
6 abandoned manufactured homes, FOR IMMUNITY FROM LIABILITY,
7 for sale OR LEASE of manufactured home communities, FOR
8 CLOSURE OF MANUFACTURED HOME COMMUNITIES, FOR NOTICE
9 REQUIREMENTS IN THE EVENT OF CLOSURE OF MANUFACTURED HOME
10 COMMUNITY and for remedies; and repealing certain provisions
11 of The Landlord and Tenant Act of 1951.



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

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



19 SECTION 1. SECTION 2 OF THE ACT OF NOVEMBER 24, 1976
20 (P.L.1176, NO.261), KNOWN AS THE MANUFACTURED HOME COMMUNITY



1 RIGHTS ACT, AMENDED OCTOBER 19, 2010 (P.L.546, NO.80), IS

2 AMENDED TO READ:

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

7 * * *

8 "AGENCY." THE OFFICE OF ATTORNEY GENERAL.

9 "DESIGNATED NOTIFICATION RECIPIENT LESSEE." A LESSEE WHO
10 DESIGNATES IN THE LEASE A SPECIFIC LESSEE AND ADDRESS FOR THE
11 PURPOSES OF RECEIVING ALL REQUIRED NOTICES WITH REGARD TO THE
12 MANUFACTURED HOME LEASED SPACE. DELIVERY BY CERTIFIED OR
13 REGISTERED MAIL TO A LESSEE SO DESIGNATED SHALL BE DEEMED
14 SUFFICIENT FOR PURPOSES OF THIS ACT.

15 "EVICTION." THE REMOVAL OF A LESSEE, OCCUPANTS AND
16 MANUFACTURED HOME FROM A MANUFACTURED HOME COMMUNITY IN
17 ACCORDANCE WITH AN ORDER OF POSSESSION BY A COURT OF THE
18 COMMONWEALTH PURSUANT TO:

19 (1) THE RELEVANT PROVISIONS OF THE ACT OF APRIL 6, 1951
20 (P.L.69, NO.20), KNOWN AS "THE LANDLORD AND TENANT ACT OF 1951";
21 OR

22 (2) A SIMILAR ORDER OF A COURT OF COMMON PLEAS.

23 "FIRST-TIME LESSEE." THE RESIDENT WHO PLACES OR CAUSES TO BE
24 PLACED A MANUFACTURED HOME IN A MANUFACTURED HOME COMMUNITY.

25 "LESSEE." A PERSON [THAT] WHO RENTS A MANUFACTURED HOME
26 COMMUNITY SPACE [AND IS THE RESPONSIBLE PARTY FOR THE
27 PERFORMANCE OF THE TERMS OF LEASE] FROM A LESSOR PURSUANT TO THE
28 TERMS OF A LEASE.

29 "LESSOR." [AN OPERATOR THAT RENTS A MANUFACTURED HOME SPACE
30 TO A LESSEE AND THAT IS RESPONSIBLE FOR THE PERFORMANCE OF THE



1 TERMS OF LEASE.] THE OWNER OR OPERATOR OF A MANUFACTURED HOME
2 COMMUNITY WHO RENTS A MANUFACTURED HOME SPACE TO A LESSEE
3 PURSUANT TO THE TERMS OF A LEASE AND WHO IS RESPONSIBLE FOR THE
4 PERFORMANCE OF THE TERMS OF THE LEASE.

5 "MANUFACTURED HOME." THE TERM INCLUDES:

6 (1) A MANUFACTURED HOME AS DEFINED IN SECTION 603(6) OF THE
7 NATIONAL MANUFACTURED HOUSING CONSTRUCTION AND SAFETY STANDARDS
8 ACT OF 1974 (PUBLIC LAW 93-383, 42 U.S.C. § 5402(6)).

9 (2) A MOBILE HOME AS DEFINED IN 75 PA.C.S. § 102 (RELATING
10 TO DEFINITIONS).

11 "MANUFACTURED HOME COMMUNITY" OR "COMMUNITY." A SITE, LOT,
12 FIELD OR TRACT OF LAND, PRIVATELY OR PUBLICLY OWNED OR OPERATED,
13 UPON WHICH THREE OR MORE MANUFACTURED HOMES, OCCUPIED FOR
14 DWELLING OR SLEEPING PURPOSES, ARE OR ARE INTENDED TO BE
15 LOCATED, REGARDLESS OF WHETHER OR NOT A CHARGE IS MADE FOR SUCH
16 ACCOMMODATION.

17 "MANUFACTURED HOME COMMUNITY OPERATOR" OR "COMMUNITY
18 OPERATOR." A PERSON OR ENTITY WHICH CONDUCTS THE OPERATIONS OF
19 A MANUFACTURED HOME COMMUNITY ON BEHALF AND AS THE AGENT OF THE
20 COMMUNITY OWNER.

21 "MANUFACTURED HOME COMMUNITY OWNER" OR "COMMUNITY OWNER."
22 [AN OWNER OR OPERATOR OF] A PERSON OR ENTITY WHICH OWNS A
23 MANUFACTURED HOME COMMUNITY.

24 "MANUFACTURED HOME OCCUPANT." AN INDIVIDUAL WHO RESIDES IN A
25 MANUFACTURED HOME[, WHO IS EITHER A LESSEE OR A MANUFACTURED
26 HOME RESIDENT].

27 "MANUFACTURED HOME [RESIDENT.]" RESIDENT" OR "RESIDENT." AN
28 OWNER OF A MANUFACTURED HOME WHO LEASES OR RENTS SPACE IN A
29 MANUFACTURED HOME COMMUNITY. THE TERM DOES NOT INCLUDE A PERSON
30 WHO RENTS OR LEASES A MANUFACTURED HOME.

1 "MANUFACTURED HOME SPACE." A PLOT OF GROUND WITHIN A
2 MANUFACTURED HOME COMMUNITY DESIGNED FOR THE ACCOMMODATION OF
3 ONE MANUFACTURED HOME.

4 "MANUFACTURED HOME SPACE LEASE" OR "LEASE." A WRITTEN
5 CONTRACT BETWEEN A MANUFACTURED HOME LESSEE AND A MANUFACTURED
6 HOME COMMUNITY OWNER CONTAINING RECIPROCAL RIGHTS AND DUTIES,
7 INCLUDING THE PAYMENT OF RENT FOR THE USE OF GROUND FOR THE
8 PLACEMENT OF A MANUFACTURED HOME IN A MANUFACTURED HOME
9 COMMUNITY.

10 "MANUFACTURED HOME TENANT" OR "TENANT." A PERSON WHO LEASES
11 A MANUFACTURED HOME FROM THE OWNER OF THAT MANUFACTURED HOME.

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

15 * * *

16 "RENT." GROUND RENT FOR A MANUFACTURED HOME SPACE.

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

21 * * *

22 ~~"Tenant." A person who leases a manufactured home.~~

23 "RULES AND REGULATIONS." POLICIES AND GUIDELINES ESTABLISHED
24 BY A MANUFACTURED HOME COMMUNITY OWNER THAT RELATE TO COMMUNITY
25 LIVING.

26 "SERVICE CHARGES." CHARGES FOR ELECTRICITY, GAS SERVICE
27 WHICH IS UNDERGROUND AND PIPED DIRECTLY TO INDIVIDUAL UNITS
28 WITHIN A MANUFACTURED HOME COMMUNITY, TRASH REMOVAL, SEWAGE,
29 WATER, INTERNET, CABLE AND ALL OTHER UTILITIES.

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



1 SECTION 10.1. DETERMINATION OF ABANDONMENT.-- (A) A LESSEE
2 OR RESIDENT SHALL BE DEEMED TO HAVE ABANDONED A HOME AND ALL
3 PERSONAL PROPERTY IN IT ONLY AFTER EITHER:

4 (1) JUDICIAL PROCESS, WHICH SHALL INCLUDE ALL OF THE
5 FOLLOWING:

6 (I) THE ENTRY OF A JUDGMENT FOR POSSESSION IN FAVOR OF THE
7 COMMUNITY OWNER OR OPERATOR PURSUANT TO APPLICABLE LAW;

8 (II) THE EXECUTION OF AN ORDER FOR POSSESSION, OR EQUIVALENT
9 PROCESS, ON SAID JUDGMENT; AND

10 (III) A DETERMINATION BY A MAGISTERIAL DISTRICT COURT OR
11 OTHER COURT OF COMPETENT JURISDICTION THAT THE HOME AND PROPERTY
12 HAVE BEEN ABANDONED.

13 (2) VOLUNTARY ABANDONMENT, AS EVIDENCED BY A WRITTEN
14 STATEMENT FROM THE LESSEE OR RESIDENT STATING THAT THE LESSEE OR
15 RESIDENT HAS PHYSICALLY OR PERMANENTLY VACATED THE HOME, DOES
16 NOT INTEND TO RETURN TO IT AND HAS GIVEN UP ALL FURTHER RIGHTS
17 OR OWNERSHIP INTEREST.

18 (B) THE DETERMINATION OF ABANDONMENT SHALL BE BASED ON A
19 PREPONDERANCE OF THE EVIDENCE OF THE LESSEE'S ABSENCE FROM THE
20 HOME FOR AT LEAST 30 DAYS AND NONPAYMENT OF RENT FOR AT LEAST 30
21 DAYS FROM THE DATE IT IS DUE, TOGETHER WITH ONE OR MORE OF THE
22 FOLLOWING:

23 (1) TERMINATION OF ELECTRIC OR WATER SERVICE TO THE HOME AND
24 OTHER UTILITY OR PAYMENT OF SERVICES TO THE COMMUNITY OWNER.

25 (2) CANCELLATION OF INSURANCE FOR THE HOME.

26 (3) REMOVAL OF MOST OR ALL PERSONAL PROPERTY FROM THE HOME.

27 (4) ANY OTHER INDICIA OF ABANDONMENT.

28 (C) PURSUANT TO 42 PA.C.S. § 1515(A)(7) (RELATING TO
29 JURISDICTION AND VENUE), A MAGISTERIAL DISTRICT COURT SHALL HAVE
30 JURISDICTION TO DETERMINE IF A MANUFACTURED HOME HAS BEEN

1 ABANDONED AND SHALL MAKE A DETERMINATION AS TO WHETHER A
2 MANUFACTURED HOME HAS BEEN ABANDONED IF THE ISSUE IS PRESENTED.

3 (D) A DETERMINATION BY THE COURT THAT A MANUFACTURED HOME
4 HAS BEEN ABANDONED SHALL GIVE THE COMMUNITY OWNER THE SAME
5 RIGHTS AS AN ENTITY WHICH HAS BEEN GRANTED A JUDGMENT FOR
6 POSSESSION.

7 Section ~~10.1~~ 10.2. Abandoned Manufactured Homes.--(a) If a ←
8 resident ~~or a tenant relinquishes possession of~~ ABANDONS a ←
9 manufactured home ~~for a period of at least 30 days, the~~ ←
10 manufactured home community owner or other authorized person
11 may:

12 (1) ~~Enter~~ (I) ENTER the manufactured home and secure any ←
13 appliances, furnishings, materials, supplies or other personal
14 property in the manufactured home, ~~disconnect;~~ ←

15 (II) DISCONNECT the manufactured home from any ~~utilities and~~ ←
16 UTILITIES; AND ←

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

21 (2) (i) Move the manufactured home ~~and,~~ any personal ←
22 property inside the manufactured home ~~or~~ AND PERSONAL PROPERTY ←
23 LOCATED within the manufactured home community that IS BELIEVED ←
24 TO belong to the resident to a storage area within the
25 manufactured home ~~park~~ COMMUNITY or to another location deemed ←
26 necessary and proper without the requirement of obtaining a
27 removal permit for the manufactured home from the local taxing
28 authority which would otherwise be required under 53 Pa.C.S. §
29 8821(d) (relating to assessment of mobile homes and house
30 trailers). PRIOR TO MOVING THE MANUFACTURED HOME AND PERSONAL ←

1 PROPERTY, THE COMMUNITY OWNER SHALL NOTIFY THE FORMER
2 MANUFACTURED HOME RESIDENT BY MAIL AND BY POSTING ON THE
3 MANUFACTURED HOME AND AT ANY OTHER KNOWN ADDRESS OR BY ANY OTHER
4 MEANS BY WHICH NOTICE MAY BE ACHIEVED. THE NOTICE SHALL STATE
5 THAT THE MANUFACTURED HOME AND PERSONAL PROPERTY, IF APPLICABLE,
6 WILL BE MOVED 60 DAYS AFTER THE DATE OF NOTICE AND SHALL INFORM
7 THE FORMER RESIDENT OF THE NEW LOCATION OF THE MANUFACTURED HOME
8 AND PERSONAL PROPERTY.

9 (ii) The manufactured home shall continue to be subject to
10 the lien for taxes assessed against it, but the real estate on
11 which the manufactured home was and is located shall not be
12 encumbered by OR SUBJECT TO the lien. ~~The former manufactured~~ ←
13 home residents or tenants shall be notified by mail and by
14 posting on the manufactured home and at any other known address,
15 or by any other means by which notice may be achieved, that the
16 manufactured home and personal property, if applicable, has been
17 moved and of the new location of the manufactured home and
18 personal property.

19 (3) Assess removal charges and storage charges against the
20 former manufactured home residents ~~or tenants.~~ ←

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

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

28 (ii) to pay all back rent due AND ALL OTHER AMOUNTS DUE to ←
29 the COMMUNITY owner; ←

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

1 and

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

3 Any amount still remaining from the sale after payment of the

4 items in subparagraphs (i), (ii), (iii) and (iv) shall be paid

5 to the resident ~~or tenant~~. If the resident's ~~or tenant's~~ ←

6 whereabouts are unknown, any amount due and payable to the

7 resident ~~or tenant~~ shall be paid to the Commonwealth as required ←

8 by Article XIII.1 of the act of April 9, 1929 (P.L.343, No.176),

9 known as "The Fiscal Code."

10 (A.1) NOTWITHSTANDING ANY OTHER PROVISION OF LAW TO THE ←

11 CONTRARY, UPON PROPER DISPOSAL OF THE PERSONAL PROPERTY AND THE

12 MANUFACTURED HOME, NEITHER THE PURCHASER NOR THE MANUFACTURED

13 HOME COMMUNITY OWNER, NOR ANY PERSON ACTING FOR OR ON BEHALF OF

14 THE PURCHASER OR THE MANUFACTURED HOME COMMUNITY OWNER, SHALL BE

15 LIABLE FOR ANY OUTSTANDING TAXES OR LIENS ON THE HOME.

16 (b) The manufactured home community owner or other

17 authorized person acting in good faith to comply with the

18 requirements of this section are not responsible for any loss or

19 damage to a home, personal property inside the manufactured home

20 or within the community, or for any fees, assessments or other

21 charges of any kind relating to the abandoned manufactured home

22 unless it is proven that the resident or tenant had not ←

23 relinquished possession of the real property, in which case, the

24 owner shall be liable for the loss incurred by the resident or

25 tenant UNLESS THE COMMUNITY OWNER FAILED TO PROVIDE THE NOTICE ←

26 REQUIRED UNDER THIS SECTION OR FAILED TO EXERCISE DUE CARE OF

27 THE HOME OR PERSONAL PROPERTY.

28 (c) (1) The manufactured home community owner or other

29 authorized person may dispose of the manufactured home and

30 personal property after first giving written notice to the

1 resident and any lienholder. The notice shall be sent by
2 certified mail, return-receipt requested, or by receipted first-
3 class mail, to the resident's ~~or tenant's~~ last known address, ←
4 which may be the address of the premises, and at any alternate
5 address or addresses IF known to the owner or other authorized ←
6 person, including the address of emergency contacts if provided.
7 The notice shall also be posted in a conspicuous location in the
8 manufactured home community.

9 (2) The notice of removal required by subsection ~~(a)(2)~~ (A) ←
10 (2)(I) and the notice of disposal required by this subsection
11 may be combined in one notice.

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

14 (1) The manufactured home ~~is~~ AND CONTENTS ARE considered ←
15 abandoned and to avoid the sale or other disposal of the
16 manufactured home, the manufactured home AND CONTENTS must be ←
17 claimed and removed from the premises in the manufactured home
18 community or from the storage area or from the place of storage
19 within a ~~period of time not less than 30~~ 60 days after the date ←
20 of mailing of the notice.

21 (2) If the manufactured home ~~is~~ AND CONTENTS ARE not claimed ←
22 and removed within the time set forth in the notice:

23 (i) the owner or other authorized person may sell the
24 manufactured home at public or private sale WITH OR WITHOUT ←
25 ADDITIONAL NOTICES; or

26 (ii) if it is reasonably determined by the owner or other
27 authorized person that the value of the property is so low that
28 the cost of storage and conducting a sale would ~~probably~~ exceed ←
29 the amount that would be realized from the sale of the
30 manufactured home, the manufactured home may be destroyed or

1 discarded.

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

9 (ii) If the resident fails to claim and remove the
10 manufactured home within the time specified in the notice or
11 such later time, the manufactured home shall be conclusively
12 deemed abandoned and the COMMUNITY owner or other authorized ←
13 person shall BE ENTITLED TO proceed to sell or otherwise dispose ←
14 of the manufactured home.

15 (e) When a manufactured home community owner or other
16 authorized person ~~desires to dispose~~ DISPOSES of the ←
17 manufactured home, ~~a copy of the notice OF DISPOSAL shall also~~ ←
18 be sent to the Department of Transportation, addressed to the
19 Bureau of Motor Vehicles, Vehicle Registration Division, or such
20 other office or bureau as is designated by the department.

21 (f) (1) When a manufactured home is sold under this
22 section, the Department of Transportation shall, upon proof of
23 sale and purchase and regardless of anything to the contrary in
24 75 Pa.C.S. (relating to vehicles), issue a certificate of title
25 to the purchaser evidencing no encumbrances.

26 (2) If the manufactured home is not sold, but is destroyed
27 or discarded because the value of the manufactured home was
28 determined to be so low that the storage and sale would exceed
29 the amount to be realized in the sale, the department shall,
30 upon receiving notarized documentation that the manufactured

1 home was destroyed or discarded, make an appropriate notation on
2 its recordkeeping system that the manufactured home has been
3 destroyed or discarded and that no certificate of title should
4 again be issued for the manufactured home.

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

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

15 (2) The municipality OR TAXING DISTRICT in which the ←
16 manufactured home community is located shall not prevent the
17 occupancy of that space by another manufactured home nor shall
18 it attach any conditions to the occupancy that are not
19 applicable to a new resident locating in a space made vacant BY ←
20 CIRCUMSTANCES other than by abandonment. ←

21 (h) (1) If a manufactured home is moved to a storage area
22 or another location or is disposed of as provided for in this
23 section, THE REAL ESTATE ON WHICH THE MANUFACTURED HOME WAS OR ←
24 IS LOCATED, the manufactured home community or the purchaser of
25 the manufactured home shall not be liable for any taxes, fees,
26 assessments or other charges imposed by the municipality OR ←
27 TAXING DISTRICT on the manufactured home.

28 (2) Liability for any taxes assessed and imposed on the
29 resident or liability to satisfy any lien for such taxes shall
30 continue to be the responsibility of the resident, and shall not

1 be assessed and imposed on THE REAL ESTATE ON WHICH THE ←
2 MANUFACTURED HOME WAS OR IS LOCATED, the manufactured home
3 community OR THE PURCHASER OF THE MANUFACTURED HOME, all of ←
4 which is as provided for in the act of May 22, 1933 (P.L.853,
5 No.155, known as "The General County Assessment Law," or in 53
6 Pa.C.S. Ch. 88 (relating to consolidated county assessment).

7 (3) NO GOVERNMENT ENTITY SHALL REFUSE TO ISSUE OR DELAY ←
8 ISSUING ANY PERMITS, LICENSES OR OTHER REQUIRED AUTHORITIES TO
9 THE MANUFACTURED HOME COMMUNITY, COMMUNITY OWNER, PURCHASER OR
10 ANY NEW TENANT OR RESIDENT ATTEMPTING TO LOCATE OR LEASE A
11 MANUFACTURED HOME ON THE PROPERTY WHERE THE ABANDONED HOME WAS
12 LOCATED SOLELY BECAUSE OF TAX LIABILITY ON THE ABANDONED HOME.

13 SECTION 10.3. IMMUNITY FROM LIABILITY.--A MANUFACTURED HOME
14 COMMUNITY OWNER WHO COMPLIES WITH THE PROCEDURES SET FORTH IN
15 THIS ACT SHALL BE IMMUNE FROM LIABILITY WITH REGARD TO OR AS A
16 CONSEQUENCE OF THE SALE, DISPOSAL OR DESTRUCTION OF AN ABANDONED
17 MANUFACTURED HOME AND ANY CONTENTS IN SUCH MANUFACTURED HOME OR
18 OTHERWISE IN THE COMMUNITY OR ASSOCIATED WITH THE HOME EXCEPT AS
19 OTHERWISE SPECIFICALLY SET FORTH IN THIS ACT.

20 Section 11.1. Sale OR LEASE of Manufactured Home ←
21 Communities.--(a) ~~Manufactured home community owners shall:~~ ←

22 ~~(1) Provide written notice to all the residents of the~~
23 ~~community, to the resident association if one exists, to the~~
24 ~~Pennsylvania Housing Finance Agency and to the municipality~~
25 ~~where the manufactured housing community is located no less than~~
26 ~~60 days prior to entering into any agreement for sale or lease~~
27 ~~of the community, however, the community owner may provide the~~
28 ~~required notice after entering into an agreement for sale or~~
29 ~~lease of the community if the agreement is conditioned on~~
30 ~~affording the residents the purchase opportunity required by~~

~~1 this section and the notice is given no less than 60 days before~~
~~2 the agreement becomes final and unconditional. The requirements~~
~~3 stated in this subsection shall apply separately to each~~
~~4 substantially different agreement for sale or lease of the~~
~~5 community. Manufactured home community owners shall not be~~
~~6 required to give the notice required by this subsection when:~~

~~7 (i) The sale or transfer is to a family member of the owner~~
~~8 or to a trust, the beneficiaries of which are family members of~~
~~9 the owner.~~

~~10 (ii) The sale or transfer is by a partnership to one or more~~
~~11 of its partners.~~

~~12 (iii) The conveyance of an interest in the community is~~
~~13 incidental to the financing of the community.~~

~~14 (iv) The sale or transfer is between joint tenants or~~
~~15 tenants in common.~~

~~16 (v) The sale is pursuant to eminent domain.~~

~~17 (2) IN THE EVENT OF THE SALE OR LEASE OF A MANUFACTURED HOME~~
~~18 COMMUNITY, A MANUFACTURED HOME COMMUNITY OWNER SHALL PROVIDE~~
~~19 WRITTEN NOTICE TO THE RESIDENTS AND TENANTS OF THE COMMUNITY AND~~
~~20 TO THE PENNSYLVANIA HOUSING FINANCE AGENCY. THE NOTICE SHALL BE~~
~~21 SENT WITHIN 30 DAYS AFTER ANY AGREEMENT OF SALE IS SIGNED. THE~~
~~22 NOTICE SHALL BE POSTED IN THE SAME CONSPICUOUS AND READILY~~
~~23 ACCESSIBLE PLACE IN THE MANUFACTURED HOME COMMUNITY WHERE THE~~
~~24 COMMUNITY RULES AND REGULATIONS ARE POSTED, PURSUANT TO SECTION~~
~~25 4.~~

~~26 (B) WITHIN 30 DAYS OF TRANSFER OF TITLE TO THE COMMUNITY THE~~
~~27 NEW OWNER SHALL NOTIFY THE RESIDENTS AND TENANTS OF THE NAME OF~~
~~28 THE NEW OWNER AND CONTACT INFORMATION FOR EITHER THE NEW OWNER~~
~~29 OR NEW OPERATOR OF THE COMMUNITY. THE NOTICE SHALL BE MAILED TO~~
~~30 EACH RESIDENT AND TENANT AND SHALL BE POSTED IMMEDIATELY IN THE~~

1 SAME CONSPICUOUS AND READILY ACCESSIBLE PLACE IN THE
2 MANUFACTURED HOME COMMUNITY WHERE THE COMMUNITY RULES AND
3 REGULATIONS ARE POSTED, PURSUANT TO SECTION 4.

4 SECTION 11.2. CLOSURE OF MANUFACTURED HOME COMMUNITIES.-- (A)
5 IN THE EVENT OF THE CLOSURE OF A MANUFACTURED HOME COMMUNITY, IN
6 WHOLE OR PART, THE MANUFACTURED HOME COMMUNITY OWNER SHALL:

7 (1) Provide written notice to the residents AND TENANTS of ←
8 the community, to the resident association if one exists, to the
9 Pennsylvania Housing Finance Agency and to the municipality
10 where the manufactured home community is located within 60 days
11 of a decision DECIDING to close the community. The notice shall ←
12 include the estimated date residents and tenants will be
13 expected to vacate the community, which shall be no less than
14 180 days from the date of the notice, and the estimated date the
15 community will be closed.

16 ~~(3)~~ (2) Notify any prospective resident in writing, prior to ←
17 leasing a manufactured home space, and any KNOWN prospective ←
18 tenant, prior to leasing a manufactured home in a manufactured
19 home community, if the manufactured home community is intended ←
20 to be closed or otherwise terminated or is the subject of sale
21 OF THE SCHEDULED CLOSING DATE. ←

22 ~~(b)~~ The notice sent to the Pennsylvania Housing Finance ←
23 Agency under subsection (a)(1) or (2) shall be by certified mail
24 and shall be addressed to the agency's legal department.

25 ~~(c)~~ Within 60 days of the effective date of this section,
26 the Pennsylvania Housing Finance Agency shall publish a notice
27 in both the Pennsylvania Bulletin and on its website that it is
28 compiling a list of parties interested in receiving copies of
29 any notice received by it under subsection (a)(1) or (2) and
30 inviting such parties to provide their contact information to

1 ~~receive notices of community sales or closures. Interested~~
2 ~~parties may indicate their region of the State or that they~~
3 ~~operate Statewide. The agency shall send copies of notices it~~
4 ~~receives under this section to parties on the list that are~~
5 ~~Statewide or within the region they identify. Notices shall be~~
6 ~~sent by regular mail or by electronic mail within ten calendar~~
7 ~~days of the legal department's receipt of a notice.~~

8 ~~(d) (1) A notice given pursuant to subsection (a) (3) shall~~
9 ~~be given personally to the prospective resident or prospective~~
10 ~~tenant.~~

11 ~~(2) A notice given pursuant to subsection (a) (1) or (2)~~
12 ~~shall be:~~

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

14 ~~(ii) delivered to an adult resident of each manufactured~~
15 ~~home space within the manufactured home community;~~

16 ~~(iii) posted prominently on each manufactured home space;~~
17 ~~and~~

18 ~~(iv) posted in the same conspicuous and readily accessible~~
19 ~~place in the manufactured home community where the community~~
20 ~~rules and regulations are posted, pursuant to section 4.~~

21 ~~(e) (B) A manufactured home community owner shall consider~~ ←
22 ~~any offer to purchase the community made by a resident~~
23 ~~association representing at least 25% of the manufactured home~~
24 ~~spaces or by a nonprofit corporation, including a community~~
25 ~~development corporation, housing authority or redevelopment~~
26 ~~authority acting at the request of the residents of at least 25%~~
27 ~~of the spaces and shall negotiate in good faith with the entity~~
28 ~~submitting the offer.~~

29 ~~(f) (C) A manufactured home community owner shall pay~~ ←
30 ~~relocation expenses to the owner of any manufactured home in a~~

1 manufactured home community that is closing in an amount
2 equivalent to the cost of relocation, not to exceed the amount
3 of \$4,000 for a single SECTION manufactured home ~~space~~ and ←
4 \$6,000 for A multisection manufactured home ~~spaces~~. The amounts ←
5 stated in this subsection shall be adjusted annually by the
6 Department of Community and Economic Development to reflect any
7 increase in the Consumer Price Index.

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

23 ~~(h)~~ (E) In the event a manufactured home community is closed ←
24 because of a condemnation, action in eminent domain or other
25 governmental action, the manufactured home residents shall NOT ←
26 be entitled to any and all relocation benefits available under ←
27 ~~law~~ PAYMENTS SET FORTH IN SUBSECTIONS (C) AND (D), BUT SHALL BE ←
28 ENTITLED TO THE RIGHTS AND REMEDIES AVAILABLE UNDER LAWS
29 RELATING TO CONDEMNATION, EMINENT DOMAIN OR OTHER GOVERNMENTAL
30 ACTION.

1 ~~(i)~~ (F) A tenant who rents a manufactured home in a ←
2 manufactured home community shall have the right to terminate
3 the lease without penalty upon receiving notice of the planned
4 closing of the community.

5 ~~(j)~~ (G) A manufactured home resident shall not be required ←
6 to remove the manufactured home from the land when a
7 manufactured home community closes, nor shall the resident be
8 liable for the costs of removing or disposing of the
9 manufactured home. The manufactured home community owner may
10 require a resident who is leaving a manufactured home in the
11 community to assign the title ~~or other evidence of ownership~~ to ←
12 the COMMUNITY owner. In the event the resident refuses to make ←
13 such assignment, the COMMUNITY owner may proceed under section ←
14 10.1.

15 SECTION 11.3. NOTICE REQUIREMENTS IN EVENT OF CLOSURE OF ←
16 MANUFACTURED HOME COMMUNITY.-- (A) THE NOTICE SENT TO THE
17 PENNSYLVANIA HOUSING FINANCE AGENCY UNDER SECTION 11.2 SHALL BE
18 BY CERTIFIED MAIL AND SHALL BE ADDRESSED TO THE AGENCY'S LEGAL
19 DEPARTMENT.

20 (B) WITHIN 60 DAYS OF THE EFFECTIVE DATE OF THIS SECTION,
21 THE PENNSYLVANIA HOUSING FINANCE AGENCY SHALL PUBLISH A NOTICE
22 IN BOTH THE PENNSYLVANIA BULLETIN AND ON ITS INTERNET WEBSITE
23 THAT IT IS COMPILING A LIST OF PARTIES INTERESTED IN RECEIVING
24 COPIES OF ANY NOTICE RECEIVED BY IT UNDER SECTIONS 11.1 AND 11.2
25 AND INVITING THE PARTIES TO PROVIDE THEIR CONTACT INFORMATION TO
26 RECEIVE NOTICES OF COMMUNITY SALES OR CLOSURES. INTERESTED
27 PARTIES MAY INDICATE THEIR REGION OF THE STATE OR THAT THEY
28 OPERATE STATEWIDE. THE AGENCY SHALL SEND COPIES OF NOTICES IT
29 RECEIVES UNDER THIS SECTION TO PARTIES ON THE LIST THAT ARE
30 STATEWIDE OR WITHIN THE REGION THE PARTIES IDENTIFY. NOTICES

1 SHALL BE SENT BY REGULAR MAIL OR BY ELECTRONIC MAIL WITHIN TEN
2 CALENDAR DAYS OF THE LEGAL DEPARTMENT'S RECEIPT OF A NOTICE.

3 (C) A NOTICE GIVEN PURSUANT TO SECTION 11.2(A) (1) SHALL BE:

4 (1) DELIVERED TO AN ADULT RESIDENT OF EACH MANUFACTURED HOME
5 SPACE WITHIN THE MANUFACTURED HOME COMMUNITY OR MAILED BY FIRST
6 CLASS MAIL TO THE RESIDENT OR TENANT OF EACH SPACE.

7 (2) POSTED IN THE SAME CONSPICUOUS AND READILY ACCESSIBLE
8 PLACE IN THE MANUFACTURED HOME COMMUNITY WHERE THE COMMUNITY
9 RULES AND REGULATIONS ARE POSTED, PURSUANT TO SECTION 4.

10 (D) A NOTICE GIVEN PURSUANT TO SECTION 11.2(A) (2) SHALL BE
11 GIVEN PERSONALLY TO THE PROSPECTIVE RESIDENT OR KNOWN
12 PROSPECTIVE TENANT.

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~~ sections ←
23 11.1 AND 11.2. ←

24 Section 3. Repeals are as follows:

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

27 (2) ~~Section~~ THE DEFINITION OF "ABANDONED MOBILE HOME" IN ←
28 SECTION 102 and section 505 of the act of April 6, 1951
29 (P.L.69, No.20), known as The Landlord and Tenant Act of
30 1951, ~~is~~ ARE repealed. ←

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