

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL**No. 1767** Session of
2011

INTRODUCED BY FREEMAN, SAMUELSON, HAHN, THOMAS, BRENNAN,
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O'NEILL, PASHINSKI, SWANGER, VULAKOVICH, YOUNGBLOOD AND
EMRICK, JUNE 30, 2011

AS AMENDED ON SECOND CONSIDERATION, HOUSE OF REPRESENTATIVES,
MAY 7, 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," 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 of the act of November 24, 1976
15 (P.L.1176, No.261), known as the Manufactured Home Community
16 Rights Act, amended October 19, 2010 (P.L.546, No.80), is
17 amended to read:

18 Section 2. Definitions.--[As used in this act] The following
19 words and phrases when used in this act shall have the meanings
20 given to them in this section unless the context clearly

1 indicates otherwise:

2 "Agency." The Office of Attorney General.

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

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

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

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

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

19 "Lessee." A person [that] who rents a manufactured home
20 community space [and is the responsible party for the
21 performance of the terms of lease] from a lessor pursuant to the
22 terms of a lease.

23 "Lessor." [An operator that rents a manufactured home space
24 to a lessee and that is responsible for the performance of the
25 terms of lease.] The owner or operator of a manufactured home
26 community who rents a manufactured home space to a lessee
27 pursuant to the terms of a lease and who is responsible for the
28 performance of the terms of the lease.

29 "Manufactured home." The term includes:

30 (1) A manufactured home as defined in section 603(6) of the

1 National Manufactured Housing Construction and Safety Standards
2 Act of 1974 (Public Law 93-383, 42 U.S.C. § 5402(6)).

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

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

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

15 "Manufactured home community owner" or "community owner."
16 [An owner or operator of] A person or entity which owns a
17 manufactured home community.

18 "Manufactured home occupant." An individual who resides in a
19 manufactured home[, who is either a lessee or a manufactured
20 home resident].

21 "Manufactured home [resident.]" resident" or "resident." An
22 owner of a manufactured home who leases or rents space in a
23 manufactured home community. The term does not include a person
24 who rents or leases a manufactured home.

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

28 "Manufactured home space lease" or "lease." A written
29 contract between a manufactured home lessee and a manufactured
30 home community owner containing reciprocal rights and duties,

1 including the payment of rent for the use of ground for the
2 placement of a manufactured home in a manufactured home
3 community.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

16 (2) Cancellation of insurance for the home.

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

18 (4) Any other indicia of abandonment.

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

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

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

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

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

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

10 (2) (i) Move the manufactured home, any personal property
11 inside the manufactured home and personal property located
12 within the manufactured home community that is believed to
13 belong to the resident to a storage area within the manufactured
14 home community or to another location deemed necessary and
15 proper without the requirement of obtaining a removal permit for
16 the manufactured home from the local taxing authority which
17 would otherwise be required under 53 Pa.C.S. § 8821(d) (relating
18 to assessment of mobile homes and house trailers). Prior to
19 moving the manufactured home and personal property, the
20 community owner shall notify the former manufactured home
21 resident by mail and by posting on the manufactured home and at
22 any other known address or by any other means by which notice
23 may be achieved. The notice shall state that the manufactured
24 home and personal property, if applicable, will be moved 60 days
25 after the date of notice and shall inform the former resident of
26 the new location of the manufactured home and personal property.

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

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

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

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

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

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

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

15 Any amount still remaining from the sale after payment of the
16 items in subparagraphs (i), (ii), (iii) and (iv) shall be paid
17 to the resident. If the resident's whereabouts are unknown, any
18 amount due and payable to the resident shall be paid to the
19 Commonwealth as required by Article XIII.1 of the act of April
20 9, 1929 (P.L.343, No.176), known as "The Fiscal Code."

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

27 (b) The manufactured home community owner or other
28 authorized person acting in good faith to comply with the
29 requirements of this section are not responsible for any loss or
30 damage to a home, personal property inside the manufactured home

1 or within the community, or for any fees, assessments or other
2 charges of any kind relating to the abandoned manufactured home
3 unless the community owner failed to provide the notice required
4 under this section or failed to exercise due care of the home or
5 personal property.

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

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

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

22 (1) The manufactured home and contents are considered
23 abandoned and to avoid the sale or other disposal of the
24 manufactured home, the manufactured home and contents must be
25 claimed and removed from the premises in the manufactured home
26 community or from the storage area or from the place of storage
27 within 60 days after the date of mailing of the notice.

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

30 (i) the owner or other authorized person may sell the

1 manufactured home at public or private sale with or without
2 additional notices; or

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

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

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

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

27 (f) (1) When a manufactured home is sold under this
28 section, the Department of Transportation shall, upon proof of
29 sale and purchase and regardless of anything to the contrary in
30 75 Pa.C.S. (relating to vehicles), issue a certificate of title

1 to the purchaser evidencing no encumbrances.

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

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

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

21 (2) The municipality or taxing district in which the
22 manufactured home community is located shall not prevent the
23 occupancy of that space by another manufactured home nor shall
24 it attach any conditions to the occupancy that are not
25 applicable to a new resident locating in a space made vacant by
26 circumstances other than abandonment.

27 (h) (1) If a manufactured home is moved to a storage area
28 or another location or is disposed of as provided for in this
29 section, the real estate on which the manufactured home was or
30 is located, the manufactured home community or the purchaser of

1 the manufactured home shall not be liable for any taxes, fees,
2 assessments or other charges imposed by the municipality or
3 taxing district on the manufactured home.

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

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

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

26 Section 11.1. Sale or Lease of Manufactured Home
27 Communities.--(a) In the event of the sale or lease of a
28 manufactured home community, a manufactured home community owner
29 shall provide written notice to the residents and tenants of the
30 community and to the Pennsylvania Housing Finance Agency. The

1 notice shall be sent within 30 days after any agreement of sale
2 is signed. The notice shall be posted in the same conspicuous
3 and readily accessible place in the manufactured home community
4 where the community rules and regulations are posted, pursuant
5 to section 4.

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

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

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

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

30 (b) A manufactured home community owner shall consider any

1 offer to purchase the community made by a resident association
2 representing at least 25% of the manufactured home spaces or by
3 a nonprofit corporation, including a community development
4 corporation, housing authority or redevelopment authority acting
5 at the request of the residents of at least 25% of the spaces
6 and shall negotiate in good faith with the entity submitting the
7 offer.

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

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

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

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

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

21 Section 11.3. Notice Requirements in Event of Closure of
22 Manufactured Home Community.--(a) The notice ~~sent~~ GIVEN to the ←
23 Pennsylvania Housing Finance Agency under section 11.2 shall be
24 SENT by certified mail and shall be addressed to the ~~agency's~~ ←
25 legal department OF THE PENNSYLVANIA HOUSING FINANCE AGENCY. ←

26 (b) (1) Within 60 days of the effective date of this ←
27 section, the Pennsylvania Housing Finance Agency shall publish a
28 notice in both the Pennsylvania Bulletin and on its PUBLICLY ←
29 ACCESSIBLE Internet website that it is compiling a list of
30 parties interested in receiving copies of any notice received by

1 it under sections 11.1 and 11.2 and inviting the parties to
2 provide their contact information to receive notices of
3 community sales or closures. Interested parties may indicate
4 their region of the State or that they operate Statewide. The ←
5 agency shall send copies of notices it

6 (2) THE PENNSYLVANIA HOUSING FINANCE AGENCY SHALL SEND ←
7 COPIES OF NOTICES IT receives under this section to parties on
8 the list that are Statewide or within the region the parties
9 identify. Notices shall be sent by regular mail or by electronic
10 mail within ten calendar days of the legal department's receipt
11 of a notice.

12 (3) NOTHING IN THIS SUBSECTION SHALL BE CONSTRUED TO CREATE ←
13 ANY LIABILITY FOR THE PENNSYLVANIA HOUSING FINANCE AGENCY OR
14 OTHERWISE TO AFFECT THE TRANSFER OF ANY REAL PROPERTY IN THE
15 EVENT THERE IS A FAILURE TO PROVIDE NOTICE IN ACCORDANCE WITH
16 THIS ACT.

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

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

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

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

27 Section 16.1. Remedies.--(a) A violation of this act may be
28 enforced as provided by sections 13, 14, 15 and 16 and shall
29 also constitute an "unfair or deceptive act or practice" within
30 the meaning of section 2(4) of the act of December 17, 1968

1 (P.L.1224, No.387), known as the "Unfair Trade Practices and
2 Consumer Protection Law," and shall be a violation of and shall
3 be subject to the enforcement provisions and private rights of
4 action contained in that act.

5 (b) Residents shall have the right to seek injunctive relief
6 to enforce compliance with this section and sections 11.1 and
7 11.2.

8 Section 3. Repeals are as follows:

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

11 (2) The definition of "abandoned mobile home" in section
12 102 and section 505 of the act of April 6, 1951 (P.L.69,
13 No.20), known as The Landlord and Tenant Act of 1951, are
14 repealed.

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