

Community Owner/Operator's Maintenance Responsibilities

- a. **Common Areas.** It is the community owner/operator's responsibility to keep all common areas and facilities clean, safe, in good repair, and in compliance with any applicable health and safety laws. 940 C.M.R. 10.05(7); 105 C.M.R. 410.602. This requirement includes plowing and maintaining the community common areas and roadways, as discussed below, and providing and paying for certain safety features such as lighting, where necessary.
- b. **Garbage Pickup.** A community owner/operator must provide a system for the final pickup of garbage and rubbish. Your community owner/operator may establish any reasonable schedule for garbage pickup and may require you to comply with community rules regarding storage of garbage for pickup. You may also be required to comply with recycling rules imposed by the town in which the community is located. Your community owner/operator cannot impose a direct fee for the pickup of recycled materials, but these costs may be recovered through non-discriminatory rent increases. 940 C.M.R. 10.05(8).
- c. **Road Maintenance.** A community owner/operator is responsible for making sure that the community roadways are safe and in good repair, and is responsible for removing debris, filling potholes, and snowplowing. 940 C.M.R. 10.05(9).
- d. **Hazardous Conditions.** A community owner/operator is responsible for removing or repairing naturally occurring hazardous conditions that an appropriate governmental authority determines pose a risk to the safety of tenants or their homes, for example, hazardous trees or tree limbs. 940 C.M.R. 10.05(10).
- e. **Utility Systems Maintenance.** A community owner/operator is responsible for supplying, maintaining, and repairing all equipment and systems that provide utilities up to the point of connection at each manufactured home. The required utilities include drinkable water, a functioning sewage disposal system, electricity, and natural gas or other heating fuel. You cannot be charged for your use of any utility unless the utility is individually metered and your occupancy agreement provides for such a charge. Even if your utilities are individually metered, your owner/operator remains responsible for supplying, maintaining, and repairing all equipment and systems that provide utilities to the point of connection at your manufactured home. 940 C.M.R. 10.05(4). See Sections II.D.2.d & II.D.8 of this guide.
- f. **Upkeep of Permanent Elements to the Homesite and the Community.** It is your community owner/operator's responsibility to maintain, repair, and replace the cement slab under your home as well as any lamp posts on your homesite and repave driveways and sidewalks when necessary, as well as any other permanent elements of your lot or the community. 940 C.M.R. 10.04(5)(f).
- g. **Compliance with Sanitary Standards.** When the local board of health issues the annual license to a manufactured housing community, the Department of Environmental Protection ("DEP") receives notification from the board and is authorized to then inspect the manufactured housing community to ensure that the water supply and sewerage disposal system are sanitary. A manufactured housing community has 30 days in which to correct any noncompliance. If the community fails to comply, the local board of health shall revoke or suspend the license until compliance occurs. M.G.L. c. 140, § 32B. The board of health is further required to inspect all communities occasionally to ensure that the communities are in compliance with sanitary requirements. The board may suspend or revoke a license for noncompliance. M.G.L. c. 140, § 32C. A daily fine of \$100 is imposed for each day a community remains unlicensed or in violation of the Act. M.G.L. c. 140, § 32E.