



Sugarman, Rogers, Barshak & Cohen, P.C.

LISA C. GOODHEART  
goodheart@sugarmanrogers.com

August 16, 2018

By E-mail  
[rnunes@middleborough.com](mailto:rnunes@middleborough.com)

Robert G. Nunes  
Middleborough Town Manager  
Town Hall Building  
10 Nickerson Avenue  
Middleborough, MA 02346

Re: *Oak Point Community, Middleborough, Massachusetts*

Dear Mr. Nunes:

I write to keep the Town informed as to the steps my client, Hometown America, is taking to address the concerns of the residents of the Oak Point community. As you know, Hometown is currently engaged in a process of responding to a number of issues that have recently been discovered to affect homes in the Oak Point community. In connection with this ongoing effort, Hometown has asked me to confirm to you that it respects and intends to abide by the Attorney General's interpretation of the applicable regulations governing manufactured home communities.

*The Attorney General's Guide to Manufactured Housing Community Law* (the "Guide"), explains the Attorney General's interpretation of relevant Massachusetts law and discusses a community owner's obligations related to permanent improvements to home sites in a manufactured home community. As explained in the Guide, it is the Attorney General's position that the owner of a manufactured home community is legally responsible for the maintenance, repair, and replacement of fixtures embedded into the lot which become part and parcel of the lot and make the lot functional for the resident. Hometown also understands that the Attorney General considers the cement foundation slabs that support manufactured homes to constitute permanent fixtures, and therefore deems them to be "permanent improvements" within the meaning 940 C.M.R. 10.04(5)(f).

With specific respect to the cement foundation slabs for the homes installed at Oak Point, I am pleased to state that Hometown has engaged NTA, Inc., a HUD-certified third-party consultant, to advise Hometown as to when and under what conditions foundation slabs should be repaired or otherwise maintained. We expect that NTA's review and analysis will take a few weeks, at least, and possibly longer for it to provide Hometown with guidance on this issue, but achieving an appropriate resolution in a timely fashion is a high priority for Hometown, as we know it is

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for the members of the Oak Point community. Accordingly, as it moves forward to investigate the specific resident concerns related to foundation slab, Hometown will continue to do its best to communicate appropriately with the Oak Point community about the status and progress of its work.

I acknowledge that when Mr. Howieson spoke for Hometown at the July 23rd meeting of the Middleborough Select Board, he did not express acceptance of the conclusion that the cement foundation slabs installed at individual home sites are the responsibility of the owner of the manufactured home community. As discussed above, Hometown's position has since evolved and it is taking appropriate action to determine whether the slab issues that have been raised require Hometown to perform any remedial work, and if so, how to perform that work in a manner that addresses the problem. To correct the record of the July 23rd meeting and to keep Town officials informed of its on-going efforts to maintain and improve the Oak Point community, I ask that you share this letter with the Middleborough Select Board and any other interested Town officials. Please be advised that Hometown will likewise be sharing a copy of this letter with the members of the Oak Point community.

I encourage you to contact me at your convenience if you would like to discuss this matter further. We would welcome the opportunity to further explain what Hometown has done, is doing, and will do, should you have any further concerns or questions.

Sincerely,



Lisa C. Goodheart

cc: Daniel A. Less, Esq. (*via email*)