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CRANBERRY CAPITAL
OF THE WORLD



Town of Middleborough

Massachusetts

JOHN J. CRISTELLO
Town Manager

508-947-0928
FAX 508-946-2320

TOWN MANAGER'S REPORT NOVEMBER 28, 2011

Attached please find correspondence from the office of the Town Manager for your review. Thank you.

Charles J. Cristello
Town Manager



The Commonwealth of Massachusetts

DEVAL L. PATRICK
GOVERNOR

TIMOTHY P. MURRAY
LIEUTENANT GOVERNOR



November 18, 2011

Charles Cristello
Town Manager
Town of Middleborough
20 Centre Street
Middleborough, MA 02346

Dear Mr. Cristello,

Thank you for submitting an application for consideration during the 2011 MassWorks Infrastructure Program funding round.

During this funding round, the Executive Office of Housing and Economic Development (EOHED) received 158 applications totaling over \$400 million in funding requests. EOHED and our partner agencies were pleasantly surprised to find that a great number of applications met both our minimum readiness standard and were consistent with our MassWorks Infrastructure Program spending goals. Therefore, we selected those projects that were most ready and most closely aligned with our priorities. I regret to inform you that we are unable to fund the Everett Square Area Revitalization Project at this time.

The next MassWorks Infrastructure Program Grant Round will be held in September 2012. I recommend you review the Massworks Infrastructure Program guidelines and consider ways to increase the project readiness or consistency with our spending goals. If you plan to re-submit your application for consideration during the 2012 Massworks Infrastructure Program round please note that all of the information from the 2011 application will be saved and available for you to revise in the online application system. We hope that this will simplify the reapplication process for 2012. In addition, you will have the opportunity to initiate, complete, and submit a new application if you wish to do so.

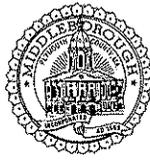
If you require additional information, please feel free to contact the MassWorks Infrastructure Program at 617-788-3601 or by email at MassWorks@state.ma.us.

Sincerely,

A handwritten signature in black ink, appearing to read "Gregory Bialecki".

Gregory Bialecki
Secretary

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MEMORANDUM

TO: Board of Selectmen

FROM: Charles J. Cristello, Town Manager

RE: Modifications to Rent Regulations

DATE: November 22, 2011

Cc: Town Counsel

In his October 26, 2011 memo to the Rent Board, Attorney Jay Talerman made several recommendations for improvements to our Rules and Regulations for Mobile Home Park Accommodations. In consultation with Town Counsel Daniel Murray, I have drafted modifications to our rules to implement some of those recommendations. We have also drafted a few clarifications to the rules that we believe would be beneficial.

Fair Net Operating Income

Strike in its entirety Section 1 M. and substitute the following:

Fair net operating income shall be that income which will yield, in the discretion of the Board, a reasonable return to the Owner of a Mobile Home Park, after all reasonable operating expenses. In consideration of whether the return is reasonable, the Board may consider any relevant evidence and standards, including, but not limited to: average returns for other similarly situated Parks, any operating expenses or debt service, any projected capital improvements, or any other factor that may be presented. The Board shall evaluate all evidence presented by any party regarding the fair net operating income.

Use of Consumer Price Index

This language was added to the regulations based on the Board's actions in 1999 related to how Oak Point was going to structure their leases. My understanding is that the long-term leases that have been signed by Oak Point

residents protect them from arbitrary rent increases. I would not recommend doing anything that would cause those leases to no longer be in compliance with your regulations.

Peer Review

Attorney Talerma recognized that the Rent Board does not have the authority under c.44 s53G to charge applicants for peer reviews. He suggested that we could raise the application fee to cover peer review costs. However, some applications may require peer reviews while others may not.

I recommend that we ask Town Meeting to allow us to petition the legislature for the authority to charge the applicant the cost of peer reviews as we have done with earth removal permits.

Tenant Bill of Rights

Substitute for Section 11 and renumber the existing Section 11 to be Section 12 and Section 12 to be Section 13:

Section 11 - Owners Shall Provide Rules and Regulations to Prospective Tenants:

Mobile Home Park Owners shall provide prospective tenants with a copy of the Town of Middleborough Rules and Regulations for Mobile Home Park Accommodations, Rents, and Evictions at least 72 hours in advance of the signing of a rental housing agreement.

Registration

Our regulations already state in Section 3: "No petition for an upward adjustment of maximum rent shall be accepted by the Board until statements and information required to be filed under this section 3 have been filed...." Further, our regulations also state in Section 4 C. that "...the Board may refuse to grant an upward adjustment of maximum rent if it determines that the affected mobile home park accommodation does not comply with the State Sanitary Code or the Town of Middleborough codes or by-laws or any applicable code...."

Further Recommended Clarifications

Section 1-G – definition of "Owner" – 1st line – add "or any party who is required to hold a license for a mobile home park (manufactured housing community) under Sections 32A and 32B of Chapter 140" after "license".

This makes it clear that should an owner not have a license, the regulations still apply.

Section 1- I, 4th line - change “exclusive” to “inclusive”. We know that the “rent” for parks includes the monthly Section 32G license fee. This is the actual practice of the parks.

Section 5-B 2nd line – add “or upon its own initiative” after “Tenant”. This makes it clear that the Rent Board can initiate a general adjustment of rents.

In accordance with our regulations, you will need to give notice of a hearing to consider these recommendations. This will allow all interested parties, including our legislative delegation, to give you their input as well.