

Homeowner Associations and Individual Constitutional Rights¹

Each resident has certain constitutional rights that cannot be prohibited or unreasonably restricted by a community owner/operator: the rights of free movement, speech, assembly, and/or association. Your community owner/operator may not restrict or prohibit tenants from meeting peacefully for any purpose, or prohibit the presence of any public official, candidate for public office, or representative of a tenants' or residents' organization.² Many residents exercise their rights by forming associations, and many belong to the statewide manufactured residents' association, the Manufactured Home Federation of Massachusetts. Residents' associations serve several purposes, such as keeping residents informed about matters that may affect their residency; or representing residents in discussions or negotiations with the community owner/operator over such matters as rules, rent, or improvements to the community. In addition, the law provides certain special rights and protections to residents' associations and their members.

a. **Right of First Refusal to Purchase Community.** Forming a residents' association is important if you hope to eventually purchase your community and form a cooperative community. The process for purchasing your community and the role of your association is described in Section II.J of this guide. Also see M.G.L. c. 140, §§ 32R(b) & (c).

b. **Notice of Proposed New or Amended Community Rules.** If your community owner/operator proposes to add or amend any community rules, any residents' or tenants' association must be given notice at least 75 days prior to the effective date of the proposed rules. 940 C.M.R. 10.04(3).

c. **Right to Meet in Common Area or Facility.** As discussed in Section II.D.6.d of this guide, your residents' association has the right to meet, at no charge, in any common area or facility not otherwise in use. 940 C.M.R. 10.04(9)(b).

d. **Freedom from Interference.** You and other residents have the right to solicit membership or dues, either orally or in writing, in your residents' association without interference from the community owner/operator. Peaceful canvassing, petitioning of residents, and distribution or

¹ The following is taken from the Attorney General's Guide to Manufactured Housing Community Law

² In this guide, associations of tenants, residents, or homeowners in general will be referred to as "residents' associations."

The Attorney General's Guide to Manufactured Housing Community Law

circulation of oral or printed information within your community, is permissible for any noncommercial, political, or public purpose. 940 C.M.R. 10.04(9)(d) & (e).

e. **Freedom from Retaliation.** A community owner/operator is prohibited from attempting to evict you or failing to renew your tenancy because you are a member of a residents' or tenants' association. 940 C.M.R. 10.08(4)(b).