

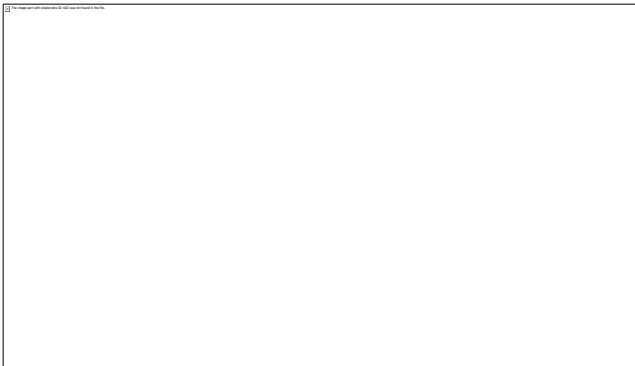
---

# The Legal Landscape in Pennsylvania: Resident Ownership, Zoning, and Planning

Carolyn Carter

National Consumer Law Center

May 3, 2023









# What makes an effective purchase opportunity law?

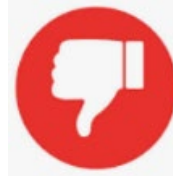
- **Advance notice** to the residents whenever the community is being sold
- **A reasonable time** to make a matching or competing offer
- Some **duty** on the part of the community owner - at least a duty to consider the residents' offer and negotiate with them in good faith
- An **enforcement** provision

# How does PA rate?

68 Pa. Stat. §§398.11.1, 398.11.2, 398.16.1

-  Advance notice: Notice is required only 30 days *after* an agreement to sell the community is signed
-  Reasonable time to make offer: None
-  Duty on part of community owner
  - Owner has duty to consider any offer that residents make and negotiate in good faith with them
-  Enforcement
  - No special penalty, but can be enforced under deceptive practices law

PA's overall rating:



# However...

- If residents find a way to make an offer, community owner's duty to consider it and negotiate with them in good faith kicks in.
- An opportunity?

# Zoning & Planning

Some states:

- Limit restrictions that can be imposed on MHs
- Mandate treatment of MHs as single-family
- Prohibit confining MH to MHCs
- Prohibit other discrimination against MH
- Require that comprehensive plan address MH

PA doesn't, but...

# PA does provide that zoning ordinances...

“shall be designed ... [t]o provide for the use of land within the municipality for residential housing of various dwelling types encompassing all basic forms of housing, including ... **mobile homes and mobile home parks**, provided, however, that no zoning ordinance shall be deemed invalid for the failure to provide for any other specific dwelling type.” 53 P.S. §10604

Has been interpreted to mean that MH and MHC can't be excluded.

# Use of zoning to preserve MHCs

Zoning is usually used to exclude MHCs -

But zoning and planning can be favorable to MHCs

Can be used to preserve them

- MHC-"only" zoning
- Similar to single-family zoning, allowing
  - single family homes
  - ancillary uses consistent with neighborhood character
  - other uses that are not more remunerative than single family

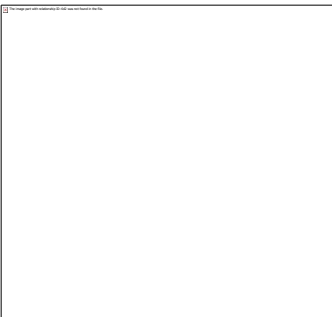


# Petitions for zoning changes

- Zoning change often precedes closure
- 53 P.S. § 10609: if a proposed amendment involves a zoning map change, notice must be conspicuously posted by the municipality at least one week in advance, “at points deemed sufficient by the municipality along the tract to notify potentially interested citizens.”
- Make sure that residents have ample notice

# Petitions for zoning changes cont'd

- 30 days before the hearing, proposed amendment must be submitted to the county planning agency for its recommendation.
- Consider the need for affordable housing, the interests of the residents, and the possibility of resident purchase when making your recommendation.



Since 1969, the nonprofit **National Consumer Law Center® (NCLC®)** has worked for consumer justice and economic security for low-income and other disadvantaged people, including older adults, in the U.S. through its expertise in policy analysis and advocacy, publications, litigation, expert witness services, and training. **[www.nclc.org](http://www.nclc.org)**