

# Evictions from Manufactured Housing

Tenants in manufactured housing/mobile home parks can only be evicted for the following reasons:

- **Nonpayment of rent or other fees**, including utility costs or reasonable incidental service charges. **If, however, you pay the amount owed, plus a \$15 fee known as "liquidated damages" within thirty (30) days of receiving the written notice to quit for nonpayment, you cannot be evicted.** (In certain nonpayment evictions, the park owner has further responsibilities. If previously notified in writing of a lien or mortgage on the manufactured home, the park owner must notify the lien holder, for example the bank or town, in writing, that the tenant is in default and the lien holder has sixty (60) days to determine whether it will assume responsibility for payment of rent and other charges. The park owners' failure to give such notice is a valid defense for eviction based on nonpayment of rent.)
- **Failure to follow park rules** only if the rules are reasonable and only if you were given written notice of failure to follow the rules which you continued to break, or
- **Repeated disturbance of the peace and quiet** of other tenants, or
- **Damage by the tenant** to park property, excluding reasonable wear and tear, or
- **Repeated breaking of federal, state or local laws concerning manufactured housing parks**, or, or
- **Condemnation or conversion of the park to another business or use.**

Tenants must be given sixty (60) days written notice and the reason for any proposed eviction. In cases of nonpayment of rent or other fees, only thirty (30) days notice is required. If the reason for eviction is the condemnation or change of use of the park, an eighteen (18) month notice must be given.

## Improper Reasons for Evictions

Legally, a tenant cannot be evicted by the park owner for failure to pay property taxes on his/her home. Park tenants are also free to organize or join a tenant organization and may not be evicted for such activity.

# The Eviction Process

The law sets out **special eviction rules** that park owners must follow to lawfully evict park tenants. The steps include written notice to the tenant and the legal opportunity for a court hearing. For an eviction to be legal, it must be ordered by a court. A court will not allow an eviction unless the park owner can prove the existence of one of the lawful reasons for the eviction set forth above.

Manufactured housing park tenants have a right to fight the eviction by going to court. If a tenant does not show up in court on the appointed court date, the court will issue a default judgement in favor of the park owner. You owe it to yourself and your family to make the court date by "filing an appearance" on or before the "return day" set forth on the Landlord Tenant Writ (the summons from district court). If you have any doubts or questions about your legal rights, consult a lawyer.

It is illegal for a park owner to try to make you leave by interfering with or interrupting your electricity, heat, gas, or other utility service. A park owner cannot legally remove your home or take your property without first getting a court order. Park owners can be penalized if they do any of these unlawful acts. A court may award the tenant the amount of damages suffered or \$1,000 for violation, whichever is greater, plus court costs and attorneys fees. Each day that the violation continues is a separate violation.

## Try Also Reading...

- [The Eviction Process](#)
- [A Walk Through the Eviction Process](#)
- [The Sheriff is coming to lock me out... Now what?](#)
- [Property Left in Apartment after eviction](#)

Date:February 2015

Author:Legal Advice & Referral Center