

FOR VERMONT MOBILE HOME PARK RESIDENTS:

A GUIDE TO YOUR RIGHTS



Information for Residents Living in Vermont's Mobile Home Parks

| **GTJR** |

Written and Produced by:

The Mobile Home Program (MHP) of the Coordinated Statewide Housing Services division of the Champlain Valley Office of Economic Opportunity
(CVOEO)

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NOTICE: THIS PUBLICATION DOES NOT SERVE AS LEGAL ADVICE. IF YOU NEED LEGAL ADVICE PLEASE CONTACT AN ATTORNEY

GTyr is a general guide to your rights as a mobile home park resident. It is produced by the Champlain Valley Office of Economic Opportunity (CVOEO)/Mobile Home Program (MHP), with funding from the Vermont Department of Housing and Community Development. The MHP is a program of the Coordinated Statewide Housing Services division of CVOEO. The MHP provides advocacy, education, and housing search assistance for mobile home park residents. To contact the MHP: Mail or in person: 255 S. Champlain St, PO Box 1603, Burlington, VT 05402 ♦ Phone: 802-660-3455x 204, ♦ Fax: 802-651-4179 ♦ Web: <https://www.cvoeo.org/mhp>

1) INTRODUCTION

If you own a mobile home in a mobile home park or are about to move into one, Vermont law has protections for you. The mobile home park law is found in 10 V.S.A. Chapter 153 of Vermont's statutes. It covers many issues from park closures to lot rent increases. It has been amended several times since it was first established in the early 1970's, largely through the organized efforts of park residents to improve their housing situation and increase their legal rights.

A mobile home park is a parcel of land or adjacent parcels with the same owner, which contains, or is designed, laid out or adapted to accommodate, more than two mobile homes (excluding land used solely on a seasonal basis for vacation or recreational mobile homes, and certain agricultural worker homes). This handbook contains general information for mobile home owners or purchasers about renting a lot in a mobile home park.

The information in this pamphlet also applies to people who rent both the lot and the mobile home from the park owner. These mobile home renters are covered by both the mobile home park law and the landlord-tenant law when the two laws are consistent. The mobile home park law eviction section applies to these renters and provides more protection than the landlord-tenant law.

Landlord-tenant law applies to evictions of people who sublet the mobile home from a homeowner who is not the park owner. If you fall into this latter category and have specific questions about your legal rights, you should talk to a lawyer. Free or low-cost legal resources and contact information for Vermont Tenants /CVOEO can be found at the end of this document.

This document will give you an overview of the laws that protect Vermont's mobile home park residents. If you believe your rights are being violated, call the Mobile Home Program immediately to consider action steps you can take to restore them. The phone number can be found on the cover page of this publication as well as under the Table of Contents.

2) COMMUNICATING WITH THE PARK OWNER

If you experience any difficulties with your lot or the park, the most critical action to take is to **communicate with the park owner by certified mail and keep copies of everything.** Certified mail is required by law before taking the park owner to court, but we strongly recommend always using certified mail when communicating a complaint to the park owner. Because certified mail requires the recipient to sign a receipt, it is proof that you have followed the law and done your due diligence to communicate the issue to the park owner. An e-mail communication will not be considered valid if the case must go to court. Call the Mobile Home Program for assistance *before* taking any action.

3) LEASES

The law requires the park owner to give you a copy of the proposed written lease **before** you agree to live in the park. This is so you will have enough time to review the lease before entering into an agreement. Before signing the lease, you should read it carefully so you understand what it means. The law requires that all lease terms be fair and reasonable. Both lessor (park owner) and lessee (homeowner) must sign the lease. **The lease must contain:**

- The date it begins
- All charges for rent and utilities, and other reasonable incidental service charges, if any
- The names and addresses of the park owners
- A reference to any rules and regulations of the park
- Whether you need the owner's permission to sublet
- How much notice you must give before you end the lease
- A statement that the owner is complying with Vermont housing discrimination law

The law says any lease term that is not uniformly applied to all mobile home residents in a park shall be unenforceable. (An exception to this rule is that park owners may establish 'categories' of lots or leaseholders if they have a valid reason. For example, a park may have two different rent categories if some lots in the park are much larger than others, or if they have added amenities.) The law also states a lease may not require you to give up any rights provided by Mobile Home Park law, or by any other provision of state or federal law or regulation.

The park owner must give you a copy of the lease at the beginning of your tenancy, signed by both the park owner and the homeowner, and give you a copy of your current lease any time that you request a copy. The law does not require that you receive a copy of the lease every year. **The park owner can change the lease, but only if the changes:**

- Are applied equally to all residents of the park (for example, the park owner cannot allow one person to have a shed and not allow you to have a shed)
- Are fair and reasonable, and
- Are given to the leaseholders at least 30 days before the change occurs, (60 days for utility charge increases or lot rent increases).
- If the leaseholder does not object in writing by the effective date, the leaseholder shall be deemed to have accepted the new or changed lease terms or new lease.

4) SECURITY DEPOSITS

Park owners are allowed to collect a security deposit from new residents. Park owners must return your security deposit within 14 days from when you sell your home or remove it from the park. The park owner must provide a written statement that itemizes any deductions. Park owners may deduct some or all of a resident's security deposit (when the resident leaves) only for the following reasons:

- Non-payment of rent
- Damage (beyond normal wear and tear) to the park owner's property
- Non-payment of utility or other charges (that are normally paid to the park owner or utility company)
- Expenses for removal of any abandoned property that belonged to you

If a park owner fails to return the security deposit within 14 days or to provide a list of itemized deductions, the park owner loses the right to deduct any portion of the security deposit. In addition, if the park owner willfully withholds or fails to return the security deposit, then a judge may order him/her to pay the tenant double the amount of security deposit withheld, plus reasonable costs and attorney fees if the tenant goes to small claims court.

A park owner cannot charge you money just to move into a park. A park owner can charge you a reasonable fee if she/he must perform some service to put your home on the lot.

5) DISCRIMINATION

A park owner or agent cannot discriminate in the rental of a lot, the sale of a mobile home on a lot, the services provided in the park, or the financing of the home. A park owner cannot discriminate on the basis of a person's race, sex, sexual orientation, age (18+), marital status, religion, color, national origin, disability, gender identity, because a person intends to occupy the home with minor children, or because a person is a recipient of public assistance. That means there can be no extra charges or rules that would discriminate against households with minor children or any other protected category of people, or restrict families with children to certain areas of the park.

There are some exemptions to fair housing law for parks that meet specific criteria as elderly housing. For more information about these exemptions or about fair housing and housing discrimination protections, in general, you can contact the Vermont Human Rights Commission or the CVOEO Fair Housing Program. (Refer to the Resource List at the end of this document for contact information).

6) LOT RENT INCREASE

Any condition in a lease about charges for rent and utilities must remain in effect for at least one year (except in limited circumstances). The park owner must give you and the Commissioner of the Vermont Department of Housing and Community Development (DHCD) at least sixty (60) days notice prior to any rent increase using the official rent increase form provided by DHCD.

The lot rent increase from must include: (1) the amount of the proposed rent increase, including any amount attributable to a capital improvements surcharge, including the duration of the surcharge in 12-month prorated increments; (2) the effective date of the rent increase; (3) a copy of the leaseholder's rights regarding mediation and civil action; (4) the percentage of the rent increase from the current base lot rent. A rent increase is valid only if every leaseholder and the Commissioner of DHCD receives the notice at least 60 days before the start of the rent increase. Leaseholders moving into a park at any point in a one-year lease cycle may have a shorter-term lease.

If you get a lot rent increase, you should read it carefully. Some increases can be challenged by requesting mediation. The percent of increase above which leaseholders have the right to request mediation is based on the U.S. Consumer Price Index (CPI) for all Urban Consumers, Housing Component, plus one percent. This threshold is clearly explained on the form. **This threshold does not limit the amount of any rent increase, but it means that if the increase is higher, residents can exercise additional rights.**

The petition indicating a desire to seek mediation must be filed with the park owner and the Commissioner of DHCD within 15 business days of receiving the notice of proposed lot rent increase. The petition must be signed by a majority of the park's leaseholders. It must also include a statement that the leaseholders dispute the increase and indicate who will act as the "Leaseholder's Representative". The Leaseholder Representative is the person who will represent the leaseholders' interests in the mediation session and may be a resident or another person trusted by the residents. Leaseholders may choose more than one representative or an alternate, and may ask the Mobile Home Program to assist with mediation. The Mobile Home Program may be able to attend mediation with you.

If mediation fails to resolve the dispute, and the leaseholders claim the proposed increase is clearly excessive, then they may file a complaint in Superior Court. Residents' legal fees up to \$4,500 may be paid for out of the registration fee fund by DHCD. The Mobile Home Program has forms and assistance available to you if you are going through this process. Please contact us as soon as you receive the notice of proposed lot rent increase.

In addition, under lot rent increase law, major capital improvements can be separated out as a surcharge. The cost of capital improvements, such as water or sewer infrastructure, over \$2,500 may be passed on to the leaseholders, as a surcharge, and for a specified period of time. The surcharge must be applied so as to minimize the financial burden on the park residents. Once the improvements have been paid for, the surcharge expires. The amount of the monthly surcharge, estimated cost of the work including any interest paid by the park owner if the owner took out a loan, and the duration of the surcharge must be a part of the notice to leaseholders, and is included in determining whether the threshold for mediation rights has been exceeded.

7) HEALTH AND SAFETY

Mobile home residents, like other residential tenants in Vermont, are protected under law by a ‘Warranty of Habitability.’ Under this section of the law park, owners must keep their parks “safe, clean and fit for human habitation.” This includes safe electrical service, drinkable water, and sewage disposal, all to a location on each lot from which the service can be connected to the mobile home. In the case of water and sewer pipes, the park owner is responsible for maintenance of pipes up to the point where they surface from the ground beneath the home. The park owner is responsible for the electric service to the mobile home including the ‘feeder line’ from a nearby ‘shut off’. A park owner cannot require a resident to pay to upgrade the electric service from the pole to the home.

The law also requires the park owner to provide safe roads and common areas. If you feel that a condition with your water, sewer, or electric system is not safe or in compliance with the Warranty, or other laws such as building, zoning, and electrical codes, notify the park owner in writing via certified mail and keep a copy of the letter. Specific details about the Warranty can be found in Part III of the DHCD’s Housing Division Rules.

If the problem is not fixed in a reasonable amount of time, you should contact your local health officer or appropriate State agency and ask them to inspect the park. If there is a violation of the Warranty of Habitability, the defect substantially affects your health or safety, and the park owner has received written notice of the problem, you may be able to:

- Withhold rent until the problem is resolved
- Obtain a court order
- Recover damages, costs, and reasonable attorney fees
- Terminate the rental agreement on reasonable notice

(Seek legal advice before pursuing these options.)

The Mobile Home Program has noted that failure to notify a park owner *in writing* of a problem is a common obstacle to achieving a positive resolution to park issues. You will greatly enhance the enforceability of your rights if you put complaints in writing and keep a copy for your files.

The duties of the Agency of Natural Resources (ANR) include jurisdiction and enforcement of water supply and septic systems at all mobile home parks, regardless of when they were built. Pursuant to Chapter 64 in Title 10 of the Vermont statutes, if a mobile home park water or septic system fails, the park owner must get a permit and correct the problem, regardless of previous grandfathering or other exemptions.

A failed water system is a drinking water supply that does not meet drinking water quality standards, as defined by ANR. The water must be safe for humans to drink, wash, bathe, prepare food, etc. and it must be in adequate supply and pressure for normal daily use.

A failed septic system is a wastewater system that;

- Is uncovered or allows septic materials to surface up onto the ground,
- Leaks septic material into surface water, or allows/causes septic to backup into the mobile homes,
- Causes contamination of the water supply, or
- Otherwise creates a health hazard.

A brief failure which is fixed appropriately and recovers, or a minor problem which is repaired quickly and works, is not considered a failed system. However, if a problem occurs over and over, or is not fixed, or occurs on a seasonal basis each year, then the system is considered failed under the law and appropriate action must be taken to fix it.

When a public health hazard exists, the owner will still be required to take immediate temporary steps, such as fencing off the area, applying lime, and/or pumping the system while the long-term correction is being designed and constructed. If a water or septic system has failed, the owner must have an engineer design the proposed solution, and obtain a permit from the State. The State will require the proposed corrections to meet state standards, or come as close as possible. The State will then require the owner to make the corrections as proposed. If an owner refuses or fails to correct, the state may take enforcement action, which may include fines, imprisonment, or both.

ANR may allow some flexibility in the design of the corrected system, especially in cases where the normally required standards would be prohibitive or impossible to achieve. The law recognizes that the cost of fixing such systems is usually significant, but also requires the agency to consider the importance of preserving existing mobile home park lots, and the priority for protecting human health and the environment.

8) ROAD CONDITIONS

Roads are a common concern in parks. Park owners and residents often disagree as to whether the park owner is fulfilling the legal obligation to provide safe roads within the park. DHCD’s Rules for the Mobile Home Park Warranty of Habitability state: “A mobile home park owner shall maintain roads within the mobile home park (“park roads”) reasonably free from hazards and in a manner that ensures safe and reliable ingress, egress and use without unreasonable interruption on a year-round basis, including the adequate and timely removal of snow and mitigation of icy conditions. Park roads shall be maintained reasonably free of potholes or depressions in which surface water can accumulate and constitute a health and safety hazard.” [Housing Division Rules, Part III, #12]

Per Vermont law a mobile home park owner’s failure to maintain park roads in a condition that reasonably allows emergency vehicles’ access is considered a noncompliance that materially affects health and safety. While park owners are required to maintain roads, the law does not require a park owner to create a new road or modify an existing road in a park. If you believe the roads in your park have deteriorated to an unacceptable condition, contact the Mobile Home Program to discuss strategies to seek improvements.

9) REPAIR AND DEDUCT

In some instances, you may make minor repairs and deduct the costs from your rent. Before taking such action, written notice should be sent to the park owner by Certified Mail with receipt requested. This will prove that the park owner received notice of the issue. If you send the park owner written notice of the problem, and the park owner does not repair a minor defect or comply with the lease or Vermont law within 30 days of your written notice, you may make the repair or order the service, and deduct it from the rent paid to the park owner. However, **the cost of the repair may not exceed one-half of one month's rent.** The law prohibits you from doing major work on water, sewer, or electrical systems. You need to send a written copy of the cost of the repair or service you are deducting when you send in your reduced rent.

10) EVICTIONS

Mobile home owners (and renters who rent the mobile home from the park owner) are protected by a "just cause eviction" law. **You can only be evicted if the park owner can show that:**

- You haven't paid your rent and there is no legal justification for your failure to pay,
- You have seriously violated the terms of your lease, or
- She or he is closing part of the park or the entire park.

No leaseholder may be evicted for a substantial violation of the lease terms unless the eviction proceeding is commenced within 60 days of the last alleged violation, or in the case of criminal activity within 60 days after the leaseholder was arraigned on the charges. To evict a leaseholder, the park owner must give the leaseholder written notice sent by registered or certified mail, which includes the reasons for the eviction. If back rent is owed, the notice must also state that you have 20 days to pay any back rent due. It must also tell you the date by which the park owner wants you to leave the park. If the leaseholder has already received a non-payment or substantial violation notice in the past 6 months, the park owner is not required to notify you a second time by certified mail.

The park owner must go to court to evict you. If you do not leave the park by the date stated in the notice, the only legal way for the park owner to evict you is by starting a lawsuit and asking a court for an Order. The lawsuit begins when a constable or sheriff serves you a paper called a Summons and Complaint. The park owner must serve notice of eviction proceedings to the leaseholder and any known occupants in the home. If you receive a Summons and Complaint, read them carefully and consult a lawyer without delay. If your eviction goes to court and the court rules in favor of the park owner, the eviction judgment order must state that: (1) the leaseholder shall sell or remove their mobile home within three months of the execution of the writ of possession (or other period ordered at the court's discretion); (2) the leaseholder is responsible for lot rent until the mobile home is sold or moved from the park.

It is illegal for the park owner to move your mobile home without your permission or a written court order.¹ It is also illegal for the park owner to turn off your heat, electricity, water, or other utilities or harass you so that you will leave. However, a park owner may dispose of any personal property remaining on leased premises without notice or liability to the tenant or owner of the personal property either: (1) 40 days after a writ of possession is issued for failure to pay rent into court or; (2) if the mobile home has been legally considered abandoned (see Chapter 18) and the park owner has been given possession of the home; whichever is later. If you believe you are being evicted illegally, you may bring a suit against the park owner for injunctive relief to stop the illegal action, damages, costs, and reasonable attorney fees.

11) RETALIATION BY PARK OWNER

A park owner may not retaliate by threatening eviction, changing the terms of the lease, or bringing or threatening to bring a court case against you for:

- Written complaints to government agencies that enforce regulation of health and safety
- Written complaints to park owner of violation of the mobile home law
- Organizing, or becoming a member of, a resident association

In a case of retaliation, you may recover damages and reasonable attorney's fees through the courts. First step is to seek a court order against the park owner from your county's Superior Court

12) PARK SALES

If the owner decides to sell the park, she/he must give notice of intent to sell to each leaseholder who owns a mobile home in the park as well as the Commissioner of DHCD. The notice must be sent by certified mail and include; the price, terms and conditions of the proposed sale, a list of the mobile home owners, and the status of the park's compliance with State laws and permits. The mobile home owners have 45 days following this notice to get together, review their options, and decide whether they intend to consider purchasing the park. Generally,

¹ The lease may allow the park owner to require a home to be removed from the park for health, safety, or aesthetic reasons under limited circumstances.

DHCD will organize an initial meeting to explain the options, and will contact potential non-profits about their interest in purchasing the park on the residents' behalf.

Options include forming a cooperative to purchase the park directly, choosing a non-profit group to negotiate and purchase the park in the public interest, or doing nothing. If, during the 45-day period, the owner receives notice in writing that a majority of the mobile home owners intend to consider a purchase, then the park owner cannot commit to selling the park to anyone else for 120 days following the 45-day period for a total of 165 days.

During this 120-day period, the owner must negotiate in good faith with the resident group or the resident-chosen non-profit for the purchase and sale of the park. The resident group or non-profit must also negotiate in good faith.

The park sale notice remains valid for one-year from the expiration of the 45-day period. During the time that a notice of intent to sell is valid, a park owner must provide new notice of intent to sell, prior to making an offer to sell the park or accepting an offer to purchase the park that is either more than 5% below the initial price offered for the park, or less than 5% above the final written offer from a group representing mobile home park residents.

In addition, if the park owner plans to close the park to sell the land where the parks sits within five years, he/she is required to first give the mobile home owners a notice of intent to sell that discloses the potential closure and can only give a closure notice after the 45-day period, or 120-day period if the mobile home owners elect to negotiate to buy the park, or after any negotiations have ended.

13) PARK CLOSINGS

A park owner must give each affected resident and the Commissioner of the DHCD notice by certified mail at least 18 months prior to any lot or park closure that would result in eviction of a resident or removal of any or all of the mobile homes. The Commissioner may allow a shorter notice period if the change in use is necessary to assure the health, safety or welfare of the park residents.

The park owner **can evict leaseholders for nonpayment of rent or for lease violations** during the pending closure of a park. *However, lot rents may not be increased for the 6-month period prior to, and during a closure notice. (A park owner may request an exemption if necessary to address an urgent health or safety issue in the park.)* The park owner may bring actions for possession against any residents who have not moved after the 18-month notice period and the only defense against such an action is improper notice of the park closure.

In addition, if a park owner intends to close a park and sell the land on which the park sits within five years, he or she is required to **give a sale notice** to the park's mobile home owners that discloses the potential closure before issuing a **closure notice**. The park owner may appeal to the Commissioner for relief from the five-year waiting period if he/she feels it would cause undue hardship on the park owner or residents. See Park Sales above.

Vermont law allows the DHCD Commissioner to require a park owner to pay up to \$3,500 toward residents' moving costs if the park owner gives a closure notice within one year of having received a notice from an official of a violation of the state's health, safety or environmental laws or habitability requirements - unless the park owner can demonstrate that he or she does not have the ability to pay.

If your park is closing or is being sold, you will receive notice from the park owner on a standard State form that must be distributed to every park resident and sent to the Commissioner of DHCD. When this happens, the Mobile Home Program will help coordinate the next steps for you and your neighbors.

14) CONDOMINIUM CONVERSION

A park owner who wishes to convert the park to condominium ownership is required to give each resident six months notice of intent to convert. This notice must state the price of each unit and describe the condition of the park, the expected cost of operating the park as a condominium development, the cost of any expected repairs, and any problems which may affect the habitability or use of the park. If 70% of the residents vote to allow conversion, then the park owner will send a notice to all leaseholders giving them six months' notice to decide whether to buy their individual lots as condominium units. Residents who do not buy their lot will have the right to continue as tenants, and their rent can only be increased as condominium fees are increased. Residents who choose to remain as tenants are protected by the Vermont laws protecting other mobile home park residents.

15) SUBLETTING

A lease may not prohibit subletting. You are free to rent your mobile home or lot so long as the sublessee meets the criteria of the park owner's lease terms and the park owner is notified in writing and gives permission. The park owner must respond in writing within 30 days to a request for permission to sublet. The written request must state the prospective sublessee's name and current address. The park owner cannot unreasonably withhold permission to sublet.

Bottom line: You should always notify the park owner in writing before renting or subletting your mobile home or lot.

16) SELLING A MOBILE HOME

Anyone selling a mobile home must use a revised Vermont Mobile Home Uniform Bill of Sale to record the transfer of the mobile home. A Uniform Bill of sale can be found on the DHCD website listed in the Resources List at the end of this guide.

The Uniform Bill of Sale must contain:

- The name *and* mailing address of both the seller and the buyer
- Name and address of the park or property owner where the mobile home is located
- That the sale is a retail installment transaction and is subject to 9 VSA Chapter 59.
- Any liens on the mobile home
- A list of any deficiencies and defects that the seller is aware of if the home is being sold “as is”

Before you sell your home, you must notify the park owner by certified or registered mail of the proposed buyer’s name and address. If you do not follow this process the owner may try to prevent the sale of your home. After receiving your notice, the park owner has 21 days to approve or deny a buyer. If the buyer is rejected, the park owner must state in writing to the buyer why he or she does not qualify. If the park owner does not respond within 21 days, the sale may proceed. If the park owner refuses to approve the buyer and you think this refusal is unreasonable, you should contact a lawyer. The only way to proceed with the sale may be to take the park owner to court quickly.

Ownership of a mobile home becomes final after the following process is completed:

1. Seller gives a completed, but not signed, Uniform Bill of Sale to the Town Clerk *before* selling the mobile home,
2. Seller gives a completed, but not signed, Uniform Bill of Sale to the park or property owner at least 21 days before the sale of the mobile home,
3. The Town Clerk endorses the Uniform Bill of Sale if all property taxes on the mobile home that have come due have been paid,
4. If the mobile home is to be moved out of town, Town Clerk endorses the Uniform Bill of Sale if all property taxes assessed for the year have been paid.
5. **Sale of the mobile home happens only after the Town Clerk endorses the Uniform Bill of Sale and the buyer is approved for residency in the park** (assuming the home is not being moved out of the park),
6. At the sale, the seller, buyer and a witness sign and date the Uniform Bill of Sale,
7. The buyer files the fully executed Uniform Bill of Sale with the Town Clerk within 10 days. In most cases, a Property Transfer Tax Return is also required.

This procedure is to be followed to move a mobile home from one town to another, even if not being sold. However, it does not apply to mobile homes that are financed as real property, abandoned mobile homes transferred by Court order, or mobile homes in “inventory” of a dealer or manufacturer that are on a sales lot and are not hooked up to utilities.

Vermont law gives legal recourse to an individual who buys a mobile home in a park and discovers the seller did not give the park owner the required notice. The law states that: “The seller may be held liable by the purchaser or prospective purchaser for failure to comply with this section [of the law].” The law still requires the park owner to approve a qualified buyer regardless of whether the seller gave the proper notice but failure to provide proper notice is not a valid reason to deny the purchaser residency in the park.

Park owners are required to give potential leaseholders of a mobile home park a copy of the lease to review before agreeing to the terms. Unless the applicant objects in writing prior to occupying the home, it is assumed that the applicant has accepted the lease.

17) RENT-TO-OWN TRANSACTIONS

A Rent-to-Own agreement is defined as any agreement where someone makes payments for the right to use a mobile home over a period of time and has the option or is required, to become the owner of the mobile home for little or no extra cost. Under Vermont law, a person either owns the mobile home and has the rights and responsibilities of ownership, or is renting the mobile home and the landlord (mobile home owner) is responsible for maintenance. A valid transfer of ownership occurs only if there is 1) a written contract in accordance with 9 V.S.A., Chapter 59, and 2) a Mobile Home Uniform Bill of Sale is filed. Until both of these conditions are met, the agreement is considered a lease and the ‘buyer’ is considered to be renting the home and is therefore protected under landlord-tenant law.

This is an important distinction. If the resident of the home is considered a renter, then the homeowner is responsible for maintaining the home according to landlord-tenant law. If the resident is considered the homeowner, then the agent receiving the rent-to-own payments would have to go through the foreclosure process to regain ownership of the home.

18) ABANDONED HOMES

Park owners can get a court order to remove or sell abandoned homes if they follow a certain legal procedure. A mobile home may be considered abandoned if the owner of the mobile home has been evicted from the park and has failed to remove the mobile home from the park or sell the mobile home within three months after the execution of the writ of possession or as otherwise ordered by the court. The mobile home owner is still responsible for lot rent until the home is either sold or removed.

Alternatively, **for a home to be abandoned it must:**

- Seem abandoned to a reasonable person,
- Be at least 30 days behind in lot rent, and
- The park owner must be unable to contact the resident or owner.

19) PRIVACY AND ACCESS

In general, park owners may enter your mobile home lot with your consent. The park owner may also enter your lot between 7:00 am and 7:00 pm with at least 12 hours notice prior to entering your lot for the following purposes:

- To inspect the lot,
- To make necessary or agreed-upon repairs,
- To supply agreed services, or
- To exhibit the lot to prospective or actual purchasers, tenants, workers or contractors.

The park owner may enter a lot without the notice if they are making repairs and discover it will be necessary to enter the lot to continue working on the repairs. However, in this case, they must first try to get your permission. Finally, a park owner may enter your lot or home without your permission in an emergency if he/she reasonably believes that there is a likelihood of imminent injury to any person, damage to property or interruption of utility services..

20) RESIDENT ASSOCIATIONS

You have the legal right to meet with your neighbors and form a resident association. In some parks, the resident association negotiates directly with the park owner about lease terms, rent increases, and other problems. In other parks, associations have worked with non-profit corporations to buy the park or develop resident management. Still, other residents form associations to work together to provide activities for children, clean up the park, or to build a stronger community. For more information about how you can form a resident association contact the MHP.

A park owner may not take action against residents for creating or becoming a member of a resident association (See 11. Retaliation by Park Owner, pg 8).

21) PARK OWNER VIOLATIONS

DHCD has the ability to enforce violations of mobile home park law (Chapter 153) through one of the following mechanisms:

- 1) referring the violation to the Attorney General or State's Attorney for violation of the consumer protection act,
- 2) imposing administrative penalties up to \$5,000 or
- 3) bringing civil action for damages or injunctive relief.

Leaseholders also have the right to bring a civil action for certain violations.

If you think that DHCD should consider imposing an administrative penalty or referring a violation to the Attorney General, you can contact DHCD. The Housing Program Coordinator will ask you to describe the problem, how long it has existed, and whether you have attempted to resolve the problem with the park owner. DHCD will then investigate the problem and let you know what the next steps will be. Part of DHCD's investigation will include contacting the park owner to hear their side of the story. DHCD will then decide whether to issue a Notice of Alleged Violation, refer the matter to the Attorney General, and/or work with the park owner to try to resolve the issue informally.

Leaseholders also have the right to bring a civil action for certain violations. Before you take any legal action, **it is always important to give the park owner written notice of your grievances.** The notice must be sent by certified mail, it must give the reason you intend to sue, and it must be mailed at least 30 days before a lawsuit begins. If you plan to sue the park owner, **always** contact and consult with a lawyer before taking any action.

22) PARK REGISTRATION

All mobile home park owners must register with DHCD on a yearly basis. DHCD collects an annual fee of up to \$12.00 per occupied leased lot, which the park owner may pass on to the leaseholders. This fee is used to coordinate mobile home park issues, and for other costs of administering mobile home park law and to pay for the services of a mediator in lot rent increase disputes. DHCD may pay up to \$4,500 in legal costs for resident groups who take a rent dispute to court.

23) RESOURCES LIST

1. The Three Coordinated Statewide Housing Services Programs of CVOEO:

Mobile Home Program (MHP): Offers housing search assistance and referral services, helps organize resident associations, and provides individual advocacy to park residents. Contact the MHP if you:

- Are facing a park sale, park closing, or lot rent increase
- Want assistance with forming or revitalizing a resident association
- Need advice and assistance about problems in your park
- Require more information about the laws affecting parks, or need help with planning a strategy to deal with a complicated problem in your park.
- Are having financial difficulties and are facing possible eviction or foreclosure

The MHP also provides public education about mobile home parks and mobile home park living. The MHP encourages public discussion of issues facing park residents, advocates for the development of programs and services for park residents, and provides workshops and training on various mobile home park issues.

Phone: 802-660-3455 ext. 204

Website: www.cvoeo.org/mhp

Address: CVOEO Mobile Home Program

255 S. Champlain St

PO Box 1603

Burlington, VT 05402

Vermont Tenants (VTI): Source of information, training, advice, referral and advocacy for renters. VTI produces the Renting in Vermont handbook.

Phone: 802-864-0099 (A tenant hotline voice mail system).

Website: www.cvoeo.org/tenants

Fair Housing Program (FHP): Works to eradicate housing discrimination in Vermont through education, outreach, and enforcement of fair housing laws.

Phone: 802-651-0551 ext. 106

Website: www.cvoeo.org/fhp

2. Community Action Agencies

Community Action Agencies were established under the Economic Opportunity Act in 1964 to fight America's War on Poverty. They exist to help people help themselves in achieving self-sufficiency through various programs such as: Head Start, Weatherization, Food Stamps, Job Training, Micro Business Development, Income Tax Assistance, Crisis Fuel and Utility Assistance, Child Care Support Services, Parenting Education, Financial Literacy and Planning, Food Shelves, Domestic Violence Help-Line and more. Programs vary by location so be sure to call your local Community Action Agency to learn which programs they provide.

Champlain Valley Office of Economic Opportunity (CVOEO)

Addison County Community Action

54 Creek Road, Suite A

Middlebury, VT 05753

Phone: 802.388.2285

Chittenden County Community Action

255 South Champlain Street

Burlington, VT 05402

Phone: 802.863.6248

Franklin/Grand Isle Community Action

5 Lemnah Drive, Suite 5
St. Albans, VT 05478
Phone: 802.527.7392

BROC – Community Action in Southwestern Vermont

Serves Rutland and Bennington Counties.

Rutland Office

45 Union Street
Rutland, VT 05701
Phone: 802.775.0878 or 802.717.BROC (2762)

Bennington Office

332 Orchard Road
Bennington, VT 05201
Phone: 802.447.7515

Southeastern Vermont Community Action (SEVCA)

Serves Windsor and Windham Counties.

Address: 91 Buck Drive
Westminster, VT 05158

Phone: 802.722.4575
Toll Free: 800.464.9951

Capstone Community Action

Serves Lamoille, Washington and Orange Counties.

Washington County Office

20 Gable Place
Barre, VT 05641
Phone: 800.639.1053 or 802.479.1053

Lamoille County Office

197 Harrel Street
Morrisville, VT 05661
Phone: 800.639.8710 or 802.888.7993

Orange County East Office

22 Whistle Stop Way
Bradford, VT 05033
Phone: 802.222.5419

Orange County West Office

12 Prince Street
Randolph, VT 05060
Phone: 800.846.9506 or 802.728.9506

Mad River Valley Office

Evergreen Senior Center
5308 Main Street
Waitsfield, VT 05763
Phone: 802.496.6900

Northeast Kingdom Community Action (NEKCA)

Serves Orleans, Essex and Caledonia Counties.

Main Office

70 Main Street
Newport, VT 05855
Phone: 802.334.7316

Website for full site listings: <http://nekcavt.org/index.php/about-nekca>

3. Free Legal Services (for income-eligible clients)

Vermont Legal Aid

Offices throughout the state offer legal assistance to income-eligible tenants.

- Burlington: 264 North Winooski Avenue, Burlington, Vermont 05402
- Montpelier: 7 Court Street, Montpelier, Vermont 05601
- St. Johnsbury: 177 Western Avenue, Suite 1, St. Johnsbury, Vermont 05819
- Rutland: 57 North Main Street, Rutland, Vermont 05701
- Springfield: 56 Main Street, Suite 301, Springfield, Vermont 05156

Phone: 1-800-889-2047

Website: www.vtlegalaid.org/

Vermont Law Help

Provides legal information and legal forms for Vermont residents

Website: www.vtlawhelp.org

Lawyer Referral Service

Maintains a listing of Vermont private attorneys who have indicated an interest in landlord/tenant matters. Up to a maximum of \$25 for first half-hour consultation. Fees charged according to individual attorney's rates after first half hour. Open 8 A.M. to 4 P.M. Monday – Friday.

Phone: 1-800-639-7036

4. State Agencies

Vermont Department of Housing and Community Development (DHCD):

Administers mobile home park law, park registration, and rent mediation

Phone: 802-828-3211

Website: <http://accd.vermont.gov/housing/mobile-home-parks>

(Includes direct links to the Mobile Home Park laws, HUD Consumer Handbook on mobile homes, and many other links.)

Agency of Natural Resources – Department of Environmental Conservation: The Drinking Water and Groundwater Protection Division manages Vermont's drinking water supplies and regulates wastewater disposal activities.

Website: www.dec.vermont.gov/water

Essex Regional Office (Chittenden, Franklin and Grand Isle Counties)

Phone: 1-802-879-5656

Montpelier Regional Office (Lamoille, Washington and Orange Counties)

Phone: 1-802-828-5034

Rutland Regional Office (Addison, Rutland and Bennington Counties)

Phone: 1-802-786-5900

Springfield Regional Office (Windsor and Windham Counties)

Phone: 1-802-885-8855

St. Johnsbury Regional Office (Orleans, Essex and Caledonia Counties)

Phone: 1-802-751-0130

Vermont Department of Health (VDH):

Enforces State Health Code, primarily issues regarding water, sewage and rubbish. An online list of Local Health Officers and contact information may be found on a page of the VDH web site at the following website:

www.healthvermont.gov/local/tho/tho_list.aspx

Phone: 800-464-4343

Vermont Department of Public Safety, Fire Safety Division:

Inspects electric hook-ups in parks, and inspects rented mobile homes for fire safety.

Phone: 800-640-2106

Website: <http://www.firesafety.vermont.gov>

Vermont Human Rights Commission (HRC):

The HRC protects people from unlawful discrimination in housing, state government employment and public accommodations. The HRC enforces laws, mediates disputes, educates the public, provides information and referrals, and advances public policies on human rights.

Address: 135 State Street, Drawer 33

Montpelier, Vermont 05633-6301

Phone: 800- 416-2010

Website: www.hrc.vermont.gov

E-mail: human.rights@vermont.gov

5. Other Resources

Champlain Housing Trust (CHT):

Champlain Housing Trust offers a Manufactured Housing Down Payment Loan Program designed to be a “silent second” to a first mortgage on a new Energy Star Rated mobile home. The loans are offered at 0.00% interest, and all payments are deferred until the property is sold, transferred or refinanced. Funding is available on a first-come, first served basis.

Phone: 802.862.6244

Website: www.getahome.org/loans

Vermont Housing Finance Agency (VHFA):

VHFA offers a Limited Refinance Program that allows homeowners to replace high interest rate mobile home loans. In addition, borrowers can finance the cost of mobile home improvements and all closing costs associated with the loan. To be eligible, a mobile home must:

- Sit on land owned by the homeowner; or
- Reside in a non-profit or cooperatively owned mobile home park; or
- Be relocated to one or the other eligible location

Eligible mobile homes must be permanently affixed to land.

Phone: 802-864-5743

Website: www.vhfa.org

US Department of Agriculture – Rural Development (USDA-RD):

Federal agency that offers one percent loans to mobile home owners to perform general repairs to improve or modernize their homes. Eligible homes sit on land owned by the homeowner or in a non-profit or cooperatively owned park. Grant funds for the same purposes are available to applicants age 62 or over.

Phone: 802-828-6068

Website: www.rurdev.usda.gov/vt

Vermont Center for Independent Living (VCIL):

VCIL believes that individuals with disabilities have the right to live with dignity and with appropriate support in their own homes, fully participate in their communities and make decisions about their lives. VCIL runs a Home Access Program (HAP) to provide home entry and bathroom accessibility modifications for low-income Vermonters with physical disabilities.

Phone: 800-639-1522

Website: www.vcil.org

The Mobile Home Program
255 S. Champlain St
PO Box 1603
Burlington, VT 05402

