

MOBILE HOME PARK RESIDENT ACTION SHEET

Produced by the CVOEO Mobile Home Program
P.O. Box 1603 / 255 South Champlain Street, Burlington, VT 05402
Phone: (802) 660-3455 x204 or 1 (800) 287-7971 Fax: (802) 651-4179

What To Do About Major Health and Safety Problems

Under Vermont law (10 V.S.A., Chapter 153 §6262), mobile home park owners are obligated to keep their parks “safe, clean and fit for human habitation.”

A habitability problem is anything that makes living on the lot you rent unsafe or unfit for living. Examples include: sewage overflowing in your yard; unsafe exterior wiring; water that is unsuitable for bathing or drinking. If you own your home and rent the lot in a park, the park owner is responsible for these problems up to a location on each lot from which the service can be connected to your home. In addition to reliable utility services, the law requires the park owner to assure safe roads, common areas and facilities.

If you believe that a situation involving your water, sewer or electrical system is not safe, or may not comply with codes or regulatory standards, your park owner may be in violation of the warranty of habitability. Here are some steps you can take to remedy the situation. Vermont law (10 V.S.A. Chapter 153 §6263) supports these actions.

- **Always send a written notice to the park owner and property manager informing them both of the problem and of what actions you intend to take.** You must do this even if they already know about the problem or you have notified the owner verbally. Only written notice allows you to legally use the remedies below. In a court of law, email is not considered written notice. The Mobile Home Program has a form letter you could use for this purpose. Remember to date the letter. It is preferable to send this letter by certified mail. Remember to make a copy of your letter for yourself and file it away where you can find it in the future.
- **Contact the appropriate governmental agency and notify them of the situation.** The Mobile Home Program: (802) 660-3451 ext. 204 or 1 (800) 287-7971 will help you contact the appropriate agency. As a general rule, contact the Agency of Natural Resources for water concerns; Division of Fire Safety for electrical concerns; and your Town Health Officer for sewage problems. An inspector can order the owner to make the needed repairs. If an inspector finds serious code violations in the park then the inspector’s order will serve as your proof that material problems exist and it is your insurance against a retaliatory eviction. **Retaliation against a resident for making a legitimate complaint to an inspector is illegal (10 V.S.A. § 6247).**
- **If the owner / manager fails to make the repairs within a “reasonable amount of time,”* and the situation seriously affects your health and/or safety, you may pursue one or more of the following remedies:** *(A “reasonable amount of time” will vary depending on the potential seriousness of the problem with regard to health or safety impact. There are no absolute time frames for this.)

MORE ON NEXT PAGE

Note: This document is intended to serve as a general guide to mobile home park residents and does not constitute a legal opinion or legal advice regarding any specific situation.

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Possible Remedies:

I. Begin withholding lot rent until the problem is fixed.

If you withhold rent, it is best to put the rent into a separate account at a bank each time it is due. Withholding lot rent is a serious action. **If you withhold rent, it is very important not to spend it - put it in a safe account.** A judge could decide you were incorrect in withholding rent. If that were the case, you could be ordered to pay some or all of the rent you withheld to the owner.

II. Terminate the rental agreement after giving the park owner a “reasonable notice period.” (Again “a reasonable notice period” would depend on the seriousness of the problem.)

III. Take legal action through the court system.

- (1) Get an order from a judge forcing the park owner to make the repairs**
- (2) Sue for damages and attorney’s costs**

**If you are considering the latter two options, you will almost certainly require legal help. Vermont Legal Aid may be able to assist you or refer you to Law Line for advice in representing yourself and preparing your written responses.

You can pursue more than one of the options listed above at the same time. Doing one of them does not prevent you from pursuing one or more of the other options.