



Legal Services
of the Hudson Valley

Protecting Rights
Promoting Justice

KNOW YOUR RIGHTS!

Manufactured Homes: Your Legal Rights



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This information was prepared on 07/21/2022. Please note that any applicable laws, orders and directives are subject to change.

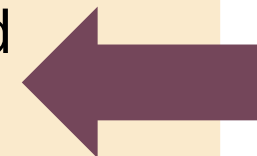
Some things to know before we get started:

- What is Legal Services of the Hudson Valley?
 - *Non-profit law firm that provides free, high-quality counsel in civil matters for low-income individuals and other vulnerable persons who do not have access to legal assistance*
- Who is this presentation for?
 - Manufactured home tenant: Either someone who **rents** a manufactured home in a park from a park owner or owns their home but rents the lot
 - Manufactured home park: a piece of land with **3 or more** manufactured homes on it





Rent Increases and
Eviction



Living Conditions,
Maintenance, and
Repairs



Change of Ownership
and Tenant Organizations

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RENT:

ALL COSTS INCLUDING:

RENT

FEES

CHARGES

ASSESSMENTS

UTILITIES

***“CAN MY
LANDLORD RAISE
MY RENT? BY
HOW MUCH?”***



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Note: an annual increase below 3% is always allowed

If it's a 3 - 5.99% increase...

- NO if they haven't offered you a lease!
- The landlord must show an increase in either:
 1. operating **expenses**,
 2. property **taxes**, or
 3. **costs** directly related to improvements of the park
- You can challenge the increase in court as unjustifiable (within 90 days of the proposed increase).

If it's a 6+% increase...

- **NO** if they haven't offered you a lease!
- The landlord must submit a **temporary hardship application** to the court and receive the court's approval
- If approved for temporary hardship, increase must:
 1. be **only enough** to alleviate the hardship,
 2. last no more than **6 months**, and
 3. tenants must be **notified** within 30 days of the court order



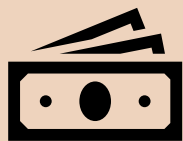
“What kind of fees can my landlord charge me?”



Your landlord ***cannot*** charge any **random fees.**

Basically, nothing other than:

- Rent
- Utilities, and
- Charges for facilities and services available to you!



Late Fees

- Can NOT exceed 3%
- Can NOT be compounded
- Can NOT be considered additional rent
- Can NOT be assessed until **10 days** after rent due



Attorney's Fees

- Park owner can NOT make you pay attorney's fees
- Unless ordered by the court
- Can NOT be considered additional rent



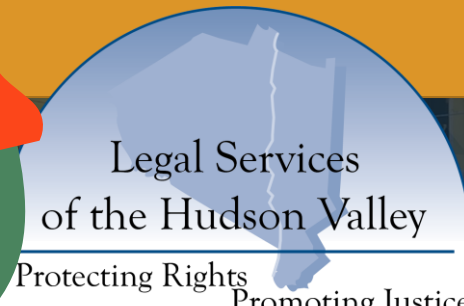
Disclosure

- Park owner must fully disclose all fees, charges, assessments, rules, and regulations
- Must be disclosed in writing!
- BEFORE entering into the rental agreement

“My landlord wants to evict me. What’s the legal process?”

1. PRE-EVICTION NOTICE
2. COURT PAPERS AND HEARING
 1. *Tenant may assert their defenses and counterclaims*
 2. *Most cases settle: determine amount to pay and time to pay it, or time to move out*
 3. *You don’t have to settle! You always have a right to go to trial.*
3. JUDGEMENT AND WARRANT
4. SHERIFF’S NOTICE
5. ACTUAL EVICTION

Timeline



“What reasons can my landlord evict me?”

Bawdy-House:

- Using the house for lewd purposes like prostitution or illegal trade
- No pre-eviction notice (served court papers immediately)

Rule Violation:

- Violating terms of the lease or park rules
- You get 10 days notice and chance to fix the problem, and then 30 days pre-eviction notice

01

02

03

04

You can NOT
be evicted
because your
lease is
expired!

Default Payment:

- You haven't paid rent or other charges and fees
- One month or more accrued
- Entitled to 30 days pre-eviction notice

Law Violation:

- You break a federal, state, or local law
- Causing danger to the safety of others in the park
- No pre-eviction notice (served court papers immediately)

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“How much time will the sheriff give me after judgement is entered?”



If you own the mobile home:

- **90 days notice**
- **30 days notice** if 1) the conditions for eviction are causing a safety risk to other tenants, or 2) the condition of eviction is for default on rent

If you rent the mobile home:

- **72 hours (3 days) notice**
- **BUT only if you are renting your mobile home directly from the park owner**

“What if I complain about something and my landlord tries to evict me in retaliation?”

Illegal if...

- It was a good faith complaint
- You were taking steps to enforce your legal rights
- You were participating in a tenant association
- Your landlord tries to alter the terms of your lease for any of the above reasons

Legal if...

- You were the one who caused the issue in the first place
- The park has fewer than 4 manufactured homes

RPL 233(n)(2-3)

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Resources for You:

- ***Legal Services of the Hudson Valley***
 - Free, High-Quality Counsel: <https://www.lshv.org/>
- ***Hudson River Housing***
 - Rent Relief and Relocation: <https://hudsonriverhousing.org/>
- ***Office of the Attorney General***
 - Your Rights and Housing Information: <https://ag.ny.gov/>
- ***MHAction***
 - Empowering Manufactured Housing Tenants: <https://mhaction.org/>
- ***Pathstone***
 - Housing Services and Financial Resources: <https://Pathstone.org>
- ***Homes and Community Renewal***
 - Rental Assistance and Programs: <https://hcr.ny.gov/mobile-manufactured-homes>
- ***Dutchess County Community Action Partnership***
 - Other Forms of Assistance: <https://www.dutchesscap.org/>



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