

Legal Services of the Hudson Valley

Protecting Rights
Promoting Justice

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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.

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



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Rent Increases and Eviction



Living Conditions, Maintenance, and Repairs





Change of Ownership and Tenant Organizations



"What is an illegal or uninhabitable condition?"

■ Real Property Law §233(m) protects against serious problems with your living conditions, including conditions that could be dangerous to you and your family or others.

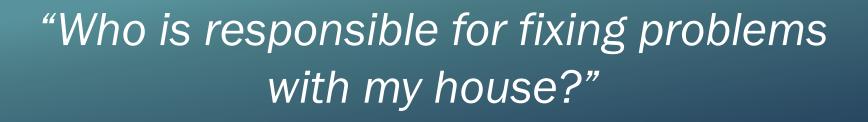


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Your landlord is responsible for making sure your home is in safe, livable condition.

- What do I mean by "Warranty of Habitability?"
 - Landlord is responsible for maintenance
 - If electric/water breaks, they will fix the issue
 - Ensure no dangerous, hazardous conditions
 - "Fit for human habitation"
- Applies to rent and rent-to-own leases, and common areas (even if you own your unit)



Do you rent or own your home?

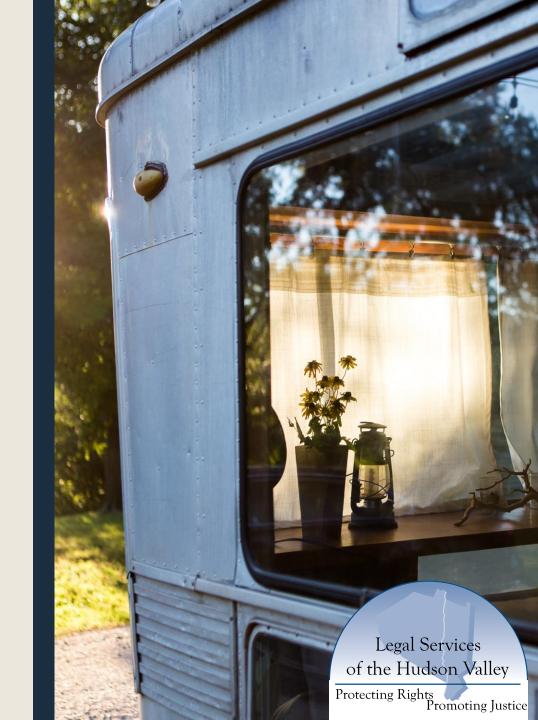
- If rent, your landlord is responsible for most repairs.
- If own, you are responsible for most repairs.
- What about the common areas?
 - Landlord is responsible for shared spaces:
 - Greenspaces
 - Sidewalks and roads
 - Water and sewer systems
 - Other shared space, amenities, and buildings on the property

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"What should I do if I have a eomplaint about my living conditions?"

- 1. Make sure you are not the one responsible for fixing
- 2. Have you told your landlord about the issue?
 - a) Document your complaints with dates
- 3. For how long has the issue been going on?
 - a) Is it new? You must give your landlord a chance to "cure" the problem.
- 4. Is your health/safety at risk?
- 5. Call the building inspector
 - a) Warning: If the condition is very dangerous, be aware the mobile home or park could be condemned resulting in an immediate vacate order
- 6. Know that a judge is unlikely to erase any rent you owe completely, but they may "abate" it (cut it down) if the problem is severe and ongoing.





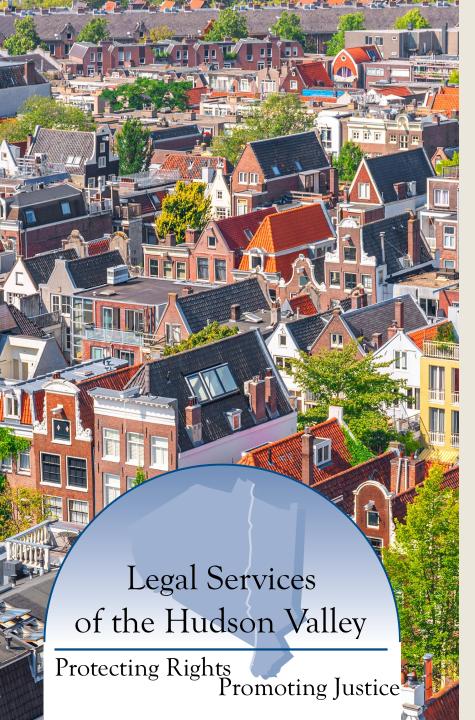
"The problem still isn't fixed. Should I withhold rent?"

Pro Tip:Seek legal guidance first

- Withholding rent: stopping or reducing your rental payments until your landlord fixes your living condition problem
- In theory:
 - Withholding rent is within your tenant rights
 - Could motivate your landlord to fix the issue
- In reality:
 - Very risky business! They might try to evict you or sue for nonpayment.
 - You must notify the landlord that you plan to withhold and why (in writing; save a copy!)
 - You must set aside the rental money you are withholding in case your landlord takes you to court
 - It's likely that they will do so, at which time you will argue "warranty of habitability" as a defense







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/