

MOBILE HOME EVICTION

How can I be evicted from a mobile home park?

The only way the owner of a mobile home park can legally make you leave is by going through formal legal eviction proceedings in court. The court's name for an eviction is "Forcible Entry and Detainer." A mobile home park owner cannot throw out a tenant in order to rent the lot to someone else.

What are some of the reasons for which I can be evicted?

The mobile home park owner can evict you for:

1. Nonpayment of rent. You can be evicted for nonpayment at any time that you are behind in rent, no matter how little the time or how little you owe.
2. Evictions for cause:
 - a. Violation of local and state laws and regulations concerning mobile homes;
 - b. Violation of the written rules and regulations of the mobile home park;
 - c. Your behavior that annoys other tenants or interferes with park management;
 - d. A change in use or condemnation of the mobile home park. If the zoning authority allows a change of use without consent of that authority, the owner must give you six month's written, mailed notice;
 - e. Making false or misleading statements in your application for residence in the park;
 - f. Your behavior that causes your mobile home to be declared a public nuisance, or occurs in the park and
 1. Unreasonably endangers persons within the park;
 2. Causes willful, reckless or malicious damage to property in the park; or
 3. Is a felony.

What is the eviction process?

The mobile home park must precisely follow the correct legal procedures in order to evict you.

1. The owner or park management must give you a written notice, signed by the owner or manager, which includes either the name of the owner or the name of mobile home park, the mailing address of the property, the location or space number of the lot and the county where the mobile home is located, and the reason you are being evicted.
2. The notice must be served on you at least 30 days before the date by which the owner is asking you to leave, or 60 days if your mobile home is a multi-section. This time period cannot be shortened unless you are being evicted for section (f), above, in which case you can be asked to leave within 10 days. The management can serve you by posting the notice on your mobile home.
3. If you are being evicted for violation of the written rules and regulations of the mobile home park, the park must give you 30 days from the date of the notice to come into compliance. If you do correct your violation, you cannot be evicted unless this is the second time in twelve months that you have been served with an eviction notice for the same violation.
4. If you do not move your mobile home from the park within 30 days (or a longer time, if specified on the notice), the owner or manager can file a Complaint with the court and serve you with the Complaint and a Summons which tells you when and where a court hearing will be held (at least five days from the date you receive the Complaint and Summons).

The Complaint and Summons can either be served by handing it to you or an adult living in your home, or by posting it on the door of your mobile home.

5. If you do not appear in court, the owner can get a judgment for repossession and, if you were personally handed the Complaint and Summons, a money judgment for any rent or other charges owed
6. If you believe the eviction is not justified, you can appear in court to challenge the eviction. The judge may set a trial date for five business days after your appearance. If you win at trial, you can remain in the park. If the owner wins at trial, he will get an order for your removal. **WITHOUT A COURT ORDER, THE MOBILE HOME PARK OWNER OR MANAGEMENT CANNOT PHYSICALLY REMOVE YOUR MOBILE HOME, OR TURN OFF YOUR ELECTRICITY AND WATER.** If the owner does any of those, immediately call the police and an attorney.
7. If the judge finds there is cause to evict you, the court will issue a "Writ of Restitution" which the owner or manager can take to the county sheriff. The sheriff will then serve you with notice of the court's decision and entry of judgment, plus an advisement to prepare your mobile home for removal by removing the skirting, disconnecting utilities, attaching tires and making the mobile home safe and ready for highway travel. Not less than 48 after the service of the first notice, the sheriff will serve you with the Writ of Restitution and will supervise as the owner or manager removes the mobile home from the park in a peaceful and orderly manner.

Can I get an extension of time to remove my mobile home from the park?

If you do not have your mobile home prepared for safe removal, or if bad weather or other problems prevent removal of your mobile home, the owner or manager and the sheriff may agree on an extension of time allowing the owner or manager to prepare the mobile home for removal, or to allow removal at a less dangerous time.

What if my mobile home is not removed in the time I have been given?

If your mobile home is not removed in the time given, the landlord and the sheriff can put your mobile home in a storage lot. If it comes to this, you will probably be responsible for all moving costs, storage costs and any other amounts which the judge orders you to pay to the owner or manager.