



## November Tip of the Month

### Manufactured Home Park Evictions

By Muria Kruger

One source of deeply affordable housing in Minnesota is manufactured home parks. According to [All Parks Alliance for Change](#), there are almost 180,000 people in Minnesota who live in manufactured home parks and 80% of those people are low- to very-low income. Additionally, there are more units of affordable housing in manufactured home parks (48,700) than in HUD subsidized units (3600) and Rural Development units (12,400) combined. Finally, we also know that, at least in some parts of Minnesota, manufactured home parks are the leading source of housing for Latino migrant workers, and those Latino residents can make up over 90% of the population in those parks.<sup>1</sup>

We further know that evictions are deeply destabilizing to families, in particular low-income families, and that evictions continue at an increased rate here in the Twin Cities area. Therefore, it's important to understand the special protections in place to assist individuals living in manufactured homes from being evicted. This tip will focus on the statutory legal protections for people living in manufactured home parks in the eviction process.

#### **Things to Know Before Getting to the Nitty Gritty of Manufactured Home Evictions:**

- Nomenclature matters:

Before we jump to eviction protections, it's important to start with vocabulary. The terms "trailer home" and "mobile home" are not accurate, nor politically correct, any longer for manufactured homes built after 1976. In 1976, the federal government started requiring that all manufactured homes be built pursuant to HUD standards and that they be given a HUD seal of approval. Prior to 1976, trailer/ mobile homes usually had wheels and were given VIN numbers and financed as if they were all vehicles. The change in name was to distinguish the manufactured homes built pursuant to the new law AND to combat the perception that mobile/trailer homes (now manufactured homes) were lower in quality and linked to poverty.

- Know the Statute! Minnesota Statute §327C:

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<sup>1</sup> All these statistics have been taken from: Fact Sheet – Manufactured Home Parks in Minnesota, All Park Alliance for Change, available at <https://allparksallianceforchange.org/?q=reports/mnparks>.

Manufactured homes are governed by Chapter §327C of the Minnesota Statutes and are licensed through the Minnesota Department of Health and Safety. Chapter 327C sets forth the rules that govern manufactured home residents when it comes to evictions. Minnesota Statute Chapter 504B regulates evictions generally and applies where Chapter 327C does not. Attorneys practicing in this area will want to be aware of both.

- Tenants of manufactured home parks may own the manufactured home, and sometimes rent both the home and the lot.

If the tenant owns the home but rents the lot, the tenant may still be evicted from the home/lot and a writ can be enforced. However, the tenant may get a “conditional” writ for removal of the home. The conditional writ gives the tenant 60 days to sell or remove their home from the lot. Minn. Stat. §327C.11, Subd. 4. The tenant themselves, however, still needs to vacate the home and lot if properly evicted. If you are unsure if the tenant owns the home and thus could get a conditional writ, read the lease. It should clarify what the tenant is renting.

### **The Nitty Gritty - Eight Reasons for Evictions from Manufactured Homes:**

Chapter 327C lays out eight specific reasons why tenants may be evicted from a manufactured home park. Almost all (except a material misstatement) require the landlord to give the tenant a written notice and give the tenant time to cure. Minn. Stat. §327C.09. This is an increased protection that is not included in evictions pursuant to 504B (at least not until Jan. 1, 2024 for nonpayment of rent evictions).

- Nonpayment of rent or utilities:
  - The landlord must give written notice 10 days prior to filing an eviction for non-payment. Minn. Stat. §327C.09.
  - Failure of a unit to meet the requirements of the four covenants of habitability in Minn. Stat. 504B.161 is a defense to eviction for nonpayment. Id.
  - All fees must be in accordance with Minn. Stat. §327C.03.
  - The landlord must provide a 60-day written notice of any rent increase. Rent cannot be increased more than twice in one year. Minn. Stat. §327C.06.
  - Tenants do have the right to redeem, similar to what is provided in Minn. Stat. 504B.291, but it is limited to twice in 12 months. Minn. Stat. 327C.11, Subd. 1.
- Violation of a law related to manufactures homes: Minn. Stat. §327C.09.
  - Landlord must give written notice and a reasonable time to cure.
- Violation of a term of the lease or park rule:
  - Landlord must provide written notice and 30 days to comply. Notice must include date, time and nature of the violation. Minn. Stat. §327C.09.
  - Rule must be “reasonable” as defined by statute. Minn. Stat. §327C.05.
- Repeated serious violations:
  - Landlord must give tenant a written notice and warning that any future violation could result in an eviction. If the tenant violates rule again within 6 months, the tenant can be evicted. (For example, if a tenant has been given a written 30-day

notice to stop violating a park rule, and the tenant complies only to break the rule 45 days later, the landlord can give a written notice that any further violation could result in eviction.) Minn. Stat. §327C.09.

- Endangerment or substantial annoyance: Minn. Stat. §327C.09.
  - Tenant must receive a written 30-day notice to vacate, specifying the date, time, and nature of the violation.
  - The termination can change to immediate if there is a second violation within 30 days of the notice.
- Material misstatement in the application:
  - Must be brought within a year of the misstatement.
- Termination for park improvement: Minn. Stat. §327C.09.
  - The improvement must substantially benefit the health and safety of residents and it must be necessary to move the tenants' home to complete the work.
  - The landlord needs to provide 90-day notice and move to another lot, if available.
- Termination for Park Closure: Minn. Stat. §327C.09.
  - Tenant must receive 9-month notice.
  - If parts of the park will remain open and there is space where the tenant's home would fit, tenant must be given the right to move to that spot.

Chapter 327C further lays out four additional, specific defenses to evictions. All of those have been incorporated except one, which is worth mentioning. It is always a defense to an eviction from a manufactured home park that the landlord has retaliated against the tenant. Minn. Stat. 327C.12. This again provides greater protection than regular landlord/tenant which provides the retaliation defense for only breach of lease and holding over. One might assume that the desire to protect this type of deeply affordable housing has led to some of the greater protections afforded to manufactured home park residents.

### **The Final Nitty-Gritty – You Can Help Protect Affordable Housing:**

As a state and nation, we are in crisis when it comes to having enough deeply affordable homes for low-income families. As noted above, manufactured homes are a significant source of affordable housing. Helping low-income families understand and avoid evictions is one way we can help these families remain in stable housing. I'm hopeful this "Tip of the Month" gave you a sense of the law that applies to manufactured home tenants and maybe even has piqued your interest in volunteering to provide eviction dense services. If you want to know more about how you can assist tenants going through an eviction in a manufactured or other home, please check-out the VLN Housing Program website (<https://www.vlnmn.org/volunteer/housing>) for information on how to volunteer!