

West's Vermont Statutes Annotated Currentness
Title Ten. Conservation and Development
Part 5. Land Use and Development
 → Chapter 153. Mobile Home Parks
 Subchapter 1. General Provisions

§ 6201. Definitions

As used in this chapter, unless the context requires otherwise:

- (1) "Mobile home" means a structure or type of manufactured home that is built on a permanent chassis and is designed to be used as a dwelling with or without a permanent foundation, includes plumbing, heating, cooling, and electrical systems, and is:
 - (A) transportable in one or more sections; and
 - (B) at least eight feet wide or 40 feet long or when erected has at least 320 square feet or if the structure was constructed prior to June 15, 1976, at least eight feet wide or 32 feet long; or
 - (C) any structure that meets all the requirements of this subdivision except for size and for which the manufacturer voluntarily files a certification required by the U.S. Department of Housing and Urban Development and complies with the standards established under Title 42 of the U.S. Code.
- (2) "Mobile home park" means any parcel of land under single or common ownership or control which contains, or is designed, laid out or adapted to accommodate, more than two mobile homes. Nothing herein shall be construed to apply to premises used solely for storage or display of mobile homes. Mobile home park does not mean any parcel of land under the ownership of an agricultural employer who may provide up to four mobile homes used by full-time workers or employees of the agricultural employer as a benefit or condition of employment or any parcel of land used solely on a seasonal basis for vacation or recreational mobile homes.
- (3) "Public highway" means a public highway as defined in [section 1 of Title 19](#) except within the perimeter of a mobile home park.
- (4) "Commission" means the advisory commission on manufactured homes, established under [section 6202](#) of this title.
- (5) "Leaseholder" means a resident lawfully occupying a mobile home owned by the park owner or the owner of a mobile home sited on a mobile home lot in a mobile home park regardless of whether the leaseholder has actual possession of a written lease.
- (6) "Mobile home park resident" or "resident" means an individual, individuals, or family who occupies a mobile home on a permanent or temporary basis in a mobile home park as that term is defined in subdivision (2) of this section.

(7) "Mobile home park owner" or "park owner" means the owners, operators, officers, or managing agents of a mobile home park as well as any person acting through any corporate or other device who has the practical authority to establish rules, policies, or other requirements for the operation of the mobile home park. The term shall not include a stockholder for a corporation owning stock in a mobile home park unless such stockholder has a controlling interest in the corporation and has the practical authority to establish rules, policies or other requirements for the operation of the mobile home park.

(8) "Department" means the department of housing and community affairs.

(9) "Good faith" means honesty in fact and the observance of reasonable standards and fair dealing, such that each party shall respond promptly and fairly to offers from the other party.

(10) Expired.

(11) "Commissioner" means the commissioner of housing and community affairs.

(12) "Single or common ownership or control" means ownership or control by any person or persons and includes affiliations of individuals or entities, or both, that are formed in order to derive profit, consideration or any other beneficial interest. The following individuals and entities shall be presumed not to be affiliated for beneficial interest unless there is substantial evidence of an intent to evade the purposes of this chapter:

(A) A stockholder in a corporation, if the stockholder and the stockholder's spouse, parents, children and siblings own, control or have a beneficial interest in less than five percent of the outstanding shares in the corporation.

(B) An individual in the capacity as an agent and within the normal scope of the individual's duties as a court appointed guardian, attorney, real estate broker or salesperson, engineer or land surveyor, unless compensation received or beneficial interest obtained as a result of these duties indicates more than an agency relationship.

(C) A seller or chartered lending institution that only provides financing for all or a part of the purchase price at rates not substantially higher than prevailing lending rates in the community and subsequently grants a partial release of the security when the buyer establishes or maintains a mobile home park.

§ 6202. Repealed by 1995, Adj. Sess., No. 188, § 4, eff. July 1, 1996

§ 6203. Municipal acquisition of land for mobile home parks

Any municipality, or group of municipalities jointly, may acquire land for the purpose of encouraging the development of suitable mobile home parks under this chapter, and may lease or sell such land to private persons for that purpose, and may impose additional restrictions on the land conforming to the spirit of this chapter and acquired by a municipality under this section.

§ 6204. Application of other laws and regulations

(a) A municipality may impose more restrictive requirements on mobile home parks and mobile homes than are

contained in this chapter to the extent it is authorized to do so under other legislation.

(b) Other applicable laws and regulations which are more restrictive than this chapter shall prevail.

(c) To the extent that they are consistent with this chapter, the provisions of chapter 137 of Title 9 (residential rental agreements) and the provisions of subchapter 3 of chapter 169 of Title 12 (eviction) shall apply to the occupancy and rental of a mobile home and the provisions of subchapter 3 of chapter 169 of Title 12 (eviction) shall apply to the rental of a mobile home lot, except the rental of a mobile home lot shall be subject to the provisions of chapter 169 of Title 12, relating to payment of rent into court.

(d) A mobile home occupied on the basis of a lease-purchase or "rent to own" contract shall be subject to the provisions of 9 V.S.A. chapter 59.

(e) Notwithstanding any other provision of this section, where a mobile home park is a nonconforming use under local zoning regulations, its status regarding conformance or nonconformance shall apply to the parcel as a whole, and not to any individual mobile home lot within the park. The vacancy of any individual mobile home lot shall not be considered a discontinuance or abandonment of the nonconforming use.

(f) This chapter shall not apply to the rental or use of campsites occupied for vacation or recreational purposes by camping units, such as: tents, yurts, tepees, lean-tos, camping cabins, and recreational vehicles, including motor homes, folding camping trailers, conventional travel trailers, fifth wheel travel trailers, truck campers, van campers, and conversion vehicles designed and used for travel, recreation, and camping.

§ 6205. Enforcement; penalties

(a) Any person who violates or fails to comply with this chapter or with any conditions, restrictions or limitations contained in a permit issued under this chapter shall be fined not more than \$1,000.00 or imprisoned for not more than 6 months, or both.

(b) The superior court for the county in which a violation of this chapter occurs shall have jurisdiction, on application by the department in the case of violations of [sections 6236-6243](#) of this title, to enjoin and restrain the violation, but any election by the department to proceed under this subsection shall not limit or restrict the authority of the state to prosecute for the offense under subsection (a) of this section.

(c) A leaseholder may bring an action against the park owner for a violation of [sections 6236-6243](#) of this title. The action shall be filed in district court for the district in which the alleged violation occurred. If the leaseholder's claim against the owner exceeds the jurisdictional limit of the district court, an action may be brought in superior court in the county in which the alleged violation occurred. No action may be commenced by the leaseholder unless the leaseholder has first notified the park owner of the violation by certified mail at least 30 days prior to bringing the action. During the pendency of an action brought by a leaseholder, the leaseholder shall pay rent in an amount designated in the lease, or as provided by law, which rental amount shall be deposited in an escrow account as directed by the court.

Subchapter 2. Permits and Regulations

§ 6231. Rules

(a) Deleted by 2001, Adj. Sess., No. 133, § 5.

(b) The department may adopt rules to carry out the provisions of sections 6236-6243 of this title.

(c) A mobile home park that has been closed pursuant to section 6237a of this title and reduced to no more than two occupied leased lots, shall be required, if the number of occupied leased lots subsequently is increased to more than two, to obtain all state land use and environmental permits required for a mobile home park that has been established or expanded after May 31, 1970.

§§ 6232 to 6235. Repealed by 2001, Adj. Sess., No. 133, § 14, eff. June 13, 2002

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§ 6236. Lease terms; mobile home parks

(a) All terms governing the use and occupancy of a mobile home lot shall be contained in a written lease. Mobile home park owners shall promulgate reasonable and fair lease terms governing the use and occupancy of a mobile home lot and shall furnish an initial copy of the lease to leaseholders. Any lease term that prohibits or in any other manner obstructs the ability of any leaseholder to act in accordance with the provisions of this chapter shall be unenforceable. Any lease term that is not uniformly applied to all leaseholders of the same or a similar category shall be unenforceable, except that a park owner may establish a different lot rent rate for a mobile home park constructed after June 1, 1995, or for new lots in an expanded mobile home park constructed after June 1, 1995. Mobile home park owners shall not restrict access by representatives of the department to the leaseholders of the park.

(b) A lease term requiring the removal from a mobile home park of a mobile home that is detrimental to the other residents of the park for either health, safety or aesthetic reasons shall not be considered unreasonable or unfair.

(c) Prospective leaseholders shall be furnished with a copy of the proposed lease prior to any agreement to use or occupy a mobile home lot, and upon acceptance of the lease terms the lease shall be signed by the lessor and lessee. Any provision in a lease governing rental and utility charges shall be effective for a minimum of one year, except in the case of a new leaseholder in a mobile home park in which there is a uniform rent schedule that affects all lots in that park simultaneously. The initial lease for a new leaseholder may include the anticipated increase in the rent and utility charge at the time it occurs for the other lots. A mobile home park owner shall provide leaseholders with a minimum of 60 days notice prior to any rent increase. Rent increase notices shall not be given within six months prior to the issuance of a closure notice or at any time during which the closure notice is in effect. All rent increases received by the park owner during the six months prior to the issuance of a closure notice shall be returned to the affected leaseholders within seven days of issuance of the closure notice, except when the commissioner determines the rent increase is needed to help remedy an emergency

situation that affects the resident's health, safety, or welfare. This subsection shall not apply to proprietary leases in mobile home parks owned by limited equity housing cooperatives established under chapter 14 of Title 11. The rental and utility charge may be increased during a year if the operating expenses of the park increase 20 percent or more during that year as the result of legislative action taken during that year and the increase could not have been anticipated. The rental and utility charge may be increased during a year only to the extent necessary to cover the increase in operating expenses of the park.

(d) No person shall sell, lease, or sublease a mobile home or sublease or assign a lease for a lot in a mobile home park without first obtaining the written approval of the park owner, which shall not be unreasonably withheld. A violation of this subsection shall be grounds for eviction.

(e) All mobile home lot leases shall contain the following:

(1) Rental and utility charges and other reasonable incidental service charges, if any.

(A) No charges other than properly disclosed charges for rent, utilities, or other reasonable incidental services may be imposed or collected.

(2) Names and addresses of the park owners.

(3) Notice that the owner shall not discriminate for reasons of race, creed, color, sex, marital status, handicap or national origin or because a person is a recipient of public assistance.

(4) Notice that the owner shall not discriminate based on age, except as permitted under [9 V.S.A. § 4503\(b\)](#) and (c). If age restrictions exist in all or part of a park, the specific restrictions and geographic sections in which restrictions apply shall be documented in the lease.

(5) The requirement to obtain permission from the park owner prior to leasing or selling a mobile home or assigning or subleasing a lease for a mobile home lot to another person.

(6) The notice required from a leaseholder in order to terminate the lease or occupancy arrangement.

(7) An effective date of the lease.

(f) A copy of all new lease terms shall be furnished to all leaseholders at least 30 days prior to the effective date of any amendment, addition, or deletion of the existing lease terms. Upon request, the park owner shall provide to any leaseholder a copy of the current lease for his or her lot.

§ 6237. Evictions

(a) A leaseholder may be evicted only for nonpayment of rent or for a substantial violation of the lease terms of the mobile home park, or if there is a change in use of the park land or parts thereof or a termination of the mobile home park, and only in accordance with the following procedure:

(1) A leaseholder shall not be evicted by force or any other self-help measure.

(2) Prior to the commencement of any eviction proceeding, the park owner must notify the leaseholder by cer-

tified or registered mail, except as provided in subdivision (3) of this subsection;

(A) of the grounds for an eviction proceeding;

(B) that an eviction proceeding may be commenced if the leaseholder does not pay the overdue rent within 20 days from the date of the mailing of the notice.

(3) A substantial violation of the lease terms, of the mobile home park, or an additional nonpayment of rent occurring within six months of the giving of the notice referred to in subdivision (2) of this subsection may result in immediate eviction proceedings.

(4) A substantial violation of the lease terms, other than an uncured nonpayment of rent, will be insufficient to support a judgment of eviction unless the proceeding is commenced within 60 days of the last alleged violation.

(b) A leaseholder shall not be evicted when there is proof that the lease terms the leaseholder has been accused of violating are not enforced with respect to the other leaseholders or others on the park premises.

(c) A sale or change in the form of ownership of the mobile home park shall not be grounds for eviction.

(d) This section shall apply only to evictions undertaken by the park owner. Evictions of a mobile home resident by a mobile home owner who is not the park owner shall be governed by [9 V.S.A. § 4467](#).

§ 6237a. Mobile home park closures

(a) At least 18 months prior to the closure of a mobile home park or any mobile home lot that will result in the eviction of a resident or a leaseholder or removal of a mobile home, a park owner shall give notice of the closure to each affected resident or leaseholder and to the commissioner by certified mail. Upon request, the commissioner may waive some or all of the 18-month notice period if the closure is necessary to assure the health, safety, or welfare of park residents. No evictions may be commenced during the 18-month closure period except for nonpayment of rent or a substantial violation of the lease terms.

(b) Prior to issuing a closure notice pursuant to subsection (a) of this section, a park owner shall first notify all mobile home owners of the park owner's intent to sell in accordance with [section 6242](#) of this title. However, if the park owner sends a notice of closure to the residents and leaseholders without first providing the mobile home owners with a notice of sale under [section 6242](#), then the park owner must retain ownership of the land for five years after the date the closure notice was provided. If required, the park owner shall record the notice of the five-year restriction in the land records of the municipality in which the park is located. The park owner may apply to the commissioner for relief from the notice and holding requirements of this subsection if the commissioner determines that strict compliance is likely to cause undue hardship to the park owner or the leaseholders, or both. This relief shall not be unreasonably withheld.

(c) When a park owner gives notice of intent to sell pursuant to [section 6242](#) of this title, any previous notice of closure and any evictions commenced pursuant to the closure notice are void.

(d) A park owner who gives notice of intent to sell pursuant to [section 6242](#) of this title shall not give notice of

closure until after:

- (1) At least 45 days after giving notice of intent to sell.
- (2) If applicable, the commissioner receives notice from the mobile home owners and the park owner that negotiations have ended following the 90-day negotiation period provided in subdivision 6242(c)(1) of this title.
- (e) A park owner who closes a mobile home park within five years of providing closure notice by selling the land on which the park was located without complying with subsection (b) of this section shall be liable to the state in the aggregate amount of \$10,000.00 or 50 percent of the gain realized by the park owner from the sale, whichever is greater, unless the commissioner has granted relief from strict compliance pursuant to subsection (b) of this section.
- (f) A park owner may bring an action for possession upon the expiration of the 18-month closure notice. The only defense to an action for possession in the case of a park closure is improper notice.

§ 6238. Charges and fees

- (a) A prospective leaseholder or other person may not be charged an entrance fee for the privilege of leasing or occupying a mobile home lot. A reasonable charge for the fair value of services performed in placing a mobile home on a lot shall not be considered an entrance fee.
- (b) A qualified park owner may charge the initial lessee or occupant of an eligible site a site improvement fee.
 - (1) The term "qualified park owner" shall mean:
 - (A) a limited equity cooperative organized to provide low or moderate income housing as defined in chapter 14 of Title 11; or
 - (B) a [section 501\(c\)\(3\)](#) organization or its wholly owned subsidiary organized to preserve housing for low income families.
 - (2) The term "eligible site" shall mean a lawfully created mobile home site that becomes available for occupancy by a mobile home for the first time after June 1, 1993 and:
 - (A) is located in a mobile home park established in conformance with the requirements of this chapter after June 1, 1970; or
 - (B) is located in a mobile home park established prior to June 1, 1970 that registered with the Vermont agency of natural resources as a preexisting mobile home park prior to July 1, 1989.
 - (3) A site improvement fee is a charge for the cost of establishing a designated mobile home site located within a mobile home park including site clearing, grading, construction of a mobile home pad, construction of utility improvements such as those for water supply, sewage disposal, electricity, telephone, cable television, and gas, payment of municipal fees such as school impact fees and sewer connection charges, and payment of other costs associated with improvement of a site. A site improvement fee may not exceed \$8,000.00.

(4) A mobile home park owner who has collected a site improvement fee may not terminate the park or change the use of any site that has paid the fee without offering to sell the park to the mobile home owners in accordance with the provisions of [section 6242](#) of this title.

§ 6239. Goods and services

A leaseholder shall not be restricted in his or her choice of vendors from whom he or she may purchase goods and services. This section shall not be construed to prohibit a mobile home park owner from contracting with any or all leaseholders for the sale, supply or distribution of goods and services, but such contract shall not be required as a condition of entrance to the mobile home park.

§ 6240. Sale of homes located in parks

(a) Prior to selling a mobile home located in a mobile home park, the mobile home owner shall notify the park owner by certified mail of the name and mailing address of the prospective purchaser. The seller may be held liable by the purchaser or prospective purchaser for failure to comply with this section.

(b) A purchaser or prospective purchaser of a mobile home located in a park shall not be refused entrance except for the inability of the purchaser and the purchaser's household to meet the terms of the proposed lease or to qualify under a valid admission policy of the park. Upon approval for entrance into the mobile home park, the purchaser or prospective purchaser shall be offered a written lease pursuant to [section 6236](#) of this title. If the purchaser or prospective purchaser does not notify the park owner in writing of any objections to the lease terms prior to occupancy of the mobile home park, the purchaser shall be deemed to have accepted the lease, regardless of whether the purchaser signs and returns a copy of the lease to the park owner. The seller's failure to provide the notice required in subsection (a) of this section shall not be grounds to deny the purchaser or prospective purchaser's application.

(c) A park owner shall not charge or collect any commission on the sale of a mobile home located in a park unless the park owner contracts to sell the home.

§ 6241. Access

(a) A park owner may enter a mobile home lot in the park with the resident's consent, which shall not be unreasonably withheld.

(b) A park owner may also enter a mobile home lot in the park between the hours of 7:00 a.m. and 7:00 p.m. on no less than 12 hours' notice for any of the following purposes:

- (1) To inspect the premises.
- (2) To make necessary or agreed repairs, alterations or improvements.
- (3) To supply agreed services.
- (4) To show the lot to prospective or actual purchasers, mortgagees, residents, workers, or contractors.

(c) A park owner may enter a mobile home lot without notice or permission, if, in the course of performing repairs in the mobile home park, the owner discovers that it is necessary to enter a lot to complete the repairs, provided that the owner could not reasonably have foreseen the necessity to enter the lot at the time the repairs were commenced. A park owner shall attempt to obtain permission from the resident before entering the lot, at a minimum, by attempting to contact the resident at any telephone number the owner has for the resident and in person at the mobile home.

(d) A park owner may enter a mobile home or a mobile home lot in the park without notice or permission when the park owner reasonably believes that there is a likelihood of imminent injury to any person, damage to property or interruption of utility services.

§ 6242. Mobile home owners' right to notification prior to park sale

(a) A park owner shall give to each mobile home owner and to the commissioner of the department of housing and community affairs notice by certified mail of his or her intention to sell the mobile home park. Nothing herein shall be construed to restrict the price at which the park owner offers the park for sale. The notice shall state all the following:

(1) That the park owner intends to sell the park.

(2) The price, terms, and conditions under which the park owner offers the park for sale.

(3) A list of the affected mobile home owners and the number of leaseholds held by each.

(4) The status of compliance with applicable statutes, regulations and permits, to the park owner's best knowledge, and the reasons for any noncompliance.

(5) That for 45 days following the notice the park owner shall not make a final unconditional acceptance of an offer to purchase the park and that if within the 45 days the park owner receives notice pursuant to subsection (c) of this section that a majority of the mobile home owners intend to consider purchase of the park, the park owner shall not make a final unconditional acceptance of an offer to purchase the park for an additional 90 days, starting from the 46th day following notice, except one from a group representing a majority of the mobile home owners or from a nonprofit corporation approved by a majority of the mobile home owners.

(b) The mobile home owners shall have 45 days following notice under subsection (a) of this section in which to determine whether they intend to consider purchase of the park through a group representing a majority of the mobile home owners or a nonprofit corporation approved by a majority of the mobile home owners. A majority of the mobile home owners shall be determined by one vote per leasehold and no mobile home owner shall have more than three votes or 30 percent of the aggregate park vote, whichever is less. During this 45-day period, the park owner shall not accept a final unconditional offer to purchase the park.

(c) If the park owner receives no notice from the mobile home owners during the 45-day period or if the mobile home owners notify the park owner that they do not intend to consider purchase of the park, the park owner has no further restrictions regarding sale of the park pursuant to this section. If during the 45-day period, the park owner receives notice in writing that a majority of the mobile home owners intend to consider purchase of the

park then the park owner shall do all the following:

- (1) Not accept a final unconditional offer to purchase from a party other than leaseholders for 90 days following the 45-day period, a total of 135 days following the notice from the leaseholders.
 - (2) Negotiate in good faith with the group representing a majority of the mobile home owners or a nonprofit corporation approved by a majority of the mobile home owners concerning purchase of the park.
 - (3) Consider any offer to purchase from a group representing a majority of the mobile home owners or from a nonprofit corporation approved by a majority of the mobile home owners.
- (d) A park owner who sells a mobile home park without complying with this section shall be liable to the mobile home owners in the aggregate amount of \$10,000.00 or 50 percent of the gain realized by the park owner from the sale, whichever is greater. A sale, an offer to sell, or an attempt to sell a mobile home park without complying with this section shall also be subject to the remedies of [section 6205](#) of this title, including actual and punitive damages.
- (e) The provisions of this section do not apply when the sale, transfer or conveyance of the mobile home park is any one or more of the following:
- (1) Through a foreclosure sale.
 - (2) To a member of the park owner's family or to a trust for the sole benefit of members of the park owner's family.
 - (3) Among the partners who own the mobile home park.
 - (4) Incidental to financing the park.
 - (5) Between joint tenants or tenants in common.
 - (6) Pursuant to eminent domain.
 - (7) Pursuant to a municipal tax sale.
- (f) No additional notice pursuant to subsection (a) of this section shall be required if the sale is in compliance with either of the following:
- (1) The park owner completes a sale of the park within one year from the expiration of the 45-day period following the date of the notice and the sale price is either of the following:
 - (A) No less than the price for which the park was offered for sale pursuant to subsection (a) of this section.
 - (B) Substantially higher than the final written offer from a group representing a majority of the mobile home owners or a nonprofit corporation approved by a majority of the mobile home owners.
 - (2) The park owner has entered into a binding purchase and sale agreement with a group representing a major-

ity of the mobile home owners or a nonprofit corporation approved by a majority of the mobile home owners with a closing date later than one year from the date of the notice.

(g) A leaseholders group representing a majority of the mobile home owners or a nonprofit corporation approved by a majority of the mobile home owners shall negotiate in good faith with the park owner for purchase of the park.

§ 6243. Expired

§ 6244. Security deposits

(a) A security deposit is any advance, deposit or prepaid rent which is refundable to a leaseholder at the termination or expiration of the occupancy. A security deposit is to secure the leaseholder's obligation to pay rent and to maintain a rented mobile home or mobile home lot.

(b) The mobile home park owner may retain all or a portion of the security deposit for any of the following reasons:

(1) Nonpayment of rent.

(2) Damage to property of the park owner, unless the damage is the result of normal wear and tear or the result of actions or events beyond the control of the leaseholder.

(3) Nonpayment of utility or other charges which the leaseholder was required to pay directly to the park owner or to a utility.

(4) Expenses for removal of articles abandoned by the leaseholder, including personal property, the mobile home, rubbish and motor vehicles from the mobile home lot.

(c) A park owner shall return to the leaseholder the security deposit with a written statement itemizing any deductions within 14 days from the date on which the leaseholder:

(1) removes a mobile home from the park and terminates the lease for the lot on which the mobile home was located; or

(2) delivers to the park owner an executed bill of sale transferring ownership of a mobile home which is to remain in the park to an individual who has entered into a lease for the lot with the park owner; or

(3) has been removed from the park pursuant to a writ of possession.

(d) The park owner shall comply with this section by hand-delivering or mailing the statement and any payment required to the last known address of the leaseholder.

(e) If a park owner fails to return the security deposit with a statement within 14 days, the park owner forfeits the right to withhold any portion of the security deposit. If the failure is wilful, the park owner shall be liable for double the amount wrongfully withheld, plus reasonable attorney fees and costs.

(f) Upon termination of the park owner's interest in the park, the security deposit shall be transferred to the new park owner. The new park owner shall give the leaseholder actual notice of the new park owner's name and address with a statement that the security deposit has been transferred to the new park owner.

(g) A municipality may adopt an ordinance governing security deposits on mobile homes or mobile home lots. The ordinance shall be supplemental to and not inconsistent with the minimum protections of the provisions of this section. The ordinance may not limit how a security deposit is held. The ordinance may authorize the payment of interest on a security deposit. The ordinance may provide that a housing board of review constituted pursuant to [24 V.S.A. § 5005](#) may hear and decide disputes related to security deposits upon request for a hearing by a park owner or leaseholder. The board's actions shall be reviewable under [24 V.S.A. § 5006](#).

§ 6245. Illegal evictions

(a) No park owner may willfully cause, directly or indirectly, the interruption or termination of any utility service to a mobile home except for temporary interruptions for necessary repairs.

(b) No park owner may directly or indirectly deny a leaseholder access to and possession of a mobile home, except through proper judicial process.

(c) No park owner may directly or indirectly deny a leaseholder access to and possession of the leaseholder's rented or leased property, except through proper judicial process.

§ 6246. Remedies for illegal evictions

(a) Any leaseholder who sustains damage or injury as a result of an illegal eviction, as defined in [section 6245](#) of this title, may bring an action for injunctive relief, damages, costs, and reasonable attorney fees.

(b) A court may award reasonable attorney fees to the park owner if, upon motion and hearing, it is determined that the action was not brought in good faith and that the action was either frivolous or intended solely for harassment.

§ 6247. Retaliatory conduct prohibited

(a) A park owner may not retaliate by any of the following:

(1) Establishing or changing terms of a rental agreement.

(2) Bringing or threatening to bring an action against a resident who has done any of the following:

(A) Complained in writing to a governmental agency charged with responsibility for enforcement of a building, housing or health regulation of a violation applicable to the premises materially affecting health and safety.

(B) Complained in writing to the park owner of a violation of this chapter.

(C) Organized or become a member of a resident's association or similar organization.

(b) If the park owner acts in violation of this section, the resident is entitled to recover damages and reasonable attorney's fees and has a defense in any retaliatory action for possession.

§ 6248. Abandonment of mobile home in mobile home park

(a) A resident or owner of a mobile home in a mobile home park shall be deemed to have abandoned the mobile home if all the following conditions exist:

- (1) A reasonable person would believe that the mobile home is not occupied as a residence.
- (2) The rent for the lot is at least 30 days delinquent.
- (3) The park owner has attempted to contact the resident or owner at the resident or owner's home, last known place of employment and last known mailing address without success.

(b) Abandonment of a mobile home shall be deemed to be a substantial violation of the lease terms and may result in immediate eviction proceedings.

(c) A mobile home park owner may not commence an action pursuant to [section 6249](#) of this title to sell an abandoned mobile home on which there are delinquent property taxes until 20 days after the date the park owner sends notice of the park owner's intent to commence the action to the town clerk and the tax collector of the town in which the mobile home is located by certified mail, return receipt requested.

§ 6249. Sale of abandoned mobile home

(a) A park owner may commence an action, which shall be entitled: In re: Abandoned Mobile Home of (name of owner), in superior court to obtain an order to sell the abandoned mobile home by filing a verified complaint which includes all the following information:

- (1) The name of the park owner and name and location of the mobile home park.
- (2) The name and last known mailing address of the owner of the mobile home.
- (3) The name and the last known mailing address of the last resident of the mobile home.
- (4) A description of the mobile home, including make, model and serial number, if available, its location and the amount of any security deposit held by the park owner.
- (5) The names and addresses of creditors, holders of housing subsidy covenants or others having an interest in the mobile home based on liens or notices of record in the town offices of the town in which the mobile home is located or the office of the secretary of state.
- (6) The facts supporting the claim that the mobile home has been abandoned.
- (7) The name of a person disinterested in the mobile home or mobile home park who is able to sell the mobile home at a public auction.

- (8) A statement of the amount of rent and other charges due or which will become due to the park owner.
- (b) A park owner may request an order approving transfer of a mobile home which is unfit for human habitation to the park owner without a public sale by filing a verified complaint containing the information required in subsection (a) of this section and the facts supporting the claim that the mobile home is unfit for human habitation.
- (c) When a verified complaint is filed under this section, the clerk of the superior court shall set a hearing on the complaint before a superior judge. The hearing shall be held at least 30 days but no later than 45 days after the filing of the complaint.
- (d) Within ten days after filing the verified complaint, the park owner shall post a copy of the verified complaint and order for hearing on the mobile home and send a copy of the verified complaint and order for hearing, by certified mail, return receipt requested, to the mobile home owner's last known mailing address; to the last resident of the mobile home at the resident's last known mailing address; to each person identified in the verified complaint; and to the town clerk of the town in which the mobile home is located.
- (e) The park owner shall publish the verified complaint and order for hearing in a newspaper of general circulation in the town where the mobile home is located. The notice shall be published twice, at least ten days apart, with the second notice to be published no later than five calendar days before the date of hearing.
- (f) If prior to or at the hearing any lien holder certifies to the court that the lien holder has paid to the park owner all lot rent due the park owner, and will commence or has commenced proceedings to enforce the lien and will continue to pay rent during the proceedings under this section, the court shall, upon confirmation of the representations of the lien holder, stay the action under this section pending completion of the lien holder's action.
- (g) At the hearing, the park owner shall prove ownership of the mobile home park; ownership of the mobile home; abandonment of the mobile home; the amount of rent and other charges due the park owner; the amount of town taxes, penalties and interest owed; and the amount of attorney fees claimed. The park owner shall also prove compliance with the notice requirements of subsections (d) and (e) of this section.
- (h) If the court finds that the park owner has complied with subsection (g) of this section, the court shall enter an order approving the sale of the mobile home at a public auction to be held within 30 days of the date of the order. The mobile home park owner shall send the order by first class mail to the mobile home owner and all lien holders of record. The order shall require all the following:
- (1) That the sale shall be conducted by the person identified in the verified complaint or some other person approved by the court.
 - (2) That notice of the sale be published in a newspaper of general circulation in the town where the mobile home is located and sent by first class mail to the mobile home owner, the mobile home park owner and all lien holders of record. The notice of sale shall be published three times, at least five days apart with the last publication being no later than five calendar days before the date of sale.
 - (3) That the terms of sale provide for conveyance of the mobile home, together with any security deposit held by the park owner, by uniform mobile home bill of sale executed on behalf of the mobile home owner pursu-

ant to the order of the court by the person authorized by the court, in "as is" condition, free and clear of all liens and other encumbrances of record.

(4) A minimum bid established by the court sufficient to cover the total costs listed in subdivisions (7)(A)-(D) of this subsection. The mobile home shall be sold to the highest bidder over the minimum bid set by the court.

(5) The successful bidder shall make full payment at the auction if the bid does not exceed \$2,000.00. If the bid exceeds \$2,000.00, the successful bidder shall provide a nonrefundable deposit at the time of the auction of at least \$2,000.00 or 25 percent of the bid, whichever is greater, and shall make full payment within three working days after the auction.

(6) A successful bidder, if other than the park owner, shall remove the mobile home from the park within five working days after the auction unless the park owner permits removal of the mobile home at a later date.

(7) The person who conducted the public sale shall report to the court the results of the sale, the proposed distribution of the proceeds of the sale, and the bank in which any excess proceeds are deposited and shall send a copy of the report to the mobile home owner, the park owner and all lien holders of record by certified mail, return receipt requested, within three working days after the sale. Anyone claiming impropriety in the conduct of the sale may file an objection with the court within 12 days after the sale. The filing of an objection shall not invalidate the sale or delay transfer of ownership of the abandoned mobile home. If an objection is filed and if the court finds impropriety in the conduct of the sale, the court may order distribution of the proceeds of the sale as is fair, taking into account the impropriety. If no objection is filed with the court, on the 15th day after the sale, the proceeds shall be distributed as follows:

(A) To the person conducting the sale for costs of the sale.

(B) To the park owner for court costs, publication and mailing costs and attorney fees incurred in connection with the action, in an amount approved by the court.

(C) To the park owner for rent and other charges in an amount approved by the court.

(D) To the town for taxes, penalties and interest owed in an amount approved by the court.

(E) The balance to a bank account in the name of the mobile home park owner as trustee, for the benefit of the mobile home owner and lien holders of record, to be distributed pursuant to further order of the court.

(i) If a park owner requests an order approving transfer of a mobile home to the park owner without a public sale, the court shall approve that order if it finds that the park owner has complied with subsection (g) of this section and has proved that the mobile home is unfit for human habitation. In determining whether a mobile home is unfit for human habitation, the court shall consider whether the mobile home:

(1) contains functioning appliances and plumbing fixtures;

(2) contains safe and functioning electrical fixtures and wiring;

(3) contains a safe and functioning heating system;

(4) contains a weather-tight exterior closure;

(5) is structurally sound;

(6) is reasonably free of trash, debris, filth and pests.

(j) A court order issued pursuant to subsection (i) of this section shall be effective upon issuance and provide for conveyance of the mobile home and any security deposit held by the park owner by uniform mobile home bill of sale executed on behalf of the mobile home owner in "as is" condition, free and clear of all liens and other encumbrances of record.

§ 6250. Expired

§ 6251. Mobile home lot rent increase; notice; meeting

(a) A mobile home park owner shall provide written notification on a form provided by the department to the commissioner and all the affected mobile home park leaseholders of any lot rent increase no later than 60 days before the effective date of the proposed increase. The notice shall include all the following:

(1) The amount of the proposed lot rent increase, including any amount of the increase that is attributable to a surcharge for any capital improvements of the mobile home park pursuant to subsection (b) of this section, the estimated cost, which includes interest, of the capital improvements and the proposed duration of the surcharge prorated in 12-month increments sufficient to recover the estimated cost of the capital improvements.

(2) The effective date of the increase.

(3) A copy of the mobile home park leaseholder's rights pursuant to this section and [sections 6252](#) and [6253](#) of this title.

(4) Deleted.

(b) If the mobile home park owner requests a lot rent increase that includes a surcharge for any capital improvements, which, for the purposes of this section, include replacement or repair of any major infrastructure systems, that exceed \$2,500.00, the mobile home park owner shall submit to the commissioner an affidavit stating the estimated costs of the improvements, the expected date of completion of the improvements and the time frame required for the surcharge to provide for recovery of the cost of the improvements. The lot rent surcharge shall terminate when the park owner has recovered the cost of the capital improvements. A lot rent surcharge for capital improvements shall be implemented to minimize the financial burden on the mobile home park leaseholders.

(c) If the mobile home park owner fails to notify either the mobile home park leaseholders or the commissioner of a lot rent increase as required by subsection (a) of this section, the proposed lot rent increase shall be ineffective and unenforceable.

§ 6252. Lot rent increase dispute; mediation

(a) If the percentage of a proposed lot rent increase is more than one percentage point above the U.S. Consumer

Price Index for all Urban Consumers, Housing Component, published by the U.S. Bureau of Labor Statistics in the periodical "Monthly Labor Review and Handbook of Labor Statistics" as established annually by the department, and if, within 15 business days after receipt by the commissioner of the notice required pursuant to subsection 6251(a) of this title, a majority of the affected leaseholders files with the commissioner and the park owner a written petition that includes the name of the person who will act as the representative of the leaseholders and a statement that they dispute the proposed lot rent increase, the commissioner shall send a list of qualified professional mediators compiled by the department in cooperation with park owners and leaseholders to the park owner and to the leaseholders' representative. Within five business days of receipt of the list, the park owner and the leaseholders' representative shall agree on a mediator from the list provided by the commissioner and notify the commissioner of the name, address and telephone number of the mediator selected, accompanied by the mediator's agreement to conduct the mediation. If the commissioner has not been notified of a mediator as required by this subsection, the commissioner shall appoint a mediator from the department's list. The mediator may not have any interest, direct or indirect, in the mobile home park at issue and shall disclose to the park owner, the leaseholders and the commissioner, any experience as a mobile home park owner, resident or leaseholder, or any other circumstance that may create a real or perceived conflict of interest. The department shall pay the reasonable fees for professional mediation services based on a schedule established by rule of the department.

(b) The mediator shall conduct one or more mediation sessions within the period that ends 10 days prior to the effective date of the proposed lot rent increase. The mediation shall include the mobile home park owner and the leaseholders, or their respective representatives and shall attempt to resolve the dispute. No later than five days before the initial mediation session, the mobile home park owner shall provide to the mediator and the leaseholders' representative all documents and information that the park owner considers relevant to support the proposed lot rent increase. The mobile home park owner shall have the burden of providing information to show that proposed lot rent increase is reasonable. The mediator may also request any additional documents or information for the purposes of the mediation process. Any resolution of the dispute shall include an agreement regarding the amount of lot rent increase and the effective date. If the dispute is resolved, the mobile home park owner shall not be required to provide any additional notice in order for the lot rent increase to take effect pursuant to the resolution.

(c) The mediator shall issue to the parties and the commissioner a report signed by the mediator and the parties regarding the outcome of the mediation. The report shall not be admitted into evidence and the mediator shall not be competent to testify in any subsequent action regarding the proposed lot rent increase.

§ 6253. Lot rent increase abatement; civil action

(a) If the parties are unable to resolve the disputed proposed lot rent increase pursuant to the process provided in [section 6252](#) of this title, an action for abatement of some or all of the proposed lot rent increase based on a claim that the increase is clearly excessive may be initiated by a majority of the affected mobile home park leaseholders by filing a complaint in the superior court in the county in which the mobile home park is located within 30 days after the effective date of the proposed lot rent increase.

(b) Upon filing the complaint, the leaseholders shall pay the lot rent, including the proposed lot rent increase, to the park owner. The park owner shall pay the disputed portion of the proposed lot rent increase into court pending an order by the court.

(c) For the purposes of this section, a clearly excessive lot rent increase is an increase that is unreasonable based upon the park owner's total reasonable or documented expenses, including consideration of debt service and a reasonable return to the mobile home park owner on investment with consideration being given to comparable investments.

(d) The court may grant a protective order for financial records to any party to this action.

(e) If the court finds that the proposed lot rent increase is clearly excessive, the court may order abatement of the proposed lot rent increase in full or in part.

(f) A lot rent increase shall be exempt from this section if it is an increase:

- (1) that resulted from a completed sale of a mobile home park; and
- (2) that was a condition of a bona fide purchase and sales agreement; and
- (3) for which notice was given at least six months before the effective date of lot rent increase.

(g) The commissioner may provide for legal representation for mobile home park leaseholders who pursue an action under this section pursuant to rules adopted by the commissioner.

§ 6254. Registration of mobile home parks; report

(a) No later than September 1 each year, each park owner shall register with the department on a form provided by the department. The form shall include the following information:

- (1) The name and address of the owner or owners of the mobile home park.
- (2) The name and address of any corporation and principals of the corporation with an interest in the mobile home park.
- (3) The name and address of any park manager.
- (4) The name and address and location of the mobile home park.
- (5) The duration of ownership of the park by the present owner.
- (6) The date the mobile home park was established.
- (7) The number of lots, including the number of vacant and occupied lots, in the park.
- (8) The lot rent charged for each lot as of the preceding October 1, and the effective date of that lot rent charge.
- (9) The services provided to the mobile home park leaseholders for payment of lot rent.
- (10) Additional charges for services paid by leaseholders in addition to lot rent.

(11) Whether the mobile home park has a requirement that a mobile home must be purchased from a dealer designated by the mobile home park owner in order to be located in the park.

(12) The number of mobile homes moved into and out of the park during the previous year ending July 1.

(13) Any other relevant information requested on the form or by the department.

(b) The department shall:

(1) verify the information provided pursuant to subsection (a) of this section on a random basis; and

(2) maintain a data base of the information provided; and

(3) report the resulting statistics and findings to the committee on general, housing and military affairs of the house of representatives and the committee on general affairs and housing of the senate no later than February 1, 1996, and every three years thereafter on February 1.

(c) The department may charge a mobile home park owner an annual fee of no more than \$9.00 for each occupied leased lot in the park on September 1 of each year. The park owner may charge this fee to the affected mobile home park leaseholders. The fee shall be submitted to the department with the registration form required in subsection (a) of this section. If a mobile home park owner charges the fee under this subsection, the fee shall not be deemed to be a lot rent increase and shall not be included in any calculation of a lot rent increase pursuant to [section 6251](#) of this title. A mobile home park owner shall not be charged the fee under this subsection for any mobile home park in which all the mobile homes are owned by the mobile home park owner. The commissioner may enforce filing of the registration form and payment of the fee under subsection 6205(a) of this title. A special fund shall be created for these fees, to be used by the department of housing and community affairs for its expenses in administering the laws regarding mobile home parks, and to pay any fees required in the mediation process pursuant to [section 6252](#) of this title and for legal representation for leaseholders pursuant to [section 6253](#) of this title. This special fund shall be managed in accordance with subchapter 5 of chapter 7 of Title 32.

§ 6255. Repealed by 2001, Adj. Sess., No. 133, § 14, eff. June 13, 2002

Subchapter 3. Habitability

§ 6261. Resident obligations; use and maintenance of premises

(a) The resident shall not create or contribute to the noncompliance of the premises with applicable provisions of building, environmental, or housing and health regulations. For purposes of this subchapter, the term "premises" shall mean a mobile home lot and any part of a mobile home park.

(b) The resident shall conduct himself or herself and require other persons on the premises with the resident's consent to conduct themselves in a manner that will not disturb other residents' peaceful enjoyment of the premises.

(c) The resident shall not deliberately or negligently destroy, deface, damage, or remove any part of the premises or its fixtures, mechanical or utility systems or furnishings or deliberately or negligently permit any person to do so.

(d) Unless inconsistent with a written rental agreement or otherwise provided by law, a resident may terminate a tenancy by actual notice given to the park owner at least one rental payment period prior to the termination date specified in the notice.

(e) If a resident acts in violation of this section, the park owner is entitled to recover damages, costs and reasonable attorney's fees, and the violation shall be grounds for termination under [section 6237](#) of this title.

§ 6262. Park owner obligations; warranty of habitability; rules

(a) In any lot rental agreement, the park owner shall be deemed to covenant and warrant to deliver over and maintain, throughout the period of the tenancy, premises which are safe, clean and fit for human habitation. This warranty requires the park owner to provide adequate and reliable utility services, including safe electrical service, potable water, and sewage disposal to a location on each lot from which these utilities can be connected to the mobile home. The warranty also requires the park owner to assure that the roads, common areas, and facilities within the mobile home park are safe and fit for the purpose for which they were reasonably intended.

(b) The department, in cooperation with the agency of natural resources, the department of public safety and the department of health, shall, by rule, adopt standards for safety, cleanliness and fitness for human habitation regarding the rental of a mobile home lot within a mobile home park.

(c) No rental agreement shall contain any provision by which the leaseholder waives the protections of the implied warranty of habitability. Any such waiver shall be deemed contrary to public policy and shall be unenforceable and void.

§ 6263. Habitability; leaseholder remedies

(a) If the mobile home park owner fails to comply with the obligation of habitability, the park owner shall be deemed to have notice of the noncompliance if the park owner receives actual notice of the noncompliance from the leaseholder, a governmental entity, or a qualified independent inspector. If the park owner has received notice from any of those sources and fails to make repairs within a reasonable time and the noncompliance materially affects health and safety, the leaseholder may pursue any of the following remedies:

- (1) Withhold payment of lot rent during the period of the noncompliance.
- (2) Obtain injunctive relief.
- (3) Recover damages, costs and reasonable attorney fees.
- (4) Terminate the rental agreement on reasonable notice.

(b) The remedies under this section are not available to a leaseholder if the noncompliance was caused by the negligent or deliberate act or omission of the leaseholder or of a person on the premises with the leaseholder's

consent.

§ 6264. Minor defects; repair and deduct

(a) If the park owner fails to repair a minor defect or noncompliance with this chapter or noncompliance with a material provision of the rental agreement within 30 days of receipt of written notice, the leaseholder may repair the defect or noncompliance and deduct from the rent the actual and reasonable cost, not to exceed one-half of one month's lot rent. No major work on water, sewer, or electrical systems may be performed under this section. The leaseholder shall provide the owner with written notice of the cost of the repair or service when the cost is deducted from the rent. The leaseholder shall be responsible for any damage caused by the repair or attempts to repair.

(b) The remedies under this section are not available to a leaseholder if the noncompliance was caused by the negligent or deliberate act or omission of the leaseholder or a person on the premises with the leaseholder's consent.

§ 6265. Condemnation and relocation of residents

(a) The owner of a lot or rented mobile home that is condemned by a governmental agency due to the wilful failure or refusal of the owner to comply with any obligations imposed by law shall provide for reasonable relocation costs of affected leaseholders and residents, except when the owner can demonstrate that he or she has no financial capacity to comply. The affected leaseholders and residents shall have the right to recover the reasonable costs of relocation, including court costs and reasonable attorney fees. The agency of natural resources shall grant to the owner in a timely fashion all permits necessary to correct violations under this subchapter.

(b) The commissioner may require a park owner who commences a closure of a mobile home park pursuant to [section 6237a](#) of this title within one year of receiving from a state or municipal enforcement official a notice of a violation of health, safety, or environmental laws or of [section 6262](#) of this title to pay reasonable relocation costs not to exceed \$3,500.00 to each affected leaseholder, except when the park owner can demonstrate that he or she has no financial capacity to comply.

§ 6266. Sale of mobile home park; health and safety compliance

(a) The state, a political subdivision of the state or any local governmental entity that has lawfully issued and served on the owner of a mobile home park an order that is based on a finding that the premises of the mobile home park are in violation of any state, or local health, safety or environmental law or regulation and requires the owner to bring the park into compliance shall record in the land records of any municipality in which the mobile home park is located, the following:

- (1) the order;
- (2) the health, safety or environmental laws or regulations that are the basis of the order;
- (3) the manner in which the park is in violation; and
- (4) the name, address and telephone number of a person who can provide additional information about the or-

der and the noncompliance of the mobile home park.

(b) An order issued pursuant to subsection (a) of this section shall include the notice to the owner of the mobile home park that the order will be recorded in the land records of any municipality in which the park is located.

(c) If an order has been recorded pursuant to subsection (a) of this section, the issuing authority, after determining that the mobile home park is in compliance with the order shall record a notice of compliance in any land records in which the order was recorded.

(d) Prior to any transfer of the mobile home park, the owner shall disclose to the transferee the following:

(1) the results of the most recent sanitary survey conducted by the agency of natural resources and all drinking water tests required to be performed on the mobile home park within the previous thirty-six months;

(2) all state and local governmental permits relating to the operation of the mobile home park, including its water and sewage systems.

Current through No.3 of First Session of the 2009-2010 session (2009) of the Vermont General Assembly.
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