

Demand for Past Due Rent in Mobile Home Parks

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What is the legal definition of a mobile home park?

A property is considered to be a mobile home park if:

- There are at least 3 mobile homes on the property, and
- The mobile homes are lived in year round

What happens if I am behind on my rent?

If you are behind on your rent and are renting from a mobile home park, the law requires that your landlord give you notice, in writing, telling you that you must pay the rent that is owed within 30 days. Your landlord must give you this notice before trying to get an eviction warrant. This also applies even if you do not own your mobile home, but rent a mobile home from the park.

Note: The law is different if you rent the mobile home from someone other than the person who owns the park. Then, the notice to pay rent must give you at least 14 days to pay.

The notice your landlord gives you must be in writing. It must give you at least 30 days to pay, and must be clear as to what is expected. Here is an example of a notice that is clear:

"Dear Tenant: You are behind on your rent in the amount of \$500.00, and you must pay this amount within 30 days of today's date. If you do not pay this amount within 30 days, then you must vacate my property. If you do not pay this amount within 30 days, I will ask a court for a warrant to evict you."

Here is an example of a notice that is not clear:

"Dear Tenant: You are behind on your rent and you should pay it as soon as you can. If you don't, you may have to move."

Even if you are not able to pay the rent that the landlord says you owe, the landlord still has to take you to court, where a judge will hold a hearing and decide if you can be evicted.

Make sure you tell the judge that you were not given correct notice if your landlord tries to evict you for nonpayment of rent and:

- The notice was not written, or
- The notice does not tell you how much you owe, or
- The notice does not give you 30 days to pay

The judge should make your landlord prove that he or she gave you proper notice and that you are behind on rent. If your landlord cannot prove to the court that correct notice was given to you and that you owe rent, then the judge should throw your landlord's nonpayment case out and not give your landlord a warrant to evict you.

There is significant additional information on manufactured home park tenants' rights in the [Residential tenants' rights guide](#) published by the New York State Attorney General's office. Please contact us if you would like us to provide a physical copy.

If your landlord is threatening to evict you and you cannot pay rent, you should try to get a lawyer to help you. Your local Department of Social Services might also be able to point you in the right direction or provide assistance in bringing your rent current if you meet certain eligibility requirements.

Note: If problems arise with the park owner or operator, you should contact an attorney. If the park tries to evict a rent-to-own purchaser, the purchaser may be able to get their money back.

This article provides general information about this subject. Laws affecting this subject may have changed since this article was written. For specific legal advice about a problem you are having, get the advice of a lawyer. Receiving this information does not make you a client of our office.

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