

Mobile Home Parks

How does the law protect tenants who rent space in mobile home parks?

Generally, the law treats tenants who rent lots in a mobile home park the same as tenants of other real property. As such, mobile home park tenants are protected from being unlawfully removed or excluded from the premises. Additionally, the landlord may not willfully interrupt essential services such as water, electricity, and gas.

What is good cause for a landlord to evict a mobile home owner from a park?

A landlord may evict a mobile home owner if:

- The tenant is present on the property illegally, such as a person who took possession of the property by fraud or who forced out the previous occupant.
- The tenant remains on the property after the expiration of the lease
- The tenant fails to pay rent for three days after it is due
- The tenant fails to maintain the property
- The tenant breaches the lease agreement

What are the notice requirements for a landlord to terminate a mobile home park tenancy?

The notice requirements vary depending on the reason for the tenancy termination.

- If the property will no longer be used as a mobile home park, the tenant must be given 90 days notice to vacate and remove the home from the property.
- If being lawfully evicted, the landlord must give a three-day notice to quit before starting the formal eviction process in court.

- Otherwise, the lease terminates at the end of the agreed term and no notice is required.

Are there any restrictions on the landlord's right to raise rent in a mobile home park?

Each state's law differs. In South Dakota, the landlord must typically provide one month's notice of a change in rent.

What kinds of rules can a mobile home park landlord make?

Generally the same rules as a landlord in the majority of residential leases. Mobile home landlords also have the ability to make rules regarding the availability and requirements for utilities.

Can a mobile home park landlord force tenants to use the landlord or a specific dealer to buy or sell their mobile homes?

There isn't an easy answer to this. If the tenant is renting an already existing mobile home sitting on land that the landlord owns and rents the home from the landlord, then yes the landlord is requiring the tenant to use a certain 'kind' of mobile home. Alternatively, if the tenant is leasing land only, for the purpose of parking a mobile home the tenant will be supplying, the landlord can impose certain restrictions pursuant to the agreement between the parties. See *Estate of Fountain v. Schroeder*, 2001 SD 139.

What happens to a tenant's mobile home and belongings if the tenant is evicted?

If a tenant leaves behind belongings with a total value less than \$500, then the landlord does not have an obligation to store them, but may treat them as abandoned property and dispose of them

If the belongings are estimated to value more than \$500, then the landlord is obligated to store them for 30 days. The landlord can ask for the costs of handling and storing the property before returning it. After 30 days, the landlord is no longer required to store the belongings and can dispose of them.

If the tenant leaves the mobile home on the property after being evicted, the landlord can pursue an action to obtain title of the mobile home and sell it.

Last updated on May 19, 2022.

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