

A MOBILE HOME PARK RESIDENT ACTION SHEET

Produced by the CVOEO Mobile Home Project

294 North Winooski Avenue Burlington, VT 05401

Phone: (802) 660-3455 x204 Fax: (802) 651-4179

Subletting Your Mobile Home

Your lease may not legally prohibit you from subletting (renting out) your mobile home. A lease term that prohibits subletting is not legitimate and therefore would be unenforceable in a court of law.

Title 10, Chapter 153 §6236 (d) of the Vermont Statutes states:

(d) No mobile home resident may sublet the resident's mobile home without the express permission of the park owner, which shall not be unreasonably withheld.

Renting out your mobile home without first receiving permission from the park owner puts you at risk for eviction from the park. If you want to rent out your mobile home (or a room in it), the MHP strongly urges you to request permission from the park owner in writing and to include the name and address of the person(s) to whom you want to rent your home (or room). The MHP has a form letter for this purpose. Remember to date the letter. It is preferable to send this letter by certified mail. **Remember to make a copy of your letter and save your certified mail receipt. File both away where you can easily find them in the future.**

It is standard practice for park owners to request that the potential sublettor fill out an application for residency. The park owner may also require a credit and/or background check. The application process and policy must be applied evenly and fairly to all potential residents of the park. If you feel that you may be experiencing housing discrimination, please contact the Fair Housing Project: 802-651-0551.

The park owner has 30 days to respond to your written request, stating whether or not they grant permission for the renter to sublet your home (or room). If permission is denied, the owner must state the reason for the denial. If you believe the owner is being unreasonable, you could sue the owner for permission. The MHP recommends that you consult with an attorney for further advice regarding how to proceed. You may also call the MHP with your questions.

The owner's lack of response could be considered unreasonably withholding permission, if the park owner fails to respond to your written request within the 30-day period. You could proceed with the rental. It is important to note that when you sublet your home without written permission, the park owner may still attempt an eviction. It will be crucial to be able to prove to the court that the landlord did indeed withhold permission unreasonably. You will need convincing documentation (your letter, the certified mail receipt, credible witnesses, etc.) and sound legal advice to do so effectively. This can be both costly and time consuming.

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Note: This document is intended to serve as a general guide to mobile home park residents and does not constitute a legal opinion or legal advice regarding any specific situation.

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Facts to Consider Before Subletting

You are responsible for making sure that someone who rents your home complies with the terms of the park lease and the rules of the park. The park owner may proceed to evict you, the homeowner, from the park for the violations incurred by your sublettor(s); however, you will be legally responsible for evicting the sublettor(s). This is both lengthy and expensive. It can take as long as 6 months to legally evict a tenant. Court costs and legal fees alone can range from \$1,500 to over \$3,000. Lost rental income and damage to your property can be financially devastating.

You are a landlord if you are already subletting. The Vermont Apartment Owners Association is a trade association representing commercial and residential landlords. They can be reached at: 1-888-569-7368

Your relationship with the renter is covered under landlord/tenant law. To request a *Renting in Vermont Handbook* you can leave a voice mail message with Vermont Tenants (VTI) at: 1-802-864-0099 OR toll free at: 1-800-287-7971. *Renting in Vermont* is also available online at the VTI website: www.cvoeo.org/vti/riv/renting-in-vtindex.htm

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