

Residents Working For Safe and Healthy Mobile Home Parks

**Health and Safety Information for Residents Living in Vermont Mobile
Home Parks**

Written and Produced by the Champlain Valley Office of
Economic Opportunity Mobile Home Project

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This Handbook is a Guide to Addressing Health, Safety and Environmental Concerns in Vermont's Mobile Home Parks

**Produced by the Champlain Valley Office of Economic Opportunity
(CVOEO) / Mobile Home Project**

The Mobile Home Project is a program of the Coordinated Statewide Housing Services division of Champlain Valley Office of Economic Opportunity (CVOEO). The Mobile Home Project provides advocacy, education and housing assistance for mobile home park residents.

The Mobile Home Project can be contacted by Mail at: 294 North Winooski Ave. Burlington, VT 05401; by Phone at: 802-660-3451 ext. 204, or by Fax at 802-651-4179. The Mobile Home Project is on the Web at http://www.cvoeo.org/htm/Housing/mobileHome/mobile_home.html

In addition to being a stand-alone guide, this document was created as a supplement to the *Residents Working for Safe and Healthy Mobile Home Parks* DVD produced by the Mobile Home Project in 2007. This video can be found on the Mobile Home Project website (listed above). Please contact the Mobile Home Project for more information or to request a copy of the DVD.

Partners in creating the *Residents Working for Safe and Healthy Mobile Home Parks* DVD and handbook include CCTV Productions, Department of Housing and Community Affairs, Vermont Department of Health, Vermont Agency of Natural Resources, and the Shelburnewood Resident Association.

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Note: This document does not constitute a legal opinion.

Table of Contents

	Page
1. Introduction	3
2. Health and Safety in Mobile Home Parks	3
3. Water & Septic Issues	3
4. Electrical Issues	4
5. How to Address a Problem	5
6. Forming a Resident Association	5
7. Form Letter: Habitability Concerns	7
8. Action Sheet: What To Do About Major Health and Safety Problems	9
9. Survey: Mobile Home Park Conditions Survey	11
10. Resource List and Phone Numbers	14

(1) Introduction

If you own a mobile home in a mobile home park or are about to move into one, Vermont law protects you. The mobile home park law is found in 10 V.S.A. Chapter 153 of Vermont's statutes. It covers many issues from park closures to lot rent increases. It has been amended several times since it was first established over 30 years ago, largely through the organized efforts of park residents to improve their housing situation and increase their legal rights.

A mobile home park is a parcel of land or adjacent parcels with the same owner, which contains, or is designed, laid out or adapted to accommodate, more than two mobile homes (excluding land used solely on a seasonal basis for vacation or recreational mobile homes, and certain agricultural worker homes). This handbook contains information about health, safety and environmental issues residents may face when living in a mobile home park.

(2) Health and Safety in Mobile Home Parks

Mobile home park residents, like other residential tenants in Vermont, are protected by a Warranty of Habitability. Park owners must keep their parks "safe, clean and fit for human habitation." This includes safe electrical service, drinkable water, and sewage disposal, all to a location on each lot from which the service can be connected to the mobile home. A park owner cannot require a resident to pay to upgrade the electric service from the pole to the home. The law also requires the park owner to provide safe roads and common areas.

The most common problems park residents face include aging water, septic, and electrical systems. These problems can pose immediate health risks and may be harmful to the environment. It is important that residents notify their park owner or manager as soon as an issue arises.

(3) Water and Septic Issues

As mobile home parks get older, so do the utility systems that keep them running. Many park residents have dealt with water or septic problems, and the main concern of these older systems is the increased risk of drinking water contamination, septic back up, and low water pressure.

A **failed water system** is a drinking water supply that does not meet drinking water quality standards, as defined by the Agency of Natural Resources. The water must be safe for humans to drink wash, bathe, prepare food, etc. and it must be in adequate supply and pressure for normal daily use.

A **failed septic system** is a wastewater system that:

1. Is uncovered or allows sewage-laden waste to surface up onto the ground; or
2. Leaks sewage-laden waste into surface water, or allows/causes septic to backup into the mobile home; or
3. Causes contamination of the water supply; or
4. Otherwise creates a health hazard.

Signs of a failed septic system include sewage backup into the mobile home and/or a spongy, wet leach field area.

A brief failure that is fixed appropriately and recovers, or a minor problem that is repaired quickly and works, is not considered a failed system. However, if a problem occurs over and over, or is not fixed, or occurs on a seasonal basis each year, then the system is considered failed under the law, and appropriate action must be taken to fix it.

When a public health hazard exists, the owner will still be required to take immediate temporary steps, such as fencing off the area, applying lime, and/or pumping the system while the long-term correction is being designed and constructed. If a water or septic system has failed, the owner must have an engineer design the proposed solution, and obtain a permit from the state. The state will require the proposed corrections to meet state standards, or come as close as possible. The state will then require the owner to make the corrections as proposed. If an owner refuses or fails to correct the problem, the state may take enforcement action against the owner.

Other Questions To Ask to Help Determine Whether or Not You Have a Water/Septic Problem

1. Is your water discolored?
2. Does your water taste strange or have an odor?
3. Is there sediment or dirt in the water?
4. Are you experiencing water outages or water pressure issues?
5. Do you smell sewage in your yard or home?
6. Is sewage surfacing or ponding in your yard?
7. Are your neighbors having similar problems?

If you answered “yes” to one or more of these questions, you may have a water and/or septic problem and action should be taken immediately. Please see **Section 5** of this handbook on **How to Address a Health or Safety Problem**.

Maintaining a Healthy Septic System: Steps for Residents

Mobile home park residents must do their part to protect the septic systems by not dumping greases, paints, and other solvents down the drains. Additionally, large items should not be flushed down toilets. Residents are not allowed to dispose of anything other than normal domestic wastewater into the septic system.

(4) Electrical Issues

Many of Vermont’s mobile home parks have aging electrical systems that can pose serious safety concerns to residents. The following are indications that your park may have a problem with the electrical system:

1. Fuses or breakers are tripping often

2. You feel a sensation (current or shock) inside or around your home
3. Lights have been dimming
4. Unusually high electric bills

As previously mentioned, electrical issues are major health and safety concerns. For example, if you feel a current or shock inside or around your mobile home, it is very important to contact an electrician immediately. When these types of sensations occur, something is wrong with the system, and the possibility of electrocution increases. If you are experiencing one or more of the indicators listed above, there may be a problem with the park electrical system or the system inside of your home. If you determine the source of the problem to be the park electrical system, please see **Section 5** of this handbook on **How to Address a Health or Safety Problem**.

Faulty electrical systems both within the home and the park can cause devastating fires. It is **absolutely essential to have both smoke detectors and carbon monoxide detectors in your home, and to test them monthly**. Contact your local fire department or the Department of Public Safety, Fire Safety Division (See Section 10) for more information on obtaining and proper installation of smoke and carbon monoxide detectors.

(5) How to Address a Health or Safety Problem

If you feel that a condition with your water, sewer, or electrical system is not safe or in compliance with the Warranty of Habitability, or other laws such as building, zoning, and electrical codes, notify the park owner and/or manager in writing and keep a copy of the letter (**See Section 7 “Form Letter: Habitability Concerns” for a sample letter**). If the problem is not fixed in a reasonable amount of time, you should contact your local health officer or appropriate state agency and ask them to inspect your home and/or the park. If there is a violation of the Warranty of Habitability, the defect substantially affects your health or safety, and the park owner has received written notice of the problem, you *may* be able to:

1. Withhold rent during the period of the problem,
2. Obtain a court order,
3. Recover damages, costs and reasonable attorney fees,
4. Terminate the rental agreement on reasonable notice.

(Seek legal advice before pursuing any of these options)

Please review Section 8 “What To Do About Major Health and Safety Problems” Action Sheet for a detailed list of steps that must be taken in order to address a health or safety problem in a mobile home park.

(6) Forming a Resident Association

One of the best ways to deal with a park-wide health or safety problem is to form a residents’ association. A residents’ association is a group of people who come together to work through issues and make decisions about their community. It is common for residents of mobile home parks to share similar health or safety concerns about the park, however, these concerns

sometimes go unheard for fear of retaliation from the park owner. Organizing a residents' association helps improve the chances for action to be taken. "Safety in numbers" or "power in numbers" are often phrases that come to mind during the organization of an association. **The "Park Conditions Survey" found in Section 9 could be used by a residents' association to determine common issues faced by many residents in the park.**

Besides addressing park-wide concerns, some associations negotiate directly with the park owner about lease terms, and rent increases. In other parks, associations have worked with non-profit corporations to buy the park or develop resident management. Still other residents form associations to work together to provide activities for children, clean up the park or to build a stronger community.

The CVOEO Mobile Home Project has experience helping park residents form associations. Typically, the following steps are followed when the Mobile Home Project is contacted for organizing assistance:

1. The Mobile Home Project invites all park residents to a park-wide meeting to get a better understanding of the park community, and to explain the importance of a residents' association to those who are unfamiliar with the term.
2. At the park-wide meeting, residents volunteer to form a steering committee to prepare by-laws for the new association.
3. The steering committee then conducts a membership drive to invite all residents to join the association.
4. After the membership drive, an election is held for resident association board members.
5. Meetings are held throughout the year according to the by-laws.

The CVOEO Mobile Home Project is willing to assist resident associations during all phases of the organization process. Please contact us with any questions.

(7) Form Letter: Habitability Concerns

DATE: _____

TO: _____

name of park owner

RE: Notice of problem(s) at _____.

address

Dear _____,

name of park owner

I am writing to make you formally aware of serious problems existing at

_____. The following needs to be done:

address

Pursuant to Vermont State statutes (10 V.S.A., chapter 153, § 6262) a park owner is required to maintain premises that are safe, clean, and fit for human habitation and that comply with safety and health regulations. If a park owner fails to comply with those obligations within a reasonable time and this noncompliance affects health and safety, a park resident may choose any and all of the following actions (10 V.S.A., chapter 153, § 6263):

1. Withhold the payment of rent for the period of noncompliance;
2. Obtain injunctive relief
3. Recover damages, costs and reasonable attorney=s fees
4. Terminate the rental agreement on reasonable notice.

I request that these problems be taken care of as quickly as possible. If a reasonable effort to fix these problems is not made, I will be pursuing one or more of the above legal options which may specifically include withholding rent payment. Let this serve as your notice of my intent to pursue such action(s).

Sincerely, _____
signature

printed name

(8) Action Sheet: What To Do About Major Health and Safety Problems

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

What To Do About Major Health and Safety Problems

Under Vermont law (10 V.S.A., chapter 153 §6262), mobile home park owners are obligated to keep their parks “safe, clean and fit for human habitation.”

A habitability problem is anything that makes living on the lot you rent unsafe or unfit for living. Examples include: sewage overflowing in your yard; unsafe exterior wiring; water that is unsuitable for bathing or drinking. If you own your own home and rent the lot in a park, the park owner is responsible for these problems up to the point of hook up into your home. The State’s Housing Division Rules, Part III Warranty of Habitability contains more specific requirements as to what the park owner and residents are responsible for.

If you believe that a situation involving your water, sewer or electrical systems is not safe, or may not comply with codes or regulatory standards, your park owner may be in violation of the warrant of habitability. Here are some steps you can take to remedy the situation. Vermont law (10 V.S.A. Chapter 153 §6263) supports these actions.

-
- ***Always send a written notice to the park owner and property manager informing them both of the problem and of what actions you intend to take. You must do this even if they already know about the problem.*** The Mobile Home Project has a form letter you could use for this purpose (See Section 6). Remember to date the letter. It is preferable to send this letter by certified mail. **Remember to make a copy of your letter and file it away where you can easily find it in the future.**
 - ***Contact the appropriate governmental agency and notify them of the situation.*** (The Mobile Home Project: 802-660-3451 ext. #204 will help you contact the **appropriate agency**: Agency of Natural Resources for water problems; Public Safety, Fire Safety Division for electrical problems; and your local Health Officer for sewage problems.) An inspector can order the owner to make the needed repairs. Also, if an inspector finds serious code violations in the park then the inspector’s order will serve as your proof that real material problems exist and it is your insurance against a retaliatory eviction. **Retaliation against a tenant for making a legitimate complaint to an inspector is illegal (10 V.S.A. § 6247).**
 - ***If the owner / manager fails to make the repairs within a “reasonable amount of time*”, and the situation seriously affects your health and/or safety, you may pursue one or more of the following remedies: *(A “reasonable amount of time” will vary depending on the potential seriousness of the problem with regard to health or safety impact. There are no absolute time frames for this.)***

I. Begin withholding lot rent until the problem is fixed.

If you withhold rent, it is best to put the rent into a separate account at a bank each time it is due. Withholding lot rent is a serious action. **If you withhold rent, it is very important not to spend it - put it in a safe account.** A judge could decide you were incorrect in withholding rent and you could be ordered to pay some or all of what you withheld to the owner. Additionally, you could possibly be held responsible for financial losses the landlord incurred due to your decision to withhold rent.

II. Terminate the rental agreement after giving the park owner a “reasonable notice period”. (Again “a reasonable notice period” would depend on the seriousness of the problem.)

III. Take legal action through the court system.

- (1) Get an order from a judge forcing the park owner to make the repairs*
- (2) Sue for damages and attorney’s costs*

*If you are considering the latter two options, you will almost certainly require legal help. Vermont Legal Aid may be able to assist you or refer you to Law Line for advice in representing yourself and preparing your written responses.

You can pursue more than one of the options listed above at the same time. Doing one of them does not prevent you from pursuing one or more of the other options.

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(9) Survey: Park Conditions Survey

PARK CONDITIONS SURVEY

Park Name Here

Name: _____

Lot #: _____

Mailing Address: _____

Home Phone#: _____

This form, which is being distributed to every tenant, will help the Mobile Home Project best summarize the problems in the park and work to improve conditions. Please take the time to fill out and return this form.

Water:

Is your water pressure too high, too low, just fine? _____

If it is too low, at what times of the day do you notice it? _____

Is there an unpleasant taste or odor to the water? _____

If so, please describe the taste or odor? _____

Have you ever run out of water? If so, please explain. _____

Is water service ever interrupted? If so, under what circumstances? _____

Any other comments on the water situation? _____

Sewer/Septic:

Have you ever had problems with the drains in your home? _____

If yes, explain what happened. _____

Have you ever noticed odors or odorous wet areas in your yard or elsewhere in the park?

If so, where and when did you notice the odors of wet spots? _____

Any other comments on the septic system in the park and your lot? _____

Electrical:

What is your average monthly electrical bill? _____

Do you think this is about what other people pay in the park? _____

Are there any wires or other electrical structures in the park that you consider unsafe?

Any other comments on the electric system in the park? _____

Roads:

What is the condition of the roads in the park (potholes, drainage, etc.)?

Good _____ Fair _____ Poor _____

Explain any deficiencies in the roads, with specific locations of problems.

How would you rate the *care* of the roads (plowing, sanding, repairs, etc.)?

Good _____ Fair _____ Poor _____

Explain any deficiencies in the care of the roads, with specifics.

Other comments on the roads? _____

Other Issues:

Are there unsafe trees on your lot and in the common areas? If so, where are they located?

Are there any problems with garbage collection in the park?

Feel free to discuss any other problems you have experienced in the park in this space.

(10) Resource List and Phone Numbers

CVOEO's Coordinated Statewide Housing Services Programs:

Mobile Home Project: Offers housing assistance and referral services, helps organize resident associations, and provides individual advocacy to park residents. Call us if you:

- Want to address a health or safety concern in a park
- Are facing park sale, closing, or lot rent increase
- Want assistance with forming or revitalizing a resident association
- Need individual assistance about problems in your park
- Require more information about mobile home park law, or need help with planning a strategy to deal with a complicated problem in a park
- Are having financial difficulties, facing eviction or foreclosure

Phone: 802-660-3451 ext. 204

Mail: 294 North Winooski Ave. Burlington, VT 05401

Website: http://www.cvoeo.org/htm/Housing/mobileHome/mobile_home.html

Vermont Tenants, Inc.: Source of information, training, advice, referral and advocacy for renters including the handbook, *Renting in Vermont*.

Phone: 802-864-0099 (Tenant Hotline Voice Mail System)

Mail: 294 North Winooski Ave. Burlington, VT 05401

Fair Housing Project: Works to eradicate housing discrimination in Vermont through education, outreach, and enforcement of fair housing laws. The Fair Housing Project assists victims of discrimination, investigates complaints, and works with attorneys to pursue litigation when necessary.

Phone: 802-651-0551 ext. 202

Mail: 294 North Winooski Ave. Burlington, VT 05401

Legal Service Providers

Vermont Legal Aid, Inc.: A non-profit agency providing free legal services.

Burlington: 1-800-747-5022

Montpelier: 1-800-789-4195

Rutland: 1-800-769-7459

St. Johnsbury: 1-800-769-6728

Springfield: 1-800-769-9164

Legal Services Law Line of Vermont, Vermont Law Help: Provides legal information for low-income people in the State of Vermont.

Website: www.vtlawhelp.org

Lawyer Referral Service: Maintains a listing of Vermont private attorneys who have indicated an interest in landlord/tenant matters. Up to a maximum of \$25 for first half-hour consultation.

Fees charged according to individual attorney's rates after first half hour. Open 8 A.M. to 4 P.M.
Monday – Friday.
Phone: 1-800-639-7036

State Agencies

Vermont Department of Housing and Community Affairs (DHCA): Administers mobile home park law, registration, and rent mediation.

Phone: 1-800-622-4553 or 802-828-3211

Website: www.dhca.state.vt.us/Housing/mhs.htm

Agency of Natural Resources

Water Supply Division: Oversees public water systems and monitors water testing.

Phone: 802-241-3400.

Wastewater Division: Oversees septic and wastewater systems.

Phone: 802-241-3822

Enforcement Division Department of Environmental Health: Oversees local health officers on health issues of water, sewage and rubbish.

Phone: 1-800-464-4343

Department of Public Safety, Fire Safety Division: Inspects electric hook-ups in parks and inspects rental mobile homes for fire safety.

Phone: 1-800-640-2106