



## MANUFACTURED HOME PARK EVICTION IN MINNESOTA

### HomeHelpMN

The **Minnesota Housing Finance Agency** launched **HomeHelpMN** to assist homeowners, including manufactured homeowners, who are behind on their home loan, lot rent, or other housing-related expenses due to the pandemic. Eligible **manufactured home owners** may receive up to \$35,000 for past-due expenses. Apply soon, funds for the program are limited. To learn more, visit [HomeHelpMN.org](http://HomeHelpMN.org) or call 1-800-388-3226 (Monday–Saturday, 8 a.m.–6 p.m.). Available in English, Spanish, Somali, and Hmong

**SPANISH:** *El programa aceptará solicitudes durante el periodo del 17 de mayo al 17 de junio a las 5 pm HCE. Las solicitudes se procesarán a medida que se presenten. En caso de que haya una gran demanda de fondos, es posible que éstos se distribuyan en su totalidad antes de la fecha de cierre del periodo de solicitud. Se recomienda a los propietarios de viviendas que presenten sus solicitudes a principios del periodo de solicitud. La entrega de una solicitud no garantiza la disponibilidad de fondos.*

### Eviction Process

#### **A PARK CANNOT EVICT YOU. ONLY THE COURTS CAN.**

- **Court Filing** – A park must file for eviction with the court.
- **Court Summons** – At least 7 days before the court hearing date, the park must have someone else serve you with a summons to appear in court.
- **Court Hearing** – The hearing must take place within 7 to 14 days after the court issues the summons. Both sides will be asked to give their sides of the story.
- **Decision** – If the judge decides you have no legal defense against eviction, you will be ordered to vacate. If leaving immediately will cause substantial hardship, you can be provided additional time; as long as you are not endangering or seriously annoying other residents or seriously damaging property.
- **Pay and Stay** – If the eviction action was brought only because of unpaid rent and the park wins, you can still “pay and stay”, if you pay the rent with interest, cost of the eviction action, and attorney’s fees of \$5.00. (This right exists for both tenants and residents, but, for residents, is a slightly different “Right of Redemption.”)

- **Serving an Eviction** – A park cannot physically evict you. Only a law enforcement officer can. A “writ of recovery” – which is issued at the same time as the decision – must be provided at least 24 hours before the actual eviction. The law enforcement officer can show up to perform the eviction any time after the 24 hours have expired.

### Reasons for “Good Cause” Eviction

#### **YOU CAN ONLY BE EVICTED FOR EIGHT REASONS.**

- Late paying rent or utility charges owned to the park
- Failure to comply with a law or government rule relating to manufactured home parks
- Breaking the terms of the lease or the park’s rules
- Repeatedly breaking important terms of the lease or park rules, or laws or government rules
- Endangering other residents or park personnel, seriously damage park property, or substantially annoy other residents
- All or part of the manufactured home park is going to close
- Park improvements that will substantially benefit the health and safety of the residents requires removing resident home(s) to complete work
- False information given in the lease application

### Eviction Notice Requirements

#### **NOTICE REQUIRED AND TIME GIVEN RESIDENTS.**

- Resident must pay rent or utilities within 10 days of notice
- Resident must comply with lease or rules within 30-days’ notice of alleged violation
- Resident may not commit a new violation within 6-months’ notice of repeated violations
- Resident may not again endanger, annoy, or cause damage within 30-days’ notice of alleged violation
- Park must provide at least 12-months’ notice before all or part of manufactured home park may close (there are several other steps involved in a park closure)
- Park must act within one year from when a resident started to first pay rent, if alleging the resident provided false information on a lease application

## What is “Proper Notice”?

### **THE PARK CAN USE ANY OF THE FOLLOWING.**

- Personal service (such as handing the notice to you).
- Mailing the notice to the last known mailing address of the resident.
- Delivering the notice to the resident’s home. (The notice must be left with someone of suitable age and discretion, or placed in a secure and conspicuous location at the home).
- Sending certified mail. (This is considered “proper notice” even if the resident refuses delivery).

## Right to Redemption

### **RESIDENTS CAN END AN EVICTION PROCESS.**

Up to two times each year, a resident can exercise a “right to redemption” to end an eviction process and stay in the park.

A resident must pay all money owed to the park, including:

- Rent, with interest
- Cost of the eviction action
- Attorney’s fees of \$5.00

## Defenses Against Eviction

### **PARKS CANNOT EVICT YOU FOR THE FOLLOWING.**

**A resident cannot be evicted for nonpayment of rent, IF:**

- The money owed is being illegally charged, such as a rent increase to cover civil or criminal penalties imposed on the park.
- The park did not provide 60-days written notice or increased the rent more than twice in 12 months.

**A resident cannot be evicted for violating:**

- An unreasonable rule (such as rules prohibiting “for sale” signs, requiring use of a park specified dealer for a home sale or vendor for goods and services, or requiring more than one home occupant be a homeowner).
- An illegal rule that violates the law or government rules.

**The park cannot evict a resident in response to a resident making a good faith effort to exercise their rights.** Within 90 days of any of the following actions by a resident, the park must prove to the court that the eviction is not retaliation to:

- Filing a complaint with the park or government
- Exercising their rights under the park lease or rules or government laws or rules
- Participating in a resident association

## Illegal Park Actions

### **PARKS CANNOT TAKE THE FOLLOWING ACTIONS.**

- **Unlawful Exclusions** – A park cannot lock you out of your home or otherwise prevent you from living there without a court order. If you have been unlawfully locked out or excluded, you may petition the court and the court can order a law enforcement officer to help you get back in. The court can order the park owner to pay triple damages or \$500, whichever is greater, plus reasonable attorney’s fees.
- **Property Confiscation** – A park cannot cart away or keep your belongings for nonpayment of rent or other charges.
- **Utility Shut-offs** – A park cannot intentionally shut off a tenant’s utilities. If a park has unlawfully shut off utility services, the court can order the park owner to pay triple damages or \$500, whichever is greater, plus reasonable attorney’s fees.
- **Retaliation** – The park cannot evict a resident in response to a resident making a good faith effort to exercise their rights. Within 90 days of any of these actions by a resident, the park must prove to the court that the eviction is not retaliation.

## Post Eviction Order

### **THE COURT SETS THE TIMELINE FOR EVICTION.**

At the hearing, the court will issue one of two orders:

- **Writ of Restitution** – A resident is allowed a reasonable amount of time to arrange to remove their manufactured home from the lot (up to seven days).
- **Conditional Writ** – A resident is allowed to reside in the park for a reasonable amount of time (up to seven days) and a time to arrange for an in-park sale of the home (up to 60 days).

## Legal Resources

**Office of Minnesota Attorney General Keith Ellison**

Twin Cities: (651) 296-3353

Greater Minnesota: (800) 657-3787

**Legal Aid Services**

<https://www.lawhelp.org/>