

Property:

Mobile Homes



OUR ATTORNEYS HELP SOLVE CIVIL LEGAL PROBLEMS AT NO COST FOR STRUGGLING INDIVIDUALS AND FAMILIES.

BECAUSE NO ONE SHOULD HAVE TO FACE A LEGAL PROBLEM ALONE.



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This brochure covers general facts about mobile home laws. It explains your legal rights and duties.

ARE YOU BUYING A MOBILE HOME?

Buy from a mobile home dealer in your town who is well known. Before you buy, you can check a dealer out by calling the Better Business Bureau.

When you buy your home, you will sign a contract with the seller. Make sure you understand what the contract says. Find out what happens if you miss a payment. Have a lawyer look at the contract before you sign it.

Did you get a loan to buy your mobile home? Then you will also sign a loan contract. It will be like a car loan contract. It may or may not give you a grace period for late payments. You will get a "title", like a car title. The lending company will have a lien on the title until it is paid off.

The loan contract should explain most of the rules about repossession. Repossession is when they can take back your mobile home because you didn't pay. The laws are the same as the laws for repossessing a car.

Your mobile home can be repossessed if you miss payments. It can be repossessed if you don't insure the mobile home like the contract says. The contract should say what the lender will do if this happens. Sometimes the lender may repossess the mobile home. Sometimes they buy the insurance and add the cost to your payments.

WHAT CAN I DO IF I HAVE A PROBLEM WITH THE MOBILE HOME I BOUGHT?

First, check your warranty. Take action before the warranty ends. Don't let a deadline pass! Contact the company that sold you the home. Send them a written list of problems. Also send the list to the manufacturer and the installer. Keep a copy of all letters. Take pictures of the problems. Call after you send the letter. Ask when repairs will be done.

What if they won't make repairs? What if they keep you waiting for the repairs? Then contact:

Codes and Standards
Division of Fire Prevention
3rd Floor, 500 James Robertson Pkwy.
Nashville, TN 37243-1160
(615) 741-2981

This is the state office that oversees the mobile home program in Tennessee.

WHAT IF I WANT TO BUY A USED HOME IN A MOBILE HOME PARK?

Be sure you understand the contract. You may be making payments on the home and paying rent on the lot.

Check out the home carefully. Make a list of leaks and other damages. Before you pay money, get a written agreement about what repairs the seller will make. Keep all receipts.

WATCH OUT!

What if you are evicted from the park and have to move the mobile home? Some homes are old and hard to move without damaging them. Some park owners sell mobile homes over and over. This is because people abandon them when they can't afford to move them.

MOVING A MOBILE HOME

You must get a permit before moving a mobile home on public roads. A permit is good for 6 days. You get it from the Tennessee Department of Transportation. How much does a permit cost? It depends on the size of the mobile home. If you move a mobile home without a permit, you can be arrested. You can be fined \$250 or more.

A company that moves mobile homes knows when you can move your home. Most of the time, you can only move it during the day Monday through Saturday. Depending on its size, there may be other times you can't move your mobile home.

The company that moves your mobile home must follow the laws about which roads to use. They must make sure that the mobile home has good brakes. They may have to have an escort car.

WHAT SHOULD I DO BEFORE I MOVE MY MOBILE HOME TO LAND THAT I OWN?

Even if you own the land, you can't always put a mobile home on it. Make sure a setup is legal before you move your home. You need to check with the Planning Codes Department in the county where you want to set up the mobile home to see what zones the county allows mobile homes to be placed.

You can't put a mobile home on land zoned as a "Planned Residential Zone.

Need to find out if you can set up your mobile home on your land or lot? Call your county courthouse. Ask what office handles zoning laws.

What if you are evicted from the park and have to move the mobile home? Some homes are old and hard to move without damaging them. Some park owners sell mobile homes over and over. This is because people abandon them when they can't afford to move them.

WHAT SHOULD I DO BEFORE I MOVE MY MOBILE HOME TO SOMEONE ELSE'S LAND?

Inspect the property. It is best to do it with the land owner. Write down any problems you find, such as broken pipes or drainage problems. Ask the land owner to sign the list, agreeing that the problems are there. Take pictures and keep them with the list.

If the landlord agrees to make repairs, you should get it in writing. Set a deadline for making repairs before moving onto the property.

WHAT QUESTIONS SHOULD I ASK THE OWNER OF THE LAND OR MOBILE HOME PARK?

Before you sign the lease, ask about anything else that could affect your living area. Does the land flood? Is there noise from nearby railroad tracks, airports, or traffic?

Ask if there are any hidden costs such as hookup fees, cleaning fees, or deposits. Ask what it will take to get your deposits back when you move out.

Moving a mobile home can cost a lot of money. It can take a long time to move your home. Moving might have to wait for weeks if there is bad weather and other problems.

What if the landlord evicts you and gets a “writ of possession”? Then he or she can have your home towed out of the park to a storage place. You could have to pay storage fees and moving costs. These can add up quickly.

IMPORTANT: The land owner can evict you after giving you the lawful time to move. The amount of time depends on the lease terms and/or Tennessee law regarding the reason(s) for the eviction. Get legal advice!

WILL I HAVE TO PAY A DEPOSIT?

The land owner may want a security deposit. If you pay one, ask for a receipt with “security deposit” printed on it. Ask the land owner if you can get the deposit back when you move. Ask what could keep you from getting it back.

Rules about security deposits are different in some counties. Most of the time, land owners must give you a written list. It says what the damages and repair costs are. They must do this before they can keep your security deposit.

Have questions about security deposits in your county? Ask for Legal Aid’s brochure on Renter’s Rights.

WHAT KIND OF RULES CAN THE LAND OWNER MAKE?

The land owner can make fair park rules and put these rules in the lease. To protect yourself against unfair rules, read the lease very carefully.

Does something seem unfair? Have it taken out of the lease before you sign it. It is very hard to get changes made after you sign the lease. The land owner may not rent to you unless those rules are in the lease.

Is there anything in the lease you don't understand? Ask a lawyer or someone besides the land owner to explain it to you. Do this before you sign it.

The law says that putting a mobile home on the land is an improvement. This means the property tax will go up because the land is worth more. The law says you have to pay the extra tax. The landlord can collect the tax from you. He can collect the tax once a year or add it to your monthly rent.

What if you don't pay the tax? The law gives the land owner a lien against your mobile home. This means the landlord can sell your mobile home to pay the tax.

WHAT QUESTIONS SHOULD I ASK BEFORE RENTING A MOBILE HOME?

Renting a mobile home is like renting a house. A lease can be in writing or it can be a spoken agreement. Ask which kind of lease you would have.

Do you have a spoken lease? Then the owner must give you a certain amount of time to move out. If you don't move, then he can go to court to evict you.

Do you have a written lease? Then make sure all blanks are filled in before you sign. Don't sign any papers that you don't agree with. Read every paper carefully. Make sure you agree with it before you sign it. Get a copy and keep it in a safe place.

What does the lease say about how much time the owner must give you to move out? Some written leases make you give up this right if you get behind on rent. This means that the owner could go directly to court. This would not give you much time to move out. Make sure you understand if your lease says this.

Written leases usually say what shape the mobile home is in. Inspect the home carefully before you sign the lease. Make sure what the lease says about the home is true.

If the mobile home has problems before you move in, take pictures. This will prove the problems were there before you moved in. The owner won't be able to make you pay for these problems. Have someone else look at the problems too. You may need a witness if you have to go to court later. Get a witness who is not a relative and who is known to tell the truth.

Ask if there are late charges for being late in paying your rent. Ask if pets are allowed and if there is a pet fee.

WHAT ABOUT PROPERTY LINES?

Find out exactly where your yard begins and ends. Find out what the county and the owner will let you have in your yard.

Ask about having cars, children's pools, and yard fixtures (like lawn furniture or statues). Find out what you have to do to keep up the property and the lot.

Ask if the owner can be on the property without getting your OK first. A written lease usually spells this out. If you have a spoken lease, be sure to talk about this.

WHAT IF THE OWNER AND I DISAGREE OVER THINGS THAT AREN'T IN THE LEASE?

It is hard to think of everything before agreeing to or signing a lease. Does the lease say what will happen? If not, ask what happens if you disagree with the owner.

Keep all receipts. What if the landlord says you caused damages or other problems? It may be your word against his. Make sure you have good witnesses in case you have to go to court.

CAN THE OWNER MAKE ME PAY FOR ANY DAMAGE TO THE PROPERTY?

Yes. The owner can make you pay a damage or security deposit. He can use it to pay for any damages you or your guests do.

ARE YOU RENTING A MOBILE HOME?

Did the owner ask for a damage or security deposit? You are responsible for damage you or your guests caused. The owner can make you pay a reasonable amount for the repairs. The owner can't make you pay for damage that was there before you moved in. Did the damage happen because the owner didn't do what he should have? The owner can't make you pay for that damage.

WHAT IF THE OWNER WILL NOT GIVE BACK YOUR SECURITY DEPOSIT OR TELL YOU YOUR CHARGES? WHAT IF THE OWNER UNFAIRLY CHARGES YOU FOR DAMAGES?

You can sue the landlord in court.

WHAT IF THE OWNER TRIES TO KEEP MY THINGS?

What if the owner feels you haven't paid what you owe? Then the owner might be able to keep things that belong to you IF:

- Your written or spoken lease says it is OK, or
- You used the items as collateral. Collateral means you agreed the owner could have certain items if you did not pay.

What if neither of these is true for you? Then you can report the items stolen, even if you have been evicted. You can go to court to get the items back. Ask for Legal Aid's brochure on how to represent yourself in General Sessions Court.

CAN THE OWNER EVICT ME IF I DISTURB MY NEIGHBORS?

If you are given lawful notice (verbal or written) to vacate, the owner may evict for a breach of the rental agreement, or for no reason at all.

The best way to stay out of trouble is to pay your rent on time. Also be a good neighbor, and make sure your family and guests behave right. Solve small problems before they become big ones. Tell the owner about any problems or illegal acts you see on the property.

LAET'S OFFICES ARE OPEN MONDAY THROUGH FRIDAY FROM 8:30 AM TO 5:00 PM

GENERAL OFFICES

Providing civil legal assistance to East Tennessee residents

CHATTANOOGA

(423) 756-4013
(800) 572-7457

JOHNSON CITY

(423) 928-8311
(800) 821-1312

CLEVELAND

(423) 303-2266
(800) 572-7457

KNOXVILLE

(865) 637-0484

MORRISTOWN

(423) 587-4850
(800) 821-1309

MARYVILLE

(865) 981-1818

FAMILY JUSTICE CENTERS

Providing legal help for those in abusive, violent, and trafficking situations

BRANCH HOUSE - THE FAMILY JUSTICE CENTER OF SULLIVAN COUNTY

(423) 574-7233

JOHNSON CITY / WASHINGTON COUNTY FAMILY JUSTICE CENTER

(423) 722-3720

CHATTANOOGA FAMILY JUSTICE CENTER

(423) 643-7604

KNOXVILLE FAMILY JUSTICE CENTER

(865) 215-6830

Linea Gratis en Español 1 (866) 408-6573

No person in the United States shall, on the grounds of race, color, or national origin, be denied the benefits of, or be subjected to discrimination under, any program or activity receiving federal financial assistance.

This pamphlet is intended for general information only. The circumstances of every case are different and need to be dealt with on a case-by-case basis. This is not a substitute for the advice of a lawyer. Also, the law may change and may be different from county to county.

